

TITLE 10**ANIMAL CONTROL**¹**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.
3. HORSES.

CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Seizure and disposition of animals running at large.
- 10-106. Care of impounded animals.
- 10-107. Records of the animal control officer.
- 10-108. Interference with animal control officer.
- 10-109. Impoundment of animals by warrant.
- 10-110. Concealing an animal in violation of this chapter a misdemeanor.
- 10-111. Inspections and orders by the animal control officer.
- 10-112. Certain animals to be kept confined.
- 10-113. Civil liability of owners for injury caused by animals.
- 10-114. Protection of animals.
- 10-115. Keeping of wild animals.
- 10-116. Animal waste.
- 10-117. Chickens and fowl.
- 10-118. Fee schedule.
- 10-119. Violations and penalty.

10-101. Running at large prohibited. It shall be unlawful for any person, owner or being in charge of any dog, cat, swine, sheep, horses, mules, goats, chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock to knowingly or negligently permit any of them to run at large in any street, alley or unenclosed lot within the corporate limits. An animal shall be deemed to be running at large unless confined to the owner's premises or accompanied

¹Wherever this title mentions dogs it pertains to dogs and cats.

by a person in control of such animal by leash. (2008 Code, § 10-101, as amended by Ord. #11-11-19-115, Jan. 2020)

10-102. Keeping near a residence or business restricted. No person shall keep any animal on any lot or parcel of ground on which a residence or business is located unless said lot or parcel of ground shall contain fences or pens that are adequately large enough to house said animals(s) with adequate shelter and care. (2008 Code, § 10-102, as amended by Ord. #11-11-19-115, Jan. 2020)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within corporate limits, the building, structure, corral, pen or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. Excrement should be removed regularly from the living space of a penned or chained animal adequate to the sanitation of quarters and the health of the animal. (2008 Code, § 10-103, as amended by Ord. #11-11-19-115, Jan. 2020)

10-104. Keeping in such manner as to become a nuisance prohibited. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance because of noise, odor, danger of contagious disease, or other reason. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Chases vehicles;
- (5) Excessively makes disturbing noises;
- (6) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (7) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
- (8) Attacks other domestic animals. (2008 Code, § 10-104)

10-105. Seizure and disposition of animals running at large. Any animal or fowl found running at large in violation of this chapter may be seized by the animal control officer or by any police officer and confined in an animal shelter provided by or designated by the town manager. If the owner is known, that individual shall be given notice in person, by telephone or by mail. If the owner is not known, the animal shall be kept confined at the shelter for a period not less than three (3) working days to allow the owner to reclaim the animal. In order to reclaim his animal, the owner must pay an impoundment fee plus a boarding fee, which is to be established by the town board and the animal

shelter utilized. Any animal not reclaimed by its owner within three (3) working days after the date of seizure shall become the property of the local government authority and shall be placed for adoption in a suitable home subject to shelter adoption procedure. The unclaimed animal may be disposed of after an additional five (5) working days by veterinarian supervised euthanasia. Disposal of an animal does not relieve the owner of liability for violations, nor shall the Town of Englewood, or any of its agents or employees, be in any way responsible for any animal disposed of as herein stated. The Town of Englewood, Tennessee and its officials shall not be responsible for any illness, disease or death occurring to any animal confined in the animal shelter. (2008 Code, § 10-105)

10-106. Care of impounded animals. It shall be the duty of the animal control officer to take proper care at all times of all animals held in custody by the town, and he shall provide adequate food, drink and shelter until such time as that animal is reclaimed by its owner or the animal is placed in an animal shelter. (2008 Code, § 10-106)

10-107. Records of the animal control officer. It shall be the duty of the animal control officer to keep or cause to be kept, accurate and detailed records of all impoundments and dispositions of animals coming into the custody of the town.

It shall be the duty of the animal control officer to keep or cause to be kept, accurate and detailed records of all dog bite cases reported to him and his investigation of same. (2008 Code, § 10-107)

10-108. Interference with animal control officer. Any person who interferes with, hinders, molests or intimidates the animal control officer in the performance of his duty imposed by this chapter or who seeks to release any animal in custody of the animal control officer except as hereinafter provided shall be guilty of a misdemeanor. (2008 Code, § 10-108)

10-109. Impoundment of animals by warrant. It shall be the duty of the animal control officer to assist any police officer in serving a warrant on an owner of an animal in violation of this chapter. The animal control officer shall seize and retain the animal at the animal shelter provided by the City of Athens until such time as the court or town manager determines the disposition of such animals. (2008 Code, § 10-109)

10-110. Concealing an animal in violation of this chapter a misdemeanor. Any person who shall hide, conceal or aid or assist in hiding or concealing any animal owned, kept or harbored in violation of any of the provisions of this chapter shall be guilty of a misdemeanor. (2008 Code, § 10-110)

10-111. Inspections and orders by the animal control officer.

When it becomes necessary to see that the provisions of this chapter are observed, the animal control officer shall have the power and it shall be his duty to enter any premises at any reasonable hour of the day for the purpose of making inspections.

When violations are discovered, he shall issue such orders as he reasonably deems necessary to correct the unlawful condition within a thirty (30) day period. It shall be unlawful for any person to fail to comply with such order. (2008 Code, § 10-111, as amended by Ord. #11-11-19-115, Jan. 2020)

10-112. Certain animals to be kept confined. The owner shall confine within a building or secure enclosure, any fierce, dangerous, or vicious animal, and not take such animal out of the building or secure enclosure unless such animal is securely muzzled.

The owner shall also post in a conspicuous place at each entrance to such building or enclosure, a clearly legible and visible sign warning all persons preparing to enter said building or enclosure of the dangerous or vicious animal confined therein. (2008 Code, § 10-112)

10-113. Civil liability of owners for injury caused by animals. Any person who owns, keeps, or harbors any animal which, while upon the premises of another, or upon public property, causes damage or injury to any person, domestic animal or property, shall be held liable for damages to such person, domestic animal, or property. The lack of knowledge of the vicious or destructive nature of such animal, shall have no bearing upon the question of liability of the person owning, keeping or harboring such animal. (2008 Code, § 10-113)

10-114. Protection of animals. All animals within the town are hereby declared to be the personal property and subjects of larceny, and it shall be unlawful for any person except a police officer, animal control officer, or authorized agent of the town in the legal performance of his duty, deliberately or by any means, to kill, or injure, or detain any animal.

In case of accidental destruction or injury to an animal, the person causing such destruction or injury shall immediately report the same to the owner or to the appropriate town official, giving his name and address.

It shall be unlawful for any person to place any poison of any description in any place, on his premises or elsewhere, where it may be easily found or taken by any animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once contact appropriate law enforcement agency. (2008 Code, § 10-114, as amended by Ord. #11-11-19-115, Jan. 2020)

10-115. Keeping of wild animals. No person shall own, possess, or have custody on his premises, any wild or vicious animal for display, training or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities.

No person shall keep or permit to be kept any wild animal as a pet. (2008 Code, § 10-115)

10-116. Animal waste. The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas or private property. (2008 Code, § 10-116)

10-117. Chicken and fowl on property. All chickens and fowl must be properly penned or caged within corporate limits of the town. (Ord. #11-11-19-115, Jan. 2020)

10-118. Fee schedule. The town board shall, annually, review and approve a fee schedule for the animal control program. (2008 Code, § 10-117)

10-119. Violations and penalty. Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense.

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination required.
- 10-202. Impoundment of animals known to have bitten a person.
- 10-203. Noisy dogs prohibited.
- 10-204. Adoption of impounded animals permitted.
- 10-205. Female animals in heat to be confined.
- 10-206. All persons must report bite cases.
- 10-207. Disposition of fees, fines, etc.
- 10-208. Violations and penalty.

10-201. Rabies vaccination required. It shall be unlawful for any person to own, keep, or harbor any dog/cat more than three (3) months old which has not been vaccinated against rabies as set forth in *Tennessee Code Annotated*, §§ 68-8-107 and 68-8-108, and as required in this section. Only a vaccine that meets the standards prescribed by the United States Department of Agriculture for interstate sale shall be used. It shall be the duty of every owner to have his dog or cat vaccinated against rabies after the dog reaches three (3) months of age, and the cat six (6) months of age. Regardless of the type of licensed vaccine used or the age of the animal at the time of the first (primary) vaccination, the animal shall be revaccinated one (1) year later. Following the first two (2) vaccinations, booster vaccinations will be due either one (1) or three (3) years later in accordance with the approved duration of immunity of the specific vaccine used and the species vaccinated. The veterinarian making the vaccination shall issue a vaccination tag, and shall sign and issue certification bearing the owner's name and address and number of the tag issued, date of vaccination, date the dog or cat should be revaccinated, description and sex of the dog/cat vaccinated, and the type and lot number of the vaccine administered. The certificate shall be prepared in triplicate, the original shall be given to the owner, first copy filed in the office of the local health department and the second copy retained by the person administering the vaccine. The certificate form shall be the same as prepared and distributed by the state department of public health.

It shall be unlawful for any owner to own, keep, harbor or to permit to remain on or about the premises of such owner any dog or cat that does not wear a tag evidencing that the dog or cat has been vaccinated. (2008 Code, § 10-201)

10-202. Impoundment of animals known to have bitten a person. Any animal known to have bitten a person or showing signs of rabies shall be apprehended and impounded for not less than ten (10) days. The animal shall be impounded at an approved animal shelter or with a licensed veterinarian at

the discretion of the animal control officer. All fees for such impoundment shall be the responsibility of the animal's owner. If, during the period of impoundment, the animal exhibits any behavioral signs associated with rabies, the animal shall be sacrificed immediately and the head removed and shipped to a State of Tennessee approved laboratory for testing for the presence of Negri bodies. (2008 Code, § 10-202)

10-203. Noisy dogs prohibited. A person may be fined if they own or harbor any dog which, by loud and frequent barking, whining or howling, annoys the peace and quiet of any neighborhood. (2008 Code, § 10-203, as amended by Ord. #11-11-19-115, Jan. 2020)

10-204. Adoption of impounded animals permitted. Any domestic animal, which has been confined at the animal shelter and not claimed by its owner as provided in this chapter may be adopted in accordance with the guidelines of the animal shelter in which the animal is being housed. (2008 Code, § 10-204)

10-205. Female animals in heat to be confined. Every owner of a female animal, which has not been sterilized, is required to confine the animal for a period of twenty-one (21) days during the period in which she is in heat in such a way as to prohibit access to her by any other animal. (2008 Code, § 10-205)

10-206. All persons must report bite cases. It shall be the duty of the owner, including doctors and veterinarians, if applicable, to report to the town the names and address of persons treated for bites inflicted by animals, together with all information helpful in locating the animal, which inflicted said bite and the animal's owner. (2008 Code, § 10-206, as amended by Ord. #11-11-19-115, Jan. 2020)

10-207. Disposition of fees, fines, etc. All funds collected under the provisions of this chapter, including license fees, redemption charges and fines shall be paid into the general fund of the town. (2008 Code, § 10-208)

10-208. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

CHAPTER 3

HORSES

SECTION

- 10-301. Horses in public parks and facilities.
- 10-302. Riding horses on public streets after sunset.
- 10-303. Reflectors for horses and carriages.
- 10-304. Violations and penalty.

10-301. Horses in public parks and facilities. It shall be unlawful within the corporate limits for any person to ride, lead, tether, or otherwise allow a horse in any public park, playground, school or other public facility which is not a public street. (2008 Code, § 10-301)

10-302. Riding horses on public streets after sunset. It shall be unlawful within the corporate limits for any person to ride, lead a horse without proper tethering or restraints to ensure the safety of all citizens; and reflectors shall be utilized for carriages. (2008 Code, § 10-302, as amended by Ord. #11-11-19-115, Jan. 2020)

10-303. Reflectors for horses and carriages. All horses and carriages shall have proper lights and reflectors both during the daylight and night hours. (Ord. #11-11-19-115, Jan. 2020)

10-304. Violations and penalty. Any person found to violate the provisions of this chapter shall be guilty of a misdemeanor. The provisions of § 10-107 shall not apply to a violation of this chapter. (2008 Code, § 10-303)