

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Keeping or harboring cat or dog considered ownership thereof.
- 10-202. Dogs and cats required to be inoculated against rabies.
- 10-203. Dogs and cats required to be registered and wear tags; dogs and cats without tags to be impounded.
- 10-204. Allowing dogs and cats to create a nuisance prohibited; disposition of dogs and cats creating a nuisance.
- 10-205. Disposition of complaints about dogs or cats creating a nuisance.
- 10-206. Seizure of dangerous dogs and cats.
- 10-207. Disposition of impounded dogs and cats.
- 10-208. Female dogs in season to be confined.
- 10-209. Enforcement.
- 10-210. Violations.
- 10-211. Vicious dog.

10-201. Keeping or harboring cat or dog considered ownership thereof. If any dog or cat is found on the premises of any person for a period of five (5) days or more, that shall be prima facie evidence that such dog or cat belongs to the occupant of such premises, and any person keeping or harboring a dog or cat for five (5) consecutive days shall, for the purpose of this chapter, be declared to be the owner and liable for violation of this chapter. (1985 Code, § 3-201)

10-202. Dogs and cats required to be inoculated against rabies. Whoever owns, keeps, or harbors a dog or cat within the corporate limits of the town shall have such dog or cat properly inoculated or immunized against rabies and shall, each year thereafter, having such dog or cat reinoculated or reimmunized against rabies; provided, however, that dogs and cats need not be inoculated before they reach the age of three (3) months. The record of inoculation or reinoculation shall be subject to inspection by a person appointed by the town council, and the owner or keeper of the dog or cat shall secure an approved tag, which shall contain thereof the year of inoculation and a number which shall correspond with the number on the record kept by person inoculating or reinoculating such dog or cat. Such tag shall be securely fastened to the collar worn by the dog or cat. (1985 Code, § 3-202, as replaced by Ord. #94-2, § 1, March 1994)

10-203. Dogs and cats required to be registered and wear tags; dogs and cats without tags to be impounded. The owner of every dog or cat over the age of three (3) months shall register such dog or cat annually with a person designated by the town council. Such registration shall expire one year from

date of issuance. No dog or cat may be registered until the owner presents satisfactory evidence of the animal's inoculation or immunization against rabies within the calendar year in which registration is requested. The person so designated shall issue a license tag for each dog or cat registered, containing a registration number of the Town of Signal Mountain and year of registration. Such tag shall be fastened to the collar of the dog or cat. It shall be unlawful for any person to use a tag on a dog or cat for which a tag was not issued.

The owner of each dog or cat registered shall pay to the town a fee of five dollars (\$5.00) each; provided, that a surcharge of an additional five dollars (\$5.00) shall be levied against all dogs and cats which are not neutered.

The person designated by the town council is authorized to charge a fee of two dollars (\$2.00) for each lost tag replaced.

Such registration shall be effective for one year from the date of issuance of such certificate of registration. Owners of dogs or cats who have failed to register their animals and owners of dogs or cats who have failed to renew the registration of their animals within thirty days of the expiration of any prior certificate of registration shall be deemed delinquent and shall be subject to an additional late fee of two dollars (\$2.00) per dog, or cat, in addition to the regular annual registration fee and in addition to any fine imposed to put upon such owners by a court of competent jurisdiction.

The provisions of this section shall not apply to non-residents of the town who are traveling through the town or temporarily sojourning therein for a period of less than thirty (30) days, and/or persons bringing dogs and cats into the city exclusively for show or exhibition purposes.

It shall be unlawful for any person to own, keep or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by this chapter. Animals found without a tag shall be impounded by persons duly qualified and appointed by the town council for that purpose and may be recovered by the owner on payment of a minimum charge of twenty-five dollars (\$25.00) for the first offense, and board for each day after the first forty-eight (48) hours of detention, at the rate of three dollars (\$3.00) per day; provided however that upon a second offense the above impoundment fee shall be fifty dollars (\$50.00) and upon third and subsequent offenses shall be one hundred dollars (\$100.00) in addition to the board of three dollars (\$3.00) as set out above.

Unclaimed animals may be disposed of as the Humane Educational Society may direct. Dangerous or diseased animals may be impounded and destroyed by the Humane Educational Society.

The licenses and taxes collected pursuant to this section shall be used by the Humane Educational Society for the purposes set forth in the Private Acts of 1925, Chapter 557, as may be amended.

The surcharge for unneutered dogs and cats shall be used exclusively in the spay and neuter program of the Humane Educational Society.

No persons shall bring a dog or cat into the town for sale, exchange or giving away unless such dog or cat has been inoculated by a veterinarian of the state in which the owner lives or by some person authorized to make vaccinations and the owner of such dog or cat has in his possession a certificate of the person making the vaccination or inoculation; unless such dog or cat is kept confined or on a leash.

If any dog or cat seized as provided in this chapter is registered, the person designated by the town council shall give notice by postcard sent by United States Mail to the owner given on the registration record within twenty-four (24) hours after the seizure of such dog or cat.

An unclaimed dog or cat may be redeemed by a person other than the owner thereof upon payment of the registration fee provided in this chapter, if such dog or cat is unregistered, and the impoundment fee of ten dollars (\$10.00) and board for each day of detention as provided in this section; provided that such persons shall furnish two satisfactory references and sign a written agreement that the dog and cat will be cared for humanely and returned to the pound if the poundkeeper so demands. Such persons shall also agree that in the event the owner of such dog or cat claims it within a period of thirty days upon demand of the person designated by the town council and the payment by the owner to the person designated by the town council for the use and benefit of such person of the fee and board paid out of such person and board for the period that such persons cared for this dog or cat at one dollar (\$1.00) per day such dog or cat will be returned to the person designated by the town council who shall return it to the owner. Dogs and cats shall not be released to persons other than their owners for any other purposes than to serve as pets or watchdogs.

All fees collected under this section shall be used for the enforcement of its provisions.

The surcharge for any unneutered animals shall be used exclusively in the spay and neuter program. (Ord. of Dec. 12, 1988, as replaced by Ord. #94-2, § 2, March 1994)

10-204. Allowing dogs and cats to create a nuisance prohibited; disposition of dogs and cats creating a nuisance. (1) It shall be unlawful for any person to allow any dog or cat owned by him or under his control to create a nuisance. Any dog or cat found creating a nuisance in violation of this chapter, any dog or cat required to be registered and found to be unregistered, any dog or cat required to be inoculated or immunized against rabies and found to be not inoculated or immunized against rabies, and any dog or cat affected by rabies or reasonably suspected of being affected by rabies, is declared to be nuisance and liable to impoundment by the Humane Educational Society, or persons designated by the town council.

(2) For the purposes of this chapter, a cat is also declared to be a nuisance if on one or more occasions it commits any of the following acts of nuisance:

(a) If it is observed upon any property other than that of its owner or custodian.

(b) If it obstructs passage of any public roadway to travel by bicycle, motorbike, or motor vehicle, or to pedestrian travel by entering upon the public roadway and obstructs the free passage thereof.

(c) If, without provocation, a cat bites a person.

(d) If it is observed scattering any garbage located on public or private property.

(e) If it by loud and frequent crying creates a noise or disturbs the peace and quiet of any neighborhood.

(f) If it is observed, leashed or not, at public places where people gather, such as schools, churches, parks, playgrounds, shopping centers, picnic areas, town hall, town property, town swimming pools, or town fire and police station.

An animal running at large committing an act of nuisance as above defined shall be subject to impoundment by the Humane Educational Society or other person appointed by the town council, and may be recovered by its owner, or disposed of as provided in section 10-207.

If a dog or cat commits one of the above acts of nuisance, in lieu of picking up the dog or cat and impounding it, the owner or person having control of the dog or cat may be cited to court, and if found guilty, shall be fined according to the general penalty provisions of this code of ordinances.

Upon receipt of any complaint, the Humane Educational Society, police of the town or other person appointed by the board of commissioners may investigate the same and may cause a citation issued to the owner or custodian of such animal for violation of this section.

If a person is found guilty of allowing any dog or cat to commit a nuisance offense as defined in section (2) above, then such person may be required to confine the dog or cat and never permit it to run at large in the town again. If it is again found committing a nuisance, the person shall remove the dog or cat from the town, or it shall be disposed of as directed by the Humane Educational Society.

(3) For the purposes of this chapter, a dog is also declared to be a nuisance if on one or more occasions it commits any of the following acts of nuisance:

(a) Runs at large, or astray, on the premises of another, or upon any public street or sidewalk or other public property in the town unless such dog is attended by the owner or his representative on leash or other physical confinement.

(b) If, without provocation, it bites a person or another dog.

(c) If it, by loud and frequent barking, whining or howling, disturbs the peace and quiet of any neighborhood.

An animal committing an act of nuisance as above defined shall be subject to impoundment by the Humane Educational Society or other person appointed

by the town council and may be recovered by its owner, or disposed of as provided in section 10-207.

If a dog commits one of the above acts of nuisance, in lieu of picking up the dog and impounding it, the owner or person having control of the dog may be cited to court, and if found guilty, shall be fined according to the general penalty provisions of this code of ordinances.

Upon receipt of any complaint, the Humane Educational Society, police of the town or other person appointed by the town council may investigate the same and may cause a citation issued to the owner or custodian of such animal for violation of this section. (1985 Code, § 3-204, as amended by Ord. # 90-6, and # 90-7)

10-205. Disposition of complaints about dogs or cats creating a nuisance. Complaints of dogs or cats creating a nuisance shall be handled as follows:

(1) Upon receipt by the town of an oral or written complaint from a resident of the Town of Signal Mountain that a dog or cat has been observed to be committing an act of nuisance as defined in this chapter under section 10-204 (2), the town immediately shall notify the registered owners or custodians of such dog or cat of receipt of the complaint.

(2) Upon receipt of the town of an oral or written complaint that a dog or cat has committed an act of nuisance as described in section 10-204 (2)(a), (b), (c), or (d), a citation having been issued to the owner, or person in control, citing such person to town court, the town shall issue a written order to the registered owner or custodian of such dog or cat requiring that the dog or cat be confined at all times to the premises of the owner or custodian (except when such dog or cat is under leash or being transported from one place to another in an enclosed vehicle), which order shall continue in force until a hearing in town court at which time the judge may make the order permanent or dissolve it, in his discretion, depending on the circumstances and whether such order is necessary to protect the citizens of the town.

The town shall maintain written records of complaints received and of notices transmitted hereunder, showing the date a complaint is received, the name and address of the person making the complaint, if tendered, and a copy of the notice given to the owner or custodian of the subject dog or cat.

Upon receipt of any such complaint, the Humane Educational Society, police of the town or other person appointed by the town council may investigate the same and may cause a citation issued to the owner or custodian of such animal for violation of this section.

Any one violating this section shall be guilty of a misdemeanor punishable by a fine pursuant to the general penalty clause of this code of ordinances. (1985 Code, § 3-205)

10-206. Seizure of dangerous dogs and cats. The Humane Educational Society, police or other designated person shall seize and impound any dog or cat under the following circumstances:

(1) If the dog or cat is rabid, or the Humane Educational Society, or other designated person has reasonable cause to suspect the dog or cat to be rabid, or

(2) If the dog or cat has been bitten by another dog or cat which is under suspicion of being rabid, or

(3) The dog or cat is behaving viciously or out of control, or

(4) If in the attempt to seize any dog or cat, it is impossible or impractical to secure it safely with the hands, the Humane Educational Society or other designated person may apprehend the dog or cat by use of a tranquilizer gun (or other similar device not intended to kill or maim the dog or cat). If such method of apprehension fails, and a representative of the town is convinced that public welfare and safety demand prompt and drastic action, he may destroy the animal by shooting it, provided he is close enough to the animal to kill it humanely and in a manner that no human life may be imperiled by his action.¹ (1985 Code, § 3-206)

10-207. Disposition of impounded dogs and cats. Dogs and cats impounded under the provisions of this chapter shall be disposed of as follows:

(1) Any registered dog or cat impounded shall be kept for a period established by the Humane Educational Society after notice actually served upon the owner and after all reasonable attempts to notify the owner; and if such dog or cat is not redeemed within such period, it may be humanely destroyed or otherwise disposed of as the Humane Educational Society may direct.

(2) The owner of a registered dog or cat may claim and redeem it by paying the person designated by the town council an impoundment fee for the first offense of twenty-five dollars (\$25.00) and board for each day after the first forty-eight (48) hours of detention at the rate of three dollars (\$3.00) per day; provided, however, that upon a second offense the impoundment fee shall be fifty dollars (\$50.00) and upon third and subsequent offenses shall be one hundred dollars (\$100.00) in addition to the board of three dollars (\$3.00) per day as set out above.

(3) Every dog or cat which has bitten a human or has been exposed to rabies or which is suspected of having rabies shall be impounded for a period of ten (10) days or more by the Humane Educational Society, or, at the option of the owner of such dog or cat, shall be detained in a reputable veterinary hospital

¹For a Tennessee Supreme Court upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the charges while such dog or cat is confined therein. During such confinement the dog or cat shall be under the observation and supervision of the Hamilton County Director of Public Health, and it shall be released or humanely destroyed by the poundkeeper after the termination of the observation period according to instructions from the Director of Public Health. The Director may order the poundkeeper to destroy such dog or cat at any time during the period of observation if evidence is such as to convince the Director that the dog or cat has rabies. During the period of observation, the owner of such dog or cat shall be liable for reasonable board fees, if such dog or cat is confined at the pound.

(4) An unclaimed dog or cat may be redeemed by a person other than the owner upon compliance with registration provisions of this chapter, upon payment of the registration fee provided herein, if such dog or cat is unregistered, and upon payment of the arrest fee and reasonable board for each day of detention, provided, that such person shall furnish two (2) satisfactory references and sign a written agreement that the dog or cat will be cared for humanely and returned to the pound if the poundkeeper so demands. Such person shall also agree that in the event the owner of such dog or cat claims it within a period of thirty (30) days, upon demand of the poundkeeper, the animal shall be returned to its owner and such person that has paid fees and board shall be paid the amount of the fees and board. Such dog or cat will be returned to the poundkeeper, who shall return it to the owner. Dogs and cats shall not be released to persons other than their owners for any other purpose than to serve as pets or watchdogs. (1985 Code, § 3-207, as amended by Ord. #94-2, § 4, March 1994)

10-208. Female dogs in season to be confined. Every owner of a female dog in season is required to confine the same in such manner as not to attract other dogs for twenty-four (24) days during the time that she is in season. (1985 Code, § 3-208)

10-209. Enforcement. The Humane Educational Society or other person appointed by the town council, shall implement and enforce the provisions of this chapter and shall have the power to make arrests for any violation thereof. It shall be unlawful for any person to hinder, molest or interfere with such society or person in the performance of their duties hereunder. (1985 Code, § 3-209)

10-210. Violations. Any person who owns, keeps, or harbors a dog or cat, in violation of any provision of this chapter, who fails or refuses to have such dog or cat inoculated or reinoculated against rabies, or who obstructs or interferes in any manner with the enforcement of this chapter, shall be deemed guilty of

a misdemeanor punishable by fine according to the general penalty provision of this municipal code of ordinances. (1985 Code, § 3-210)

10-211. Vicious dog. (1) For the purpose of this section, "vicious dog" means:

(a) Any dog which has attacked a human being or domestic animal one or more times without provocation; or

(b) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(c) Any dog that snaps, bites, or manifest a disposition to snap or bite; or

(d) Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes; or

(e) Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Tennessee or the United States or a branch of the armed forces of the United States;

(f) Staffordshire terrier breed of dog; or

(g) The American pit bull terrier breed of dog; or

(h) The American Staffordshire terrier breed of dog; or

(i) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or

(j) Any dog which has the appearance and characteristics of being predominately of the breed of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

(2) An application to license a vicious dog must include, in addition to any information required above, the following:

(a) Presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$50,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner, or his or her agents, in the keeping or owning of such vicious dog. Said certificate shall require notice to the town, in conformity with general town standards for certificates of insurance, in the event the underlying policy of insurance is cancelled for any reasons.

(b) The cancellation or other termination of any insurance policy presented to comply with this section, shall automatically revoke and terminate the licenses issued under this subchapter unless another

certificate, complying with this section, shall be provided showing insurance in effect at the time of such cancellation or termination.

The application must be presented to the town recorder with two color photos of the dog.

The owner of the vicious dog shall be required to notify the town within 24 hours of any transfer of ownership of the dog, the dog's escape or death; any change of address by the owner, or birth of offspring to the dog.

(3) All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled provided below. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure.

All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined dog. All pens must have a sign with minimum two (2) inch lettering saying "Beware of Vicious Dog." The Humane Officer or other person designated by the town manager is empowered to inspect such pens at least once per year.

All structures erected to house vicious dogs must comply with all zoning and building regulations of the town. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

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 six (6) feet in length and a muzzle. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen years of age or older.

Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure. Violation of this section is a misdemeanor.

(4) A vicious dog which is found twice not to be confined as required by this chapter shall be required to be permanently removed from the town or destroyed. An animal which is returned to the town after removal under this section shall be destroyed.

(5) All unlicensed vicious dogs shall be deemed illegal animals. The person harboring or keeping an unlicensed vicious dog may have the animal removed from the town, if, however, the animal is again found unlicensed in the town or if the person holding or keeping the animal chooses not to remove it from the town then the dog shall be destroyed. This section shall not apply to a

dog which, upon initial notice to its owner, the owner agrees to properly license and confine; or to a dog for which a hearing has been requested under this chapter to determine if it is vicious until there has been a final decision on the questions raised at hearing at which time the owner may, if the dog is found vicious, properly license and confine said dog.

(6) Seizure, impoundment and disposition of vicious dogs:

(a) The humane officer or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may initiate proceedings to declare such dog a vicious dog. If the humane officer determines such dog a vicious dog, he shall inform the dog's owner by certified mail return receipt requested or personal delivery with a witness and give the owner 24 hours to deliver the dog to the pound where the dog will be kept at the owner's expense until the remaining administrative procedure shown below is resolved or the dog is removed from the town permanently, whichever occurs first. If the owner fails to deliver the dog to the pound, the humane officer with police assistance shall confiscate the dog and take it to the pound. If the owner contests said designation within seven days of receipt of the letter from the humane officer declaring the dog vicious, a hearing on the matter shall be conducted by the town manager or his or her designee. The person, firm or corporation owning, keeping, sheltering or harboring the dog in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(b) If, after hearing, the town manager or his or her designee determines a dog is a vicious dog, or a vicious dog held in violation of this chapter as set out in the notice of hearing, the town manager or his or her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to license and confine the dog as required by this chapter, or remove it from the town. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the town manager or his or her designee is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the order of the town manager or his or her designee was issued has not appealed such order to the town council or has not complied with the order, the town manager or his or her designee shall cause the animal or dog to be destroyed.

(c) The order to license, confine or remove a vicious dog from the town issued by the town manager or his or her designee may be appealed to the town council. In order to appeal such order written notice of appeal must be filed with the town recorder within three days after receipt of the order. Failure to file such written notice of appeals shall constitute a waiver of right to appeal the order of the town manager or his or her designee.

(d) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the town recorder. The hearing of such appeal shall be scheduled within twenty days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the town council may affirm or reverse the order of the town manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the town recorder within three days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the town manager or his or her designee and the arguments of the parties or their representative, but no additional evidence shall be taken.

(e) If the town council affirms the action of the town manager or his or her designee, the town council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog, shall license and confine said dog as required by this chapter or remove such animal from the town. The decision and order shall immediately be served upon the person or entity against who rendered in the same manner as the notice set out in subsection (a) of this section. If the original order of the town manager or his or her designee is not appealed and is not complied with within three days or the order of the town council after appeal is not complied with within three days of its issuance, the chief of police or his or her designee is authorized to seize and impound such vicious dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the town manager or his or her designee or the town council was issued has not petitioned the municipal court for a review of said order, or has not complied with the order, the town manager or his or her designee shall cause the dog to be destroyed in a humane manner.

(f) Failure to comply with an order of the town manager or his or her designee issued pursuant hereto and not appealed, or of the town council after appeal is a misdemeanor.

(g) Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be

vicious. If the dog is not determined to be vicious, all costs shall be paid by the town except costs attributable to initial confinement prior to notice or cost of any required quarantine which shall nonetheless be paid by the owner.

(7) Any animal found at large which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal and said animal may be immediately seized anywhere within the town apprehended, in which case the chief of police or his or her designee is authorized to destroy it immediately. Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere with the town.

(8) Any animal required by any provision of this chapter to be removed, voluntarily or otherwise from the town, shall be so removed by its owner or the person harboring or having control of such animal who shall provide the chief of police a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the town shall be destroyed. (Ord. # 90-6, Nov. 1990, as amended by Ord. #98-4, March 1998)