

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

1. IN GENERAL.
2. DOMESTIC PETS.
3. BIRD SANCTUARY.
4. CONTROL OF VICIOUS AND DANGEROUS DOGS.

**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. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. Provided, however, that the foregoing restrictions of this section shall not apply to those additions to the town known as the newly annexed areas. (1983 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the mayor. The mayor shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1983 Code, § 3-102)

**10-103. Pen or enclosure to be kept clean.** When animals or fowls are kept within the 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. (1983 Code, § 3-103)

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safe condition.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1983 Code, § 3-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1983 Code, § 3-105)

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1983 Code, § 3-106)

**10-107. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the animal control officer or by any police officer and confined in a pound provided or designated by the town council. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the Town of White Bluff. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the town council.

The pound keeper shall collect from each person claiming an impounded animal or fowl a reasonable fee, to cover the costs of impoundment and maintenance. (1983 Code, § 3-107, as amended by Ord. #251, April 2006)

**10-108. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1983 Code, § 3-108)

## CHAPTER 2

DOMESTIC PETS

## SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Pets to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy pets prohibited.
- 10-206. Confinement of pets suspected of being rabid.
- 10-207. Seizure and disposition of pets.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any pet without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law"<sup>1</sup> or other applicable law. (Ord. #148, Jan. 1996)

**10-202. Pets to wear tags.** It shall be unlawful for any person to own, keep, or harbor any pet which does not wear a tag evidencing the vaccination and registration required by the preceding section. (Ord. #148, Jan. 1996)

**10-203. Running at large prohibited.**<sup>2</sup> It shall be unlawful for any person knowingly to permit any pet owned by him or under his control to run at large within the corporate limits. Provided, however, that the foregoing restrictions of this section shall not apply to pets on leash or to pets otherwise exempted by law. (Ord. #148, Jan. 1996)

**10-204. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. (Ord. #148, Jan. 1996)

**10-205. Noisy pets prohibited.** No person shall own, keep, or harbor any pet which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (Ord. #148, Jan. 1996)

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-101 through 68-8-114.

<sup>2</sup>State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

**10-206. Confinement of pets suspected of being rabid.** If any pet has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police may cause such pet to be confined or isolated for such time as he deems reasonably necessary to determine if such pet is rabid. (Ord. #148, Jan. 1996)

**10-207. Seizure and disposition of pets.** (1) Any pet found running at large may be seized by any police officer or animal control officer. Upon seizure, the pet shall be placed in a pound provided or designated by the town council. If said pet is wearing a tag, the owner shall be notified in person, by telephone, or by postcard addressed to his last known mailing address to appear within five (5) days and redeem his pet by paying a thirty dollar (\$30.00) pick-up fee and five dollars (\$5.00) for each day the pet has been impounded, or the pet will be humanely destroyed or sold.

(2) Because of its viciousness or its apparent infection with rabies, a pet found running at large that cannot be safely impounded may be summarily destroyed by any policeman

(3) Adoption of unclaimed pets. For any dog or cat found running at large and impounded by the Town of White Bluff that has not been claimed by its owner within five (5) days as provided in subsection (1) above, any interested person may adopt the pet by paying the Town of White Bluff the thirty dollar (\$30.00) impoundment fee plus thirty-five dollars (\$35.00) for the spaying and neutering of the pet. The thirty-five dollar (\$35.00) fee collected by the town may be paid any local veterinarian agreeing to spay or neuter the pet for the thirty-five dollar (\$35.00) charge.

(4) Definition of pet. A pet shall include dogs, cats, domestic pig, domestic fowl, or any domestic pet knowingly kept at a personal residence. (Ord. #148, Jan. 1996, as amended by Ord. #299, July 2009)

**CHAPTER 3****BIRD SANCTUARY****SECTION**

- 10-301. Boundaries.
- 10-302. Violations.
- 10-303. Penalties.

**10-301. Boundaries.** The entire area embraced within the corporate limits of the Town of White Bluff be, and the same is hereby designated as, a bird sanctuary. (1983 Code, § 3-301)

**10-302. Violations.** It shall be unlawful to trap, shoot, hunt, or attempt to shoot or molest in any manner any bird or wild fowl; or to rob birds nests or wild fowl nests, excepting crow, starling, house sparrow, and/or any other bird deemed a public nuisance and/or a public health hazard by vote of the council; and game birds in season. (1983 Code, § 3-302)

**10-303. Penalties.** Anyone violating the provisions of this chapter shall be punished by a fine of not more than \$100.00. (1983 Code, § 3-303, modified)

## CHAPTER 4

CONTROL OF VICIOUS AND DANGEROUS DOGS

## SECTION

- 10-401. Definitions.
- 10-402. Confinement.
- 10-403. Leash and muzzle.
- 10-404. Signs.
- 10-405. Animal control officer.
- 10-406. Impoundment and destruction.
- 10-407. Notice of impoundment.
- 10-408. Hearing on impoundment/destruction.
- 10-409. Penalties.

**10-401. Definitions.** (1) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

(2) "Vicious dog" means: (a) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(b) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(c) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(3) Vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides which shall be made of eleven (11) gauge wire, or stronger and inspected and approved by the animal control officer or the codes administrator. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. (as added by Ord. #249, Feb. 2006)

**10-402. Confinement.** The owner of a vicious dog shall not permit the dog to go unconfined. (as added by Ord. #249, Feb. 2006)

**10-403. Leash and muzzle.** No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet (4') in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside of its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Vicious dogs may not be leashed to adjacent objects such as trees, posts, buildings, or

structures. In addition, all dangerous dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals. (as added by Ord. #249, Feb. 2006)

**10-404. Signs.** The owner of a vicious dog shall display in a prominent place on his or her premises, clearly visible from the street curb, a visible warning sign stating "Vicious Dog on Premises," which shall be written in black letters no less than five inches (5") in height and printed on a white background. A similar sign is required to be posted on the pen or kennel of the animal. (as added by Ord. #249, Feb. 2006)

**10-405. Animal control officer.** The animal control officer or any police officer of the Town of White Bluff shall have the authority to enforce this chapter without a warrant if he observes a violation occurring in his presence. He shall also have the authority to impound animals as otherwise authorized in the municipal code. (as added by Ord. #249, Feb. 2006)

**10-406. Impoundment and destruction.** The White Bluff City Judge may order the impoundment and destruction of a vicious dog where:

- (1) The dog has attacked, bitten or injured a human being or domestic animal; or
- (2) The owner of a vicious dog as defined herein has failed to comply with the requirements and conditions for keeping a vicious dog as defined herein; or
- (3) All fines or costs imposed under this chapter have become final orders, and remain unpaid; or
- (4) The dog poses a threat of serious harm to the public health or safety. (as added by Ord. #249, Feb. 2006)

**10-407. Notice of impoundment.** Within five (5) days after impoundment, the animal control officer shall notify the dog's owner in writing of the impoundment. (as added by Ord. #249, Feb. 2006)

**10-408. Hearing on impoundment/destruction.** (1) The owner of an impounded dog shall have the right to file, within five (5) days after receiving notice, a written request for a hearing to contest the impoundment.

(2) The hearing shall be before the White Bluff City Judge, but shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(3) After considering all of the relevant evidence, the city judge shall issue a decision and may order the destruction of the impounded dog, or may release the dog to its owner conditioned on the owner complying with the

requirements set forth in this chapter or with any other requirements necessary to protect the public health or safety.

(4) If the owner of an impounded dog fails to appear at a hearing, or fails to request a hearing within the allotted time, the dog may be destroyed. (as added by Ord. #249, Feb. 2006)

**10-409. Penalties.** Whoever violates any provision of this section shall be guilty of a misdemeanor and may be punished by a fine not to exceed fifty dollars (\$50.00) per day for each violation, and for each day that the owner continues in violation, in addition to other penalties that may be imposed by the city judge. (as added by Ord. #249, Feb. 2006)