

Carter County Commission

Minutes of:

Law Enforcement Committee

January 7, 2020 6:00 PM



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Members:

Chairman Mike Hill

Ginger Holdren

Robert Acuff

Randall Jenkins

Brad Johnson

Ray Lyons

Austin Jaynes

Robin McKamey

Call to Order

Meeting was called to order by Chairman Mike Hill at 6:05 pm.

I. Approval of Agenda

Chairman Hill asked that an amendment be made to the agenda by moving topic a) Update on Meth Quarantined Structures, from 5) Old Business to 6) Sheriff's Report. A motion to approve the agenda with the amendment was made by Austin Jaynes, second by Dr. Robert Acuff. The motion was unanimously approved.

II. Approval of minutes

A motion was made to approve the minutes from the December 2019 meeting by Dr. Robert Acuff, second by Brad Johnson. The motion was unanimously approved.

III. Public Comments: 5 minutes

None

IV. New Business

a) Shannon Posada, Representatives from Animal Shelter Board: Proposed animal control ordinances. (attachment)

Shannon Posada came before the committee to present a proposed ordinance for the county regarding the animal control situation in Carter County and Elizabethton. Dr. Acuff asked what had been adopted by the city. Ms. Posada told him that things are similar. Mr. Johnson asked who would enforce the new ordinances? Sheriff Lunceford replied that it isn't part of the statutory obligations of his office. He has tried to help in the past and is willing to give the funding his department receives and the truck used for the job to the Animal Shelter to allow Ms. Posada to use the funds to hire and train someone to do the job. Someone she would supervise. The committee can give them the authority to write citations. Mr. Lyons agreed that someone that Ms. Posada trained and was under her supervision would work. He asked her to figure out funding for this. Randall Jenkins asked what is the funding that the Sheriff's Department receives. Sheriff Lunceford stated, \$32,000 and the truck. Mr. Johnson asked if these ordinances were to be put into place and Animal Control personnel issued citations, would the judge honor the citations? Ms. Posada stated that they hadn't lost a court case yet when it had gone that far. County Attorney Hardin stated that he personally looked at this about a year and a half ago. Changes would have to be made.

Randall Jenkins made a motion to send the packet home as a research project. Look through it and see what will and will not work for Carter County. Second by Ray Lyons.

Roll Call:

Randall Jenkins – Yes

Ray Lyons - Yes

Brad Johnson - Yes

Robin McKamey – Yes

Austin Jaynes - Yes

Ginger Holdren - Yes

Mike Hill - Yes

Dr. Robert Acuff - Yes

The motion was unanimously approved.

Ms. Posada thanked Sheriff Lunceford; his office always responded when called.

Ms. Holdren asked Attorney Hardin to please send all members of the committee his updated copy of the ordinance for review.

V. Old Business

a) Discussion on meeting date, time and frequency

Randall Jenkins stated that in order to split the meetings to two nights, it would have to go to the Budget committee and ask them for money to pay commissioners for the extra night. Mr. Hill stated that out of the 4 (four) committees, Building & Grounds is usually the longest meeting each month and ask if Law Enforcement even need to meet every month? Mr. Jenkins asked if it would be possible to meet during the day? Ms. Holdren told the committee that she is concerned that the committees won't be as efficient splitting it to two nights and it will mean more hours in the long run. She believes that there will be opposition to moving to two nights.

Austin Jaynes made a motion to ask budget for \$2000 to change the meetings to 2 (two) nights for the rest of this year. Dr. Robert Acuff second the motion.

Roll Call:

Dr. Robert Acuff – Yes

Mike Hill – Yes

Brad Johnson – Yes

Austin Jaynes – Yes

Randall Jenkins - Yes

Ray Lyons – Yes

Ginger Holdren – No

Robin McKamey – No

Motion passed with 6 yes and 2 no.

~~b) Update on Meth Quarantined Structures issue: Captain Smith (move to Sheriff's Report)~~

c) Update on Communications and Equipment issues at Sheriff's Department: Chief Parrish
Was not discussed this meeting.

VI. Sheriff's Report

- a) **Update on Meth Quarantined Structures issue: Captain Smith (moved from Old Business)**
Sheriff Lunceford asked the committee to please understand that Animal Control and Litter Control is not under his statutory authority, but he will continue to do what he can to help.

VII. Commissioner Comments

VIII. Sheriff Lunceford wanted to make clear the concerns that have been brought before the committee and the full commission about the quarantined structures in Carter County. The situation was being taken care of when the citizen brought it before the committee. Things were not as portrayed, and the citizen didn't come to the Sheriff about the situation. Sheriff Lunceford is concerned that the committee is going to be used to report situations that should be brought to him. Things that are his job and his responsibility. He assured the committee that he and his department are doing their job.

Ms. McKamey wanted to express to Sheriff Lunceford that she asked if Ms. Odom had brought the issue about the quarantined structures to the Sheriff's Office. She stated that she had taken it to Tom to bring it to his chief. Tom didn't have the same list that she had. Sheriff Lunceford told Ms. McKamey that Ms. Odom should have come to him with her concerns not anyone else.

IX. Adjournment

A motion for adjournment was made by Austin Jaynes, second by Ray Lyons. Meeting was adjourned at 7:03 pm.

Proposed Carter County, TN Animal Laws 2018

(based on Knox County, TN laws)

Sec. 1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any creature including, but not limited to, dogs, cats, warm blooded mammals, birds, reptiles and fish, excluding human beings.

Animal control officer shall mean any person employed by the county sheriff department animal control division who is authorized to implement and enforce this article and applicable state statutes.

Animal shelter means an approved facility, public or private, contracted by the county used to confine and house animals which are seized, lost, abandoned or given over by owners.

Board means the animal shelter board.

Boarding facility means any person who houses animals for twenty-four (24) hours or more for profit.

Direct control means immediate and continuous physical control of an animal (excluding herding dogs, dogs in the process of hunting, police dogs, and dogs participating in organized field competition) at all times such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the animal.

Director means the director of the animal shelter.

Domesticated animal means any animal kept, cared for, sheltered, fed or harbored for use in work, as a pet, or as a source of food, raw material or income.

Impounded means having been received into custody of the police department or any authorized representative thereof.

Kennel means any person that keeps, harbors or maintains five (5) or more animals over the age of six (6) months, excluding fish.

Livestock means all animals of the equine, bovine or swine class and includes goats, sheep, mules, horses, hogs, or cattle and domesticated poultry.

Owner means any person legally possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal or livestock covered by this chapter for a period of seven (7) or more days.

Person means any individual, firm, corporation, partnership, association, trust, estate or other legal entity. If the person is a minor as defined by statute, said minor's parent(s) or legal guardian shall be the owner for the purposes of this article.

Pet dealer means any person who engages in the sale of animals to the public, including breeders of animals who sell directly to consumers.

Pet shop means any person engaged in the business of breeding, buying, selling at retail or as a broker of animals.

Police department means the Elizabethton Police Department unless otherwise specifically designated.

Running at large means a dog goes uncontrolled by the dog's owner upon the premises of another without the consent of the owner of the premises, or other person authorized to give consent, or goes uncontrolled by the owner upon a highway, public road, street or any other place open to the public generally.

Sheriff Department is the Carter County Sheriff Department.

Stray means any dog or cat which does not wear a rabies tag and license tag or which has not had a vaccination within the time period specified in this chapter or any animal which is not cared for, harbored or maintained according to the provisions of this chapter or other applicable laws for more than seven (7) days.

Vaccination means the administration by a licensed veterinarian of a rabies vaccine approved by the state department of health at such times as shall be required by the general laws of the state.

Veterinarian means a person licensed to practice veterinary medicine in the state.

Vicious animal means any animal which has attacked a person or other animal two (2) or more times without provocation.

Sec. 2. - Exemptions from chapter.

The provisions of this chapter requiring certain animals to be licensed or vaccinated shall not apply to those animals owned by or in charge or care of persons who are nonresidents of this county traveling through the county or temporarily sojourning therein for a period not exceeding thirty (30) days, nor to animals temporarily brought into this county for the exclusive purpose of entering the animal in a show or other exhibition and kept at such show for exhibition.

Sec. 3. - Citations; assessment of fines.

- A. *Generally.* In discharging their duties under this chapter, any animal control or deputy is hereby empowered to issue citations to any person if there is reasonable cause to believe that he has violated any of the provisions of this chapter. Citations so issued must be delivered in person to the violator and direct the alleged violator to appear at the municipal court of the county on a specific day and at a specific hour stated in the notice; and the time so specified shall be not less than seventy-two (72) hours after its delivery to the alleged violator. All cases of citations for violation of any of the provisions of this chapter shall be tried in the municipal court. The judge of the municipal court shall assess fines or other penalties against any person convicted of violating any of the provisions of this chapter, and if a fine is imposed, it shall not be less than twenty-five dollars (\$25.00) for each violation upon which a conviction is achieved. All monies which accrue from any such fines shall inure exclusively to the use and benefit of the animal shelter.
- B. *Recordkeeping requirements.*
- a. All notice or citation forms will be serially numbered in triplicate and shall cause the records with respect to the notice forms and disposition of the forms to be so maintained that all such forms shall be capable of being accounted for.
 - b. The county comptroller or his representative shall periodically investigate the records for the purpose of determining the disposition of the notice forms and shall report the result of such investigation to the mayor. For the purpose of making this investigation, he shall have access to the necessary records of the department.
 - c. The county comptroller's reports to the mayor shall be public records.
- C. *Failure to appear.* If an alleged violator of any section of this chapter does not appear in response to the notice described in subsection (a) of this section at or before the day and hour named in the notice, the court shall cause a notice to be sent to such violator informing him of the violation and warning him that he will be held responsible to appear in answer to the notice, and that if such notice is disregarded for a period of five (5) days from the date of the mailing of this second notice, a complaint will be filed and a warrant of arrest issued.

Sec. 4. - Collection of unpaid license tax.

The amount of any license tax imposed by this chapter shall be deemed a debt to the county. Any person owning, having or keeping any animal in the county without having obtained a

license so to do shall be liable to an action in the name of the county in any court of competent jurisdiction for the amount of any license tax or penalty imposed by and required by this chapter to be paid for the privilege of keeping and having such animal. A deputy is authorized to cause a complaint to be filed against any person violating any of the provisions of this chapter and to cause an action to be brought against any person failing to pay any license tax required by the provisions of this chapter for the recovery of such tax. Such action shall be cumulative and shall not be deemed as a bar to or a waiver of the right to institute any other civil or criminal proceeding for a violation of this chapter. All fines and penalties collected under the provisions of this section shall inure exclusively to the use and benefit of the animal shelter.

Sec. 5. - Inspections.

- A. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter or other applicable law, or whenever there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, any animal control or deputy is hereby empowered to enter such property at any reasonable time and to inspect the property and perform any duty imposed by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or a search warrant is obtained, as follows:
 - a. If such property is occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefor;
 - b. If such property is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the property, present proper credentials and request entry, explaining his reasons therefor; and
 - c. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal control or deputy shall obtain a warrant to conduct a search of the property.
- B. Notwithstanding any other provision of this chapter, any animal control or deputy shall have the authority to enter upon any property to enforce the provisions of this chapter if a violation of such law is being committed in the presence of the deputy.

Sec. 6. Animals at large.

- A. No person owning or having possession, charge, care, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk or park or upon the property of another, if such animal is not under sufficient restraint as to allow the animal to be controlled and has the permission of the property owner.
- B. This section shall not apply to a dog on a hunt or chase, nor to a dog guarding or driving stock. This section shall not apply to any animal participating in an organized animal show.

Sec. 7. - Restraint of animals.

Every person owning or having possession, charge, care, custody or control of any animal shall keep such animal exclusively upon his own premises; provided, however, that such animal may be off such premises if it is under the control of a competent person and restrained by a chain, leash or other means of visible control.

Sec. 8. - Chasing, fighting or racing.

It shall be unlawful for any person to set free any animal in the county for the purpose of chasing, fighting or having a race thereafter.

Sec. 9. - Keeping of animals which disturb peace, comfort or health.

- A. No person shall keep within the county any animal which by reason of frequent or continual noise or unsanitary conditions disturbs the peace, comfort or health of neighbors. Disturbing the peace by destroying, desecrating or soiling public or private property, chasing of persons, livestock, cars, or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of said property, shall be deemed to be committing an act in violation of this article
- B. The owner having control or custody of a female dog or cat in heat (estrus) shall humanely confine such dog or cat in a building or secure enclosure so as to be inaccessible to any male dog or cat, except for controlled and intentional breeding of such animal.

Sec. 10. - Vicious animals.

It shall be unlawful for any person to own, keep, have charge of, shelter, feed, harbor or take care of any vicious animal within the county unless a special permit is issued by the board wherein the owner assumes full responsibility and liabilities of the ownership.

Sec. 11. - Reckless riding or driving.

~~It shall be unlawful for any person to run, drive or ride any animal in a reckless, disorderly or careless manner through or over any of the streets or property of the county.~~

Sec. 12. - Trucks or other vehicles used for transport.

- A. Trucks, trailers or other vehicles used for the transportation of swine or other animals upon any public street within the county shall be kept in a clean, sanitary manner; and no swine or other animal-transporting vehicle containing animal feces or other

- obnoxious material shall be parked or left upon any public street or other public place within the county except in such designated areas as may be adjacent to or near licensed slaughterhouses or recognized existing stockyards or meat inspection stations.
- B. No person shall transport any animal in an open truck without adequate physical restraint which will prevent the animal from exiting the vehicle or hanging itself.

Sec. 13. Disposal of bodies of dead animals.

- A. Any owner of any animal, upon the death of such animal, shall immediately dispose of the carcass by burying at least two feet below the surface of the ground and at least fifty feet from any water source, or by any other authorized method of disposal; provided, however, nothing in this section shall prohibit the disposal of such carcass to rendering companies licensed to do business in the county.
- B. It is unlawful to dispose of the carcass of any animal by dumping such carcass on any public or private property.
- C. Any owner of any animal shall be responsible for the costs of disposing of the animal carcass in instances where the animal control division disposes of the animal due to any emergency or the owner's failure to act.

Sec. 14. - Impoundment of animals.

- A. Except as provided in this section, any animal impounded under the provisions of this chapter shall be transported to the animal shelter or, if the animal is in immediate danger, to a veterinary facility. The animal shall be held at the animal shelter for a waiting period of not less than seven (7) days, including the day the animal is received but exclusive of legal holidays, unless the animal is wearing identification, rabies or license tags, in which event the waiting period shall be not less than ten (10) days, including the day the animal is received but exclusive of legal holidays. During the prescribed waiting period, the owner of the animal, if known, shall be notified and allowed to redeem the animal upon payment of any applicable fees. No animal shall be destroyed until the expiration of the prescribed waiting period except as provided in subsection (b) of this section.
- B. If, in the attempt to seize an animal, it becomes impossible to do so with the hands, the administrator or any animal control or deputy, being convinced that seizure of the animal is necessary to public welfare by reason of its viciousness or infection with rabies, may, at his discretion, use whatever force necessary to protect life and property.
- C. If any animal so impounded is found to be sick, injured or of a vicious nature, the animal may be immediately destroyed in a humane manner; provided, however, that if the owner is known, he shall be notified and shall have the right to obtain the advice and services of a veterinarian, and in all such cases where the owner of the animal is known, the animal shall not be destroyed without the consent of the owner, except as provided in Section 19.
- D. As soon as possible after any animal is impounded, a permanent record shall be made which includes a description of the animal and the date, time and place that the animal

- was picked up. In the event such animal is not redeemed, the date and time of adoption or euthanasia shall also be included as part of the permanent record.
- E. If an animal is not redeemed by the owner during the applicable waiting period, such animal shall be disposed of according to the following provisions:
1. Immediately upon the expiration of the applicable waiting period, the animal shall be offered for adoption to any member of the public and adopted to such member in accordance with the policies of adoption and after payment of all applicable fees established by the director. Such fees shall include, but not be limited to, the cost of boarding the animal and, in the case of dogs and cats, a current county tag and rabies vaccination. If needed, the current county tag and rabies vaccination shall be obtained from a veterinarian within forty-eight (48) hours of adoption exclusive of holidays and weekends. Dogs and cats less than three (3) months of age are excluded from the forty-eight-hour requirement, but must receive a rabies vaccination by six months of age. All animals adopted from the animal shelter must be spayed or neutered by a veterinarian no later than six (6) months after the day the animal is adopted, unless the veterinarian certifies that to spay or neuter the animal would not be in the best medical interest of the animal.
 2. The director shall issue a title of ownership to the adopting person which shall vest in the adopter upon the timely spay or neuter of the animal.
 3. The time for redemption shall not begin to run until the animal is placed within the animal shelter and this event posted as part of the permanent record.
 4. If any impounded animal is not redeemed or adopted, the animal may continue to be held for subsequent adoption or destroyed in a humane manner.
- F. All proceeds derived under the provisions of this section, with the exception of fees collected for rabies vaccination and county tag licensing, shall remain in the budget and possession of the director.

Sec. 15. - Redemption of impounded animals.

- A. The owner of an animal may claim and redeem it upon payment of an impound fee of \$15.00 and a boarding fee of \$5.00 per day for each day such animal is kept at the animal shelter. For each animal that is impounded more than one time within a 12-month period, the fee for impounding the animal shall increase to \$25.00 for the second impoundment and \$50.00 for the third impoundment.
- B. The fee provided in subsection (a) of this section does not include applicable charges for veterinarian costs, or license or vaccination that may be required by this chapter or other applicable law. If the animal to be redeemed is not licensed or vaccinated as required by law, the animal shelter will ensure that such animal is licensed and vaccinated as required by law prior to release of the animal. All fees required by this chapter, including but not limited to any veterinarian costs, vaccination costs, and license costs incurred as a result of the impound shall be the responsibility of the owner and subject to payment in full prior to the release of the animal.
- C. No fees whatsoever shall be charged or collected for or on account of any animal which has been unlawfully taken up, and any such animal shall be delivered upon demand therefor to the owner or person entitled to the custody thereof.

Sec. 16. - Impoundment of uncared for animals.

Whenever the animal control or deputy finds that any animal is or will be without proper care because of injury, illness, or incarceration of the person responsible for the care of such animal, other than incarceration for cruelty to animals, or because of any other involuntary absence of the person responsible for the care of such animal, the deputy may impound such animal. In order to reclaim the animal, the owner or owner's representative must demonstrate that the circumstances causing the impoundment have ceased to exist, and must pay all applicable fees, including any medical fees, prior to the release of such animal from the shelter. Any animal that has been impounded under this part and not reclaimed within ten (10) days of the impoundment or upon a showing that the circumstances causing the impoundment have ceased to exist, whichever is sooner, may be offered for adoption to any member of the public and adopted to such member in accordance with the policies of adoption and after payment of all applicable fees established by the director. If the animal is not redeemed or adopted, it may be destroyed in a humane manner.

Sec. 17. - Records of impounded animals.

The animal shelter shall keep or have access to a record of each impounded animal, the date of receipt of such animal, the date and manner of its disposition and, if redeemed, reclaimed or adopted, the name of the person by whom redeemed, reclaimed or adopted, the address of such person and the amount of all fees received or collected for or because of the impounding, reclaiming or adopting thereof, together with the number of any tag and the date of any license issued upon the redemption or adoption of any such animal.

Sec. 18. - Keeping stray animals; failure to surrender stray animal.

- A. It shall be unlawful for any person in the county to knowingly and intentionally harbor or keep in possession by confinement or otherwise any animal which does not belong to him without permission of the owner unless he has, within seventy-two (72) hours from the time such animal came into his possession, notified the animal shelter. Upon receiving such notice, an animal control or deputy shall take such animal and place it in the animal shelter or allow temporary custody not to exceed ten (10) days, during which time a notice containing a description of the animal, the date and place where the animal was found, and the name, address and telephone number of the temporary custodian shall be posted at the animal shelter. If the animal is not reclaimed during this time, the custodian of the stray animal will relinquish the animal to the animal control or police department or complete an adoption with the animal shelter. The expense of license fee and vaccination must be assumed by the owner if the animal is reclaimed.
- B. It shall be unlawful for any person to refuse to surrender any such stray animal upon demand by an animal control or deputy.

Sec. 19. - Destruction of dangerous, diseased or unfit animals.

- A. It shall be the duty of the director to order the humane destruction of any animal lawfully taken into the custody of the animal control or police department which in the opinion of

the director is, by reason of old age or viciousness, unfit for further use; affected with any dangerous or communicable disease; in an incurably crippled condition; suffering in pain; adjudged by a veterinarian to be afflicted with any painful or incurable disease; or determined to be dangerous to the safety of the community. If the animal to be euthanized under this section is wearing an identification, rabies or license tag, the owner shall be notified before the animal is euthanized unless the animal is in critical condition and the owner cannot be reached, in which event a veterinarian may authorize euthanasia of the animal for humane reasons.

- B. The director may issue either a verbal authorization followed by written confirmation or written authorization for such humane destruction.

Sec. 20. - Cruelty to animals.

- A. A person commits an offense who intentionally or knowingly:
 - 1. Tortures, maims or grossly overworks an animal;
 - 2. Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;
 - 3. Abandons unreasonably an animal in the person's custody;
 - 4. Transports or confines an animal in a cruel manner including, but not limited to, keeping an animal in a vehicle or other type of conveyance without adequate ventilation and enclosing any animal in the trunk of a vehicle;
 - 5. Inflicts burns, cuts, lacerations or other injuries or pain by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events;
 - 6. Inflicts burns, cuts, lacerations or other injuries or pain by any method to any animal;
or
 - 7. Teases, molests, baits or agitates any animal.
- B. It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.
- C. Any animal control or deputy shall rescue any animal which is being confined in violation of subsection (A)(4) of this section and shall issue a court citation to the owner of the animal or to the appropriate person who is responsible for any such inhumane animal treatment.
- D. Whenever any animal is kept within any building or on any premises without food, water, shelter, adequate space and ventilation, proper sanitation or proper care and attention, it shall be the duty any animal control or deputy to enter such building or premises to take possession of and remove such animal. Such entry shall be effected in accordance with section 6 of this chapter.

- E. Any animal confiscated under this section may be taken to a veterinarian for immediate treatment, and any expenses incurred for veterinary care and treatment shall be the responsibility of the owner.
- F. It shall be unlawful for any person having charge of livestock or exotic animals, which have been brought into the corporate limits of the county for sale, or kept in any stockyard or stable in the county to be weighed or sold, to fail to furnish or cause not to be furnished to such livestock or exotic animals water and food at least once in every twelve (12) hours.
- G. An animal taken into custody under this section may be humanely disposed of at the discretion of the director ten (10) days after the animal is taken into custody. Any person claiming an interest in any animal in custody under this section may prevent disposition of the animal by posting a bond or security in an amount sufficient to provide for the animal's care and keeping for at least thirty (30) days, inclusive of the date on which the animal was taken into custody. Even if a bond or security is posted, the director may humanely dispose of the animal at the end of the time for which expenses of care and keeping are covered by the bond or security, unless there is a court order prohibiting the disposition. The court is authorized to require a bond in the amount necessary to protect the director from any cost of the care, keeping or disposal of the animal. The authority taking custody of an animal under this section shall give notice of this section by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property.
- H. The court making the sentencing determination for a person convicted under this section may order the person convicted to surrender custody and forfeit the animal whose treatment was the basis of the conviction. Ownership of the animal shall then be given to the animal shelter or a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals.

Sec. 21. Injured animals; action required.

It shall be unlawful for any person injuring any animal by any means to fail to notify immediately the owner of such animal; or immediately seek medical care for the animal from a licensed veterinarian; or immediately notify the county animal control division; or immediately notify the county contracted animal shelter. Compliance with this section shall not constitute an admission of financial liability for veterinary care of such injured animal.

Sec. 22. Poisoning or trapping of animals.

It shall be unlawful for any person to deliberately poison or to trap any domesticated animal or aid, abet or assist in the deliberate poisoning or trapping or the putting out or placing of poison or a trap at any point or place outside of buildings where dogs, cats or other domesticated animals may encounter the poison or trap; provided, however, that in instances where any animal by reason of damage to property, danger to life or threat to public health becomes a

nuisance, a live, humane trapping method provided or approved by the animal control division may be used.

Sec. 23. Number of animals, acreage restrictions.

(a) The following chart prescribes the number of dogs and cats per specified acreage restrictions:

IF YOU HAVE:	Less than 1.0 acre	1.5 - 2.5 acres	2.5 - 5 acres	5+ acres
1-5 dogs and cats	Allowed	Allowed	Allowed	Allowed
6-10 dogs and cats	Prohibited	Allowed	Allowed	Allowed
11-20 dogs and cats	Prohibited	Prohibited	Allowed	Allowed
21+ dogs and cats	Prohibited	Prohibited	Prohibited	Allowed

(b) Reference to dogs and cats only refer to adult dogs and cats older than four months. There are no restrictions on the number of dogs and cats younger than four months old that can be on the property.

(c) If it is determined that a person is in violation of this section, such person shall be allowed thirty days from the notice of violation to correct such violation.

(d) This section shall not apply to veterinary clinics, kennels, boarding facilities, pet shops or pet dealers licensed to do business in the county.

(e) If all dogs and/or cats have been vaccinated and inoculated against disease as recommended by a veterinarian and such veterinarian will attest that such dogs and/or cats are properly cared for, the board may exempt any restriction as specified in this section.

Sec. 24. Sale or giving away of animals on public property.

It shall be unlawful for any person to sell or to give away dogs, cats, puppies, and kittens on roads, streets, sidewalks, outdoor commercial areas, including parking lots, or public property within the county.

Sec. 25. - Kennels, boarding facilities, pet shops and pet dealers; required to post certain documents.

- A. Every person operating a pet shop shall post a notice clearly visible from the ground level adjacent to the store, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night by an animal control or deputy acting under the authority of section 6.

- B. Every kennel, boarding facility, pet shop and pet dealer shall post a permit issued by the board acknowledging that the facility meets the minimum required standards for housing animals.

Sec. 26. Wild or exotic animals.

(a) No person shall have, sell, keep or maintain any wild, exotic, dangerous, or non domesticated animal within the county. "Wild, exotic, dangerous, or non domesticated animal" shall be defined to include all animals classified as class I animals under T.C.A. Section 70-4-403, as amended, and shall also include any wolf hybrid.

(b) Notwithstanding any provision of this article to the contrary, the provisions of this section shall have no application to the following:

1. Any veterinary establishment licensed by the state;
2. Appropriately accredited colleges, universities, or other institutions of higher learning which own, keep or maintain any such animals for educational or scientific purposes; or
3. Persons or entities maintaining such animals pursuant to a valid permit issued by the wildlife resources agency.

Sec. 27. Animal care and manner of keeping.

(a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

1. Clean, sanitary, and humane conditions;
2. Sufficient quantities of food and clean fresh water daily;
3. Proper air ventilation and circulation;
4. Sufficient shelter and protection from the elements and environment;
5. Medical attention and/or necessary veterinary care when it is sick, diseased or injured; and
6. Annual inoculations, as recommended by a veterinarian, against disease infectious to humans or animals.

(b) It shall be unlawful for any person to tease or molest any animal.

(c) This section does not replace the criminal offense part of T.C.A. § 39-14-202, pertaining to cruelty to animals.

Sec. 28. Rabies vaccinations.

(a) Every person who is the owner of any dog or cat over the age of three months within the county shall have such animal vaccinated against rabies with a vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian. The vaccination schedule shall be the following:

1. Within 30 days after a cat or dog reaches the age of three months a primary or first vaccine dose must be given and is valid for only one year. The second and subsequent

vaccine doses can be a "three year vaccine", certified by the veterinarian and will be valid for three years. If an approved "three year vaccine" is not used, then the cat or dog must be vaccinated annually.

2. Within 30 days of acquiring the cat or dog if there is no documented vaccination history; or
3. Within 30 days after entering the jurisdiction of this article if the owner cannot provide documented vaccination history.

(b) Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog or cat shall be revaccinated, description and sex of the dog or cat vaccinated, type and lot number of vaccine administered and the name of the veterinarian administering the vaccine.

Sec. 29. Rabies tags.

Every dog owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the dog vaccinated; provided, that the collar may be removed in the case of hunting dogs while in chase or returning from the chase. But nothing herein shall be construed as permitting the use of an unvaccinated dog in either the hunt or chase.

Sec. 30. - Vaccination, licensing and registering.

- A. The owners of all dogs and cats in the county shall have such animals vaccinated as well as licensed and registered in accordance with the provisions of this chapter.
- B. Licenses shall be issued in the name of the county for dogs and cats by the animal Shelter. Upon payment of the requisite license fee, an owner shall be issued a license tag to be worn by the animal and a certificate of registration. The actual registration of the animal shall be done by the finance department. Such registration shall be accomplished upon printed forms provided for such purpose and shall record the owner's name and address and the name, breed, color and sex of the dog or cat. No dog or cat shall be licensed or registered unless it is first vaccinated against rabies. The vaccination shall be done under the supervision of a veterinarian.
- C. The owners of all dogs and cats in the county shall have such animals vaccinated within thirty (30) days after a dog or cat reaches the age of three (3) months with a primary or first vaccine dose which is valid for only one (1) year. The second and subsequent vaccine dose can be a "three-year vaccine" certified by the veterinarian and will be valid for three (3) years. If an approved "three-year vaccine" is not used, then the dog or cat must be vaccinated annually. The owners of all dogs and cats shall have such animals licensed within thirty (30) days after a dog or cat reaches six (6) months of age. Dog and cat licenses shall be issued by the animal shelter upon payment of a license fee of fifteen dollars (\$15.00) for each unaltered male or female dog or cat and two dollars (\$2.00) for each sterilized male or female dog or cat. Certification of sterilization, identifying the animal, must be presented at the time the license fee is paid.
- D. The animal shelter licensing dogs and cats as provided for in this section shall collect all license fees and maintain all license records in an orderly and businesslike manner.

Each authorized registrar shall make a report to the animal shelter board quarterly on January first, April first, July first and October first, or within ten (10) days after such date, of the number of cats and dogs licensed, and turn over all license records and fees collected to the department of finance.

- E. All proceeds derived from the issuance of licenses for dogs and cats under the provisions of this section shall be credited to the account of the animal shelter. All such funds shall be used exclusively for the maintenance and operation of the animal shelter.

Sec. 31. - Tags.

- A. A license tag and a rabies vaccination tag shall be issued to each dog and cat at the time of its licensing and vaccination. The owner shall provide that both tags shall be worn by the dog at all times.
- B. If the owner of any dog or cat which is by this chapter required to have a license tag and vaccination tag has paid for and procured the license tag and rabies vaccination tag, and the animal is taken to the animal shelter by reason of the loss of either of the tags, the owner of such animal shall have the privilege of identifying his animal and proving the payment for and the procurement of the tags prior to the date the animal was taken up, and in that event the animal shall be returned to the rightful owner upon the payment of a \$15.00 impoundment fee for the first offense and an assessment of five dollars (\$5.00) for each day of boarding. When no proof of procurement of license fee and rabies vaccination exists, certification of vaccination and license fee payment must be presented to the unit within seventy-two (72) hours of the time the owner reclaims his animal.

Sec. 32. - Dogs and cats transported or offered for sale.

- A. *Health requirements generally.* If a dog or cat is transported into the county for sale, it shall be inoculated and dewormed, as provided in this section, no more than thirty (30) days and no less than fourteen (14) days before entry into the county. Each dog and cat offered for sale within the county shall be inoculated and dewormed, prior to being offered for sale, by or under the supervision of a veterinarian, unless the veterinarian certifies on the certificate of veterinary inspection that to inoculate would not be in the best medical interest of the animal.
- B. *Vaccinations and deworming.*
 - a. Prior to being offered for sale, each dog shall be vaccinated and dewormed against the following diseases and internal parasites: canine distemper; parainfluenza; hepatitis; canine parvovirus; rabies (provided the dog is over three (3) months of age); roundworms; and hookworms. If the dog is under three (3) months of age, it shall be vaccinated and dewormed no more than twenty-one (21) days prior to sale within the county. If the dog is three (3) months of age or older, it shall be vaccinated and dewormed no more than one (1) year prior to sale within the county.
 - b. Prior to being offered for sale, each cat shall be vaccinated and dewormed against the following diseases and internal parasites: panleukopenia; feline viral rhinotracheitis; calicivirus; rabies (provided the cat is over three (3) months of age); hookworms; and roundworms. If the cat is under three (3) months of age,

it shall be vaccinated and dewormed no more than twenty-one (21) days prior to sale within the county. If the cat is three (3) months of age or older, it shall be vaccinated and dewormed no more than one (1) year prior to sale within the county.

C. *Certificate of veterinary inspection.*

- a. The term "certificate of veterinary inspection" means a certificate signed by the examining veterinarian that shows the age, sex, breed, color and health record of the dog or cat, the printed or typed name(s) and address(es) of the person(s) from whom the dog or cat was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian, and the veterinarian's license number. The certificate shall list all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine type, lot number, expiration date, and the dates of administration, and shall state that the examining veterinarian warrants that, to the best of his knowledge, the animal has no contagious or infectious diseases and has no internal or external parasites, including coccidiosis, ear mites, fleas, and ticks.
 - b. The examination of each dog and cat by a veterinarian shall take place not more than twenty-one (21) days prior to the sale within the county. Such examination shall include, but not be limited to, a fecal test to determine if the dog or cat is free of internal parasites. If the examination reveals that the dog or cat is not free of internal parasites, it shall be treated for the specific parasites. Each dog over six (6) months of age shall also be tested for heartworms.
 - c. Each dog or cat offered for sale within the city shall be accompanied by a certificate of veterinary inspection at all times while being offered for sale. The examining veterinarian shall retain one (1) copy of the certificate on file for at least one (1) year after the date of examination. At the time of sale of the dog or cat, one (1) copy of the certificate shall be given to the buyer. The pet shop or pet dealer shall retain one (1) copy of the certificate on record for at least one (1) year after the date of sale. All dogs and cats and copies of their certificates held by the pet shop or pet dealer and veterinarian shall be subject to inspection by the director or any animal control or deputy.
- D. *Age of dog or cat offered for sale.* No person shall transport into the county for sale or offer for sale any dog or cat that is less than eight (8) weeks of age.
- E. *Exemptions.* The animal shelter and any humane society incorporated under the laws of this state shall be exempt from the provisions of this section.

Sec. 33. Animal bite investigations and quarantine.

- A. Except as stated in subsection (c) of this section, any animal which shows symptoms of rabies, or which has bitten anyone, shall be penned up immediately by its owners, by the person having charge of the animal, or by the person sheltering, feeding, harboring or taking care of the animal, and the animal control and county department of health shall be notified immediately. The animal shall be confined by the animal shelter, a veterinarian or in a place approved by the health department representative for not less than ten (10) days. If the animal which has bitten a person is not running at large and is current on rabies vaccination at the time the bite occurs, the owner has the option to

take the animal to a licensed boarding facility or to quarantine the animal at home if adequate facilities are available. The animal shall be subject to observation by the animal control or a person designated by the health department at all times during such period.

- B. If rabies does not develop within this period, then the animal shall be released to his owner upon the payment of all applicable fees, but if rabies does develop, the animal shall be destroyed by the director in a humane manner and the head submitted for rabies testing.
- C. A dog used by a law enforcement agency in the performance of functions or duties of the agency, which has bitten anyone, and has received vaccinations against rabies prior to the biting, and does not show the symptoms of rabies, may continue to be utilized by the law enforcement agency; however, the dog shall be subject to observation by the health department.

Sec. 34. Fencing of livestock.

- A. It shall be unlawful for the owner of any livestock to willfully allow such livestock to run at large or stray upon any street, roadway, right of way, other public area, or the private property of another without consent. Failure of the owner to maintain fencing or other containment adequate to prevent livestock from running at large as provided in this section constitutes willful conduct by the owner for this article. Electric fencing will be recognized as adequate fencing if it is adequately maintained.
- B. Every owner of livestock shall erect and /or maintain a fence to contain and confine all livestock kept or maintained on his property. Such fence shall be sufficiently strong and substantial so as to prevent egress of livestock. Failure to so erect and/or maintain the fence in reasonably good condition shall be deemed a violation of this article. The owner of livestock shall, within twenty-four (24) hours of initial warning from the animal control division, repair or erect a fence and / or make arrangements for the placement of the livestock so as to have livestock confined. If the fence is not repaired or erected or arrangements have not been made for the placement of livestock within the twenty-four (24) hour period, the owner may receive a civil citation as provided in this article.

Sec. 35. Interference with enforcement.

- A. It shall be unlawful for any person to knowingly hinder, resist or oppose any deputy or employee of the animal control division in the performance of his duties
- ~~B. It shall be unlawful for any person to knowingly interfere with or damage any humane~~
animal trap owned by the animal control division or to molest or release any animal caught therein.

Sec. 36. Violations; civil infractions; civil penalties.

- A. Any violation of this article is a civil infraction.
- B. Any person who has committed an act in violation of this article may receive a citation from the animal control division by an animal control officer or law enforcement officer who has probable cause to believe that the person has committed a civil infraction in violation of this article.
- C. The county environmental court shall have jurisdiction over all violations of this article.
- D. Any violation of this article may be punishable by a civil penalty of not less than \$50.00 nor shall be more than \$500.00. Each day that any section of this article is violated shall constitute a separate punishable offense.
- E. Any person issued an animal control ordinance citation may be deemed to be charged with a civil violation and shall comply with the directives on the citation.
- F. If a person fails to appear in court , such person shall be deemed to have waived their right to contest the citation and in such a case a default judgment may be entered and the judge shall impose a civil penalty at that time. An order to show cause may be issued. If the civil penalty is paid, the case shall be dismissed. If the civil penalty is not paid, judgment may be entered up to the maximum civil penalty.

Sec. 37. Animal restrictions in county parks.

- A. Leash requirement. All animals must be on a leash not exceeding six feet in length and in the custody of a competent person while on Carter County Park Property.
- B. Prohibited animals. The following animals are not permitted in Carter County Parks:
 - 1. Livestock;
 - 2. Wild or exotic animals privately owned;
 - 3. Where a county park sign prohibits all animals privately owned; and
 - 4. Any animal behaving in a dangerous or potentially dangerous manner or any dog that has been classified as dangerous.
- C. Responsibility for animal waste. The owner or person having custody of an animal must remove from the county park all waste generated by such animal.

Sec. 38. - Establishment of animal unit and animal control board.

The presence of any stray animal within the corporate limits of the county is hereby declared to be a public nuisance. Such animals are a threat to the health of the community and to the safety of persons and property alike. In order to abate this problem and the problem of animal overpopulation that results in surplus stray animals, there is hereby created within the county sheriff department the animal control unit. There is also created an independent board, designated the animal control board, which shall have the function and responsibility of recommending goals and objectives relating to animal control and sheltering. Such goals and objectives shall be considered by the sheriff of the sheriff department and chief of the police department.

Sec. 39. - Organization and duties of animal control board.

- A. The board shall be composed of seven (7) members, three (3) who are selected by and members of the Carter County Commission, three (3) who are selected by and members of the Elizabethton City Council, and one (1) who is a member from the public at large.
- B. Members of the board shall serve for terms of four (4) years or until their successors are appointed. Any vacancy occurring on the board shall be filled by and alternate for the remainder of the unexpired term. The terms of all members shall begin on the first day of January.
- C. Upon the recommendation of the majority of the board or upon his own volition, the chairman may remove any member of the board for official misconduct, incompetency or willful neglect of duty. The board shall elect one (1) of its members to serve as chairman of the board. The chairman shall serve a term of one (1) year or until a successor is elected. The board shall meet as often as necessary to conduct business, but not less than quarterly, on each second Tuesday of the month. The board shall adopt rules and procedures for its operation and the conduct of its affairs. Legal counsel shall be furnished to the board by the department of law of the county, and upon the request of the chairman a representative of the department of law shall be present at any meeting of the board. To provide sufficient continuity for the operations of the board, the terms of the members are staggered. The terms of each of the members shall expire on December thirty-first of the year prescribed and thereafter at four-year intervals.
- D. The board shall be charged with the responsibility to:
 - a. Recommend goals and objectives for the animal shelter.
 - b. Issue permits to any person operating any kennel, boarding facility, pet shop or pet dealer and further, to establish minimum standards for the quarters where any such animals are kept, maintained, exhibited or displayed.
 - c. Establish minimum standards for the operation of any kennel, boarding facility, pet shop or pet dealership as explained and provided for in subsection 24(a).
 - d. Issue any such permits or provide such written consent as may be provided for under the various terms and provisions of this chapter.

Sec. 40. - Duties of animal control unit.

The animal control unit shall be supervised by the county sheriff's department and charged with the responsibility of:

1. Seeing that all dogs and cats in the county are duly licensed and adequately vaccinated against rabies;
2. Cooperating with the health officers of the state and county in assisting in the enforcement of the laws of the state with regard to the control of animals, and especially with regard to the vaccination of dogs and cats against rabies;

3. Investigating all complaints with regard to animals covered by this chapter;
4. Making such canvasses of the county and keeping records thereof, as deemed necessary, for the purpose of ascertaining that all dogs and cats are properly licensed and vaccinated against rabies; and
5. Enforcing within the county all of the laws and ordinances enacted by the county and state for the care, control and custody of animals covered by this chapter.

Sec. 41. - Dangerous Dog Definitions.

For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Attack means an unprovoked attack in an aggressive, terrorizing or threatening manner on a human in which the victim suffered a physical injury, including but not limited to a scratch, abrasion, or bruise; or on a domesticated animal that causes death or injury that requires veterinary treatment.

Confined means securely confined indoors, within an automobile or other vehicle solely for transportation and transported in a humane manner, or confined in a securely enclosed and locked pen or structure or fence, electronic or otherwise, upon the premises of the owner of such animal. However, under no circumstances is an electronic or similar fence sufficient to confine an animal in heat or a level two dangerous dog.

Dangerous dog means any dog that has been designated as such by the municipal court.

Electronic fence. A fence, collar, or a combination of a fence and collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's property.

Minor injury means an injury in which the victim suffers pain as a result of an attack by an animal but which does not produce any broken bone, bleeding or death on the part of the victim.

Proper enclosure means a place in which a dog is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve (12) and designed to prevent the dog from escaping and shall also provide protection for the dog from the elements. The enclosure shall be of suitable size for the dog.

Properly restrained means:

1. Controlled by a competent person by means of a chain, leash, or other like device not to exceed six (6) feet in length;

2. Secured within or upon a vehicle being driven or parked; or
3. Kept within a proper enclosure.

Properly restrained in or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

Provocation means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

Severe injury means any injury in which the victim suffers pain as a result of an attack by an animal and which includes any broken bone, bleeding or death on the part of the victim.

Sec. 42. - Citation for designation of level one dangerous dog or level two dangerous dog; hearing; designation of level one dangerous dog or level two dangerous dog; imposition of conditions; no change of ownership pending hearing.

- A. If an animal control officer or a law enforcement officer has investigated and determined that there is probable cause to believe that a dog is level one or level two dangerous, a citation shall be issued for the owner to appear in municipal court for the purpose of determining whether or not the dog in question should be designated as a level one or level two dangerous dog. Except by agreement of the respondent and counsel for the county and with the approval of the judge, the hearing shall be held not less than five (5) nor more than fifteen (15) business days after service of citation upon the owner of the dog.
- B. The municipal court shall designate a dog as a "level one dangerous dog" if the municipal court finds, upon a preponderance of the evidence, that the dog:
 1. Has, when unprovoked while on the property of its owner, attacked a person on two (2) or more occasions within the prior twenty-four-month period; or
 2. Has, within the prior twenty-four-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
 3. Has, when unprovoked while off the property of its owner, bitten a person or domestic animal causing a minor injury.
- C. The municipal court shall designate a dog as a "level two dangerous dog" if the municipal court finds, upon a preponderance of the evidence, that the dog:
 1. Has, when unprovoked while on the property of its owner, attacked a person on three (3) or more occasions within the prior twenty-four-month period; or
 2. Has, on two (2) or more occasions within the prior twenty-four-month period while off the property of its owner, engaged in any behavior when

- unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
3. Has, when unprovoked while off the property of its owner, bitten a person or a domestic animal causing a severe injury; or
 4. Has previously been declared a level one dangerous dog but has not been kept in compliance with any restrictions placed by the municipal court upon the owner of such dog; or
 5. Has been owned, possessed, kept, used or trained in violation of T.C.A. § 39-14-203.
- D. No dog may be declared level one or level two dangerous as a result of injury or damage if, at the time the injury or damage:
1. The person who was injured or damaged:
 - a. Was committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - b. Was teasing, tormenting, abusing or assaulting the dog; or
 - c. Was committing or attempting to commit a crime;
 2. The dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack; or
 3. Injury or damage was sustained by a domestic animal which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog.
- E. Upon designating a dog as a level one or level two dangerous dog, the municipal court shall impose the restrictions on the owner of such dog as set forth in this article and may impose such additional restrictions on the respondent as are appropriate under the circumstances of the case. The municipal court shall reduce such restrictions to writing and have them served on the respondent.
- F. It shall be unlawful for any person who is subject to any such restrictions to fail to comply with such restrictions.
- G. It shall be unlawful for any person who has been served with a citation to appear in municipal court for the purpose of determining whether such person's dog should be designated as a level one or level two dangerous dog to transfer ownership of such dog until after the municipal court has issued a ruling on such citation.
- H. It shall be unlawful for any person whose dog has been designated as a level one or level two dangerous dog to transfer ownership of such dog to another person without:
1. Having advised such other person that the dog has been designated as a level one or level two dangerous; or
 2. Having advised such other person in writing of the restrictions that have been placed upon such dog; and
 3. Having notified the animal shelter board in writing at least fifteen (15) days prior to such transfer of the name, address and telephone number of the proposed new owner or custodian, the proposed new location of the dog, and the name and description of the dog.

Sec. 43. - Notice of designation.

Within ten (10) working days after a hearing conducted pursuant to this article, the owner of the dog, if absent from the hearing, shall be notified by the municipal court in writing of the decision

of the municipal court and of any restrictions imposed upon the respondent. If a dog is declared to be level one or level two dangerous, the owner shall comply with all restrictions imposed by this article and the municipal court within the time period to be specified by the municipal court at the time the restrictions are imposed.

Sec. 44. - Impoundment and abatement of level one or level two dangerous dog.

- A. If upon investigation it is determined by an animal control officer or law enforcement officer that probable cause exists to believe a dog poses an immediate threat to public safety, then the animal control officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this article. At the time of an impoundment pursuant to this subsection or as soon as practicable thereafter, the officer shall serve upon the owner of the dog a notice of a hearing to be held pursuant to this article to declare the dog level one or level two dangerous.
- B. Any animal control officer may impound any level one or level two dangerous dog if the animal control officer has reasonable cause to believe that any of the mandatory restrictions upon such dog are not being followed if the failure to follow such restrictions would likely result in a threat to public safety. The owner of a level one or level two dangerous dog shall surrender such a dog to any animal control officer or law enforcement officer upon demand. In the event such a dog is impounded, the animal control officer or law enforcement officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.
- C. If a dog has been impounded pursuant to subsection (a) or subsection (b), the animal control officer may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this article, provided that such confinement will ensure the public safety. Notwithstanding any other provision of this chapter, the daily boarding fee for a dog impounded pursuant to subsection (a) or subsection (b) shall be the amount charged for animals pursuant to this chapter.
- D. No dog that has been designated by the municipal court as a level one (1) or level two (2) dangerous dog may be released by the shelter or a veterinarian until the owner has paid all veterinary costs and all other fees and cost of the shelter that are normally charged to an owner prior to redemption of the animal. If the owner fails to pay such fees and costs and take possession of the dog within ten (10) days of the owner's receipt of notice of the designation of the dog as a level one (1) or level two (2) dangerous dog, the dog shall be deemed to have been abandoned and may be disposed of by the director. Euthanasia or surrender to the shelter of such a dog does not free the owner of responsibility for all costs incurred up to and including the date of euthanasia or surrender.

Sec. 45. - Possession unlawful without proper restraint; failure to comply with mandatory restrictions.

- A. It is unlawful for a person to have the custody of or own or possess a level one (1) or level two (2) dangerous dog that is not properly restrained. It is unlawful for a person to have the custody of or own or possess a level one (1) or level two (2) dangerous dog unless such person is in full compliance with all restrictions placed upon such person by

the municipal court that has designated such dog as a level one (1) or level two (2) dangerous dog.

- B. If a level two (2) dangerous dog is impounded due to the owner's failure to comply with the mandatory restrictions placed upon such owner by the general sessions court, the animal control unit shall request that the district attorney general for the county file a petition with the circuit court for the destruction of the dog in accordance with Tenn. Code Ann. § 44-17-120.
- C. Nothing in this article shall be construed to limit the county's authority to request that the district attorney general file a petition with the circuit court of the county for the destruction of any dog in accordance with Tenn. Code Ann. § 44-17-120 or to dispose of animals pursuant to any other legislative authority whatsoever.

Sec. 46. - Mandatory restrictions on level one dangerous dogs.

- A. Once the dog is designated as a level one (1) dangerous dog by the municipal court, the following restrictions shall be mandatory upon the owner of such dog:
 - 1. The dog must be confined indoors or confined on the owner's property by a fence (other than an "electronic fence") capable of confining the dog or by a proper enclosure;
 - 2. A level one dangerous dog shall not be permitted to leave the premises of the owner unless it is properly restrained by a fixed leash or lead under the control of a person physically capable of restraining the dog and the dog must be obedient to that person's commands;
 - 3. The owner must allow inspection of the dog and its enclosure by the animal control unit and must produce, upon demand, proof of compliance with such restrictions;
 - 4. In the event that the owner of the dog is a tenant on real property where the dog is being kept, the owner must obtain written permission from the landlord or property owner, to be filed with the animal shelter board, to keep the dog on certain specified premises;
 - 5. The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the animal shelter board;
 - 6. The owner and dog must attend and successfully complete an American Kennel Club canine good citizenship course and test within a time specified by the municipal court;
 - 7. Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the animal shelter board; and
 - 8. The owner of a level one (1) dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its fence or proper enclosure
- B. The municipal court may impose such additional restrictions that it deems necessary.
- C. The cost of all such restrictions must be paid by the owner.

Sec. 47. - Mandatory restrictions on level two dangerous dogs.

- A. Once the dog is designated as a level two dangerous dog by the municipal court, the following restrictions shall be mandatory upon the owner of such dog:
1. The dog must be kept in a securely enclosed and locked secured enclosure suitable to prevent the entry of young children and designed to prevent the animal from escaping. A secured enclosure must be a minimum of six (6) feet in height and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet deep. A secured enclosure must also be humane and provide some protection from the elements for the animal. If the dog is maintained unattended out-of-doors, such secured enclosure must be enclosed within an outer fence, and the outer perimeter of the secured enclosure must be no less than five (5) feet from the outer fence.
 2. The owner must allow inspection of the dog and its enclosure by the animal control unit and must produce, upon demand, proof of compliance with such restrictions.
 3. In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission from the landlord or property owner, to be filed with the animal shelter board, to keep the dog on certain specified premises.
 4. The owner and dog must attend and complete a training class and/or behavior modification course approved by the animal shelter board that is designed to teach the owner how to deal with, correct, manage and/or alter the problem behavior.
 5. The owner must display, in a conspicuous manner, a sign at all entrances to the owner's premises on or within which the dog is kept warning that a dangerous dog is on the owner's premises by stating in capital letters measuring at least one and one-half (1.5) inches in width and one and one-half (1.5) inches in height and reading "WARNING—DANGEROUS DOG—KEEP AWAY." The sign must be visible and legible from the public way and from fifty (50) feet away from the secured enclosure. The owner must obtain the approval of the animal shelter board prior to posting the warning sign.
 6. A level two dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals.
 7. A level two dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public.
 8. The owner of a level two dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its own separate enclosure.
 9. Such dog shall be photographed by the animal shelter board for future identification purposes.
 10. Neutering or spaying of the dog.

11. Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the animal shelter board.
12. Requiring the owner of the dog or owner of the premises in which the dog is kept to procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the dog, in an amount not less than one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance to the animal shelter board, within ten (10) business days of the designation of the dog as a level two dangerous dog. The insurance shall include a provision whereby the insurer notifies the administrator not less than thirty (30) days prior to cancellation or lapse of coverage.
13. Maintaining and updating annually a record maintained with the animal shelter board that lists the dog owner(s) or agent contact information, emergency contact persons and phone numbers, veterinarian, landlord and/or property owner contact information, property/liability insurance carrier, vaccination, licensing and/or permit number, photograph of the animal and any other information deemed necessary by the animal control unit.
14. Notification in writing to the animal shelter board of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within the county or outside the county and/or to transfer ownership of the dog.
 - B. The municipal court may impose such additional restrictions that it deems necessary.
 - C. The cost of all such restrictions must be paid by the owner.

Sec. 48. - Removal of designation of level one dangerous dog.

If there are no additional instances of the behavior described in section 45(b) within eighteen (18) months of the date of designation as a level one dangerous dog, the dog shall automatically be removed from the list of level one dangerous dogs. The dog may be, but is not required to be removed from the list of level one dangerous dogs prior to the expiration of the eighteen-month period if the owner of the dog demonstrates to the animal shelter board that changes in circumstances or measures taken by the owner, such as training of the dog, confinement, etc., have mitigated the risk to the public safety; in such event, the owner or the animal shelter board may petition the municipal court to remove such designation.

Sec. 49. - Change of ownership, custody or location of dog; death of dog.

- A. The owner of a level one or level two dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least fifteen (15) days prior to the actual transfer or removal of the dog, notify the animal shelter board in writing of the name, address and telephone number of the proposed new owner, the proposed new location of the dog, and the name and description of the dog.
- B. The owner shall, in addition to the above, notify any new owner or custodian of a level one or level two dangerous dog in writing regarding the details of the dog's record and the terms and conditions for confinement and control of the dog. The transferring owner

shall also provide the animal shelter board with a copy of the notification to the new owner of his or her receipt of the original notification and acceptance of the terms and conditions. The animal shelter board may impose different or additional restrictions or conditions upon the new owner.

- C. If a level one or level two dangerous dog should die, the owner shall notify the animal shelter board no later than twenty-four (24) hours thereafter and, upon request from the animal shelter board shall produce the animal for verification or evidence of the dog's death that is satisfactory to the animal shelter board.
- D. If a level one or level two dangerous dog escapes, the owner shall immediately notify the animal control unit and make every reasonable effort to recapture the escaped dog to prevent injury and/or death to humans or domestic animals.
- E. The following persons must notify the animal shelter board when relocating a dog to the county, even on a temporary basis:
 - 1. The owner of a level one or level two dangerous dog that has been designated as such by another lawful body other than the county; and
 - 2. The owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than the county based upon the behavior of the dog.
- F. No such designation as a level one or level two dangerous dog or any similar such designation by another lawful body, humane society or governmental entity shall be recognized by the county if such designation is based solely upon the breed of the dog. Any person relocating a dog to the county is subject to the restrictions set forth in this article.

Sec. 50. - Penalties.

Any person violating the provisions of this article upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation.

REPORT OF ACTION ON CASE

VIOLATIONS BUREAU:

DATE _____

AMT OF FINE PAID \$ _____ COSTS \$ _____

COURT ACTION _____

DATE _____ PLEA _____

DISPOSITION _____

AMT OF FINE PAID \$ _____ COSTS \$ _____

**UNIFORM CITATION AND COMPLAINT
OWNER PENALTIES FOR ORDINANCE VIOLATIONS**

	1ST	2ND	3RD
RUNNING AT LARGE	\$25.00	\$50.00	COURT
NUISANCE ANIMAL BARKING	\$25.00	\$50.00	COURT
MAINTAINING PREMISES	\$25.00	\$50.00	COURT
NO RABIES VACCINE	\$25.00	\$50.00	COURT
VICIOUS ANIMAL	COURT		
ANIMAL CARE (CRUELTY)	COURT		

REPORT OF ACTION ON CASE

ASSESSED PENALTY FOR ORDINANCE VIOLATION

DATE _____ RECEIPT # _____

AMOUNT OF FINE PAID: \$25.00 \$50.00

COURT ACTION: _____

DATE _____

ACTION TAKEN _____
