

ORDINANCE NO.: 2020-01

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2 OF THE SIGNAL MOUNTAIN TOWN CODE, ENTITLED "DOGS AND CATS".

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, THAT:

SECTION 1. Title 10, Chapter 2 of the Signal Mountain Municipal Code shall be deleted in its entirety and shall be replaced with the following language:

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 required to wear tags; dogs 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. Seizure of dangerous dogs and cats.
- 10-206. [Deleted.]
- 10-207. Disposition of impounded dogs and cats.
- 10-208. Female dogs in season to be confined.
- 10-209. Vicious dog.
- 10-210. Removal.
- 10-211. Enforcement.
- 10-212. Violations.

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) or more days such fact shall be prima facie evidence that the 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 any violations of this chapter.

10-202. Dogs and cats required to be inoculated against rabies. Whoever owns, keeps, or harbors any dog or cat within the corporate limits of the Town shall have such dog or cat properly inoculated or immunized against rabies and remain current on rabies vaccination in accordance with county and state law; provided, however, that any dogs and cats need not be inoculated before they reach the age of three (3) months. The record of inoculation or re-inoculation 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, that shall contain thereof the

year of inoculation and a number which shall correspond with the number on the record kept by person inoculating or re-inoculating such dog or cat.

10-203. Dogs required to wear tags; dogs without tags to be impounded. It shall be unlawful for any person to own, keep or harbor any dog which does not wear a tag evidencing the vaccination 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 the fee set by the entity the Town Council has designated to enforce animal control.

Unclaimed animals may be disposed of after seven (7) days' notice to the owner, if ownership can be determined, in such manner as the Town Council or the designee to enforce animal control may direct. Dangerous or diseased animals may be impounded and destroyed after seven (7) days' notice to the owner, if ownership can be determined, in such manner as the entity the Town Council has designated to enforce animal control may direct.

No person shall bring a dog into the Town for sale, exchange or giving away unless such dog 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 in his possession of certificate of the person making the vaccination or inoculation; unless such dog is kept confined or on a leash.

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 or under such person's 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 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 by a veterinarian or the entity designated by the Town Council to enforce animal control of being affected by rabies, is declared to be a public nuisance animal and the person owning or in control of such animal is liable to pay any costs of impoundment of such animal by the entity the Town Council has designated to enforce animal control.

(2) The term "public nuisance animal" shall mean, but not be limited to, any dog or cat or other domestic animal that on one (1) or more occasion commits any of the following acts of nuisance in the Town:

- (a) Is found at large;
- (b) Damages the property of anyone other than its owner;
- (c) Molests or intimidates pedestrians or passersby;
- (d) Chases vehicles;
- (e) Excessively makes disturbing noises;

- (f) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premise where the animal is kept or harbored;
- (g) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(3) No dog may run 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 on a leash and attended by the owner or his representative on a leash or other physical confinement.

(4) Any animal running at large committing an act of nuisance as above defined shall be subject to impoundment by the entity the Town Council has designated to enforce animal control or other person appointed by the Town Council, and any costs associated with such impoundment may be recovered from its owner, or such animal may be disposed of as provided in § 10-207.

(5) 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, the owner or person having control of the dog or cat shall be fined according to the general penalty provision of this code of ordinances.

(6) If a person is found guilty of allowing any dog or cat to commit a nuisance offense as defined in subsection (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 Town Judge may order such person to remove the dog or cat from the Town, or it may be disposed of as directed by the entity the Town Council has designated to enforce animal control.

10-205. Seizure of dangerous dogs and cats. The entity the Town Council has designated to enforce animal control, 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 entity the Town Council has designated to enforce animal control, 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 entity the Town Council has designated to enforce animal control 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 or is impractical, 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.

10-206. [Deleted.] (1985 Code, § 3-206, as deleted by Ord. #2010-15, Oct. 2010)

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 dog or cat impounded in violation of this chapter shall be kept for a period established by Tennessee Code Annotated, §§ 39-14-207 or 39-14-210 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 entity the Town Council has designated may direct pursuant to Tennessee law.
- (2) The owner of any dog or cat may claim and redeem it by paying the person designated by the Town Council an impoundment fee set by the entity the Town Council has designated to enforce animal control.
- (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 entity the Town Council has designated to enforce animal control, or, at the option of the owner of such dog or cat, shall be detained in a reputable veterinary hospital 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 the instructions from the Director of Public Health. The Director of Public Health may order the poundkeeper to destroy such dog or cat at any time during the period of observation of evidence as 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.

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.

10-209. Vicious dog.

- (1) For the purpose of this section "vicious dog" means:
 - (a) Any dog which has bitten a human being or domestic animal one (1) or more times without provocation; or

(b) Any dog that is reported and confirmed by an investigating authority to have 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 has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes; or

(d) 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 or a dog previously owned and retired from any of the preceding agencies which is owned by a trained handler.

(2) The Town Manager or 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 direct an investigation be conducted by the Signal Mountain Police Department. Upon completion of that investigation, a report will be delivered to the Chief of Police or designee.

If the Chief of Police or designee determines such dog to be a vicious dog, the vicious dog's owner shall be notified by certified mail, return receipt requested, or personal delivery with a witness. Such notice shall require the owner of the vicious dog to immediately comply with section (3)(d) below or, within twenty-four (24) hours, deliver the vicious dog to the Hamilton County Humane Education Society (HES) or other entity that the Town has contracted to provide this service, where the vicious dog will be kept at the owner's expense until the first of the following takes place: (i) the owner of the vicious dog completes the application to register the vicious dog; (ii) the administrative procedure outlined in section (4) below, is resolved; or (iii) the dog is removed from the Town permanently. If the owner fails to deliver the vicious dog to the pound, the Town Manager or designee shall confiscate the vicious dog and take it to the pound.

(3) A person who harbors or keeps a vicious dog within the limits of the Town of Signal Mountain must register the vicious dog by submitting an application to the Town of Signal Mountain.

(a) An application to register a vicious dog must:

- i. Provide the name, address, email address and phone number of the owner of the vicious dog and any person who keeps the vicious dog, if it is not kept by the owner more than 50 weeks out of any given year;
- ii. Include the fifty dollar (\$50.00) initial registration fee;

- iii. Provide the name, birth year and breed of the vicious dog;
- iv. Be accompanied by 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 three hundred thousand dollars (\$300,000.00) for the injury or death of any person, for damage to property, possessions and/or animals 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 the event the underlying policy of insurance is cancelled for any reason.
- v. Include two (2) color photos of the dog.
- vi. Following initial registration, the owner of a vicious dog must provide the Town with an updated registration packet, meeting all of the above requirements, along with the twenty-five dollar (\$25.00) annual fee, on or before December 31st of each subsequent year, for as long as the vicious dog is kept within the Town of Signal Mountain. The first update will be waived if it comes due less than 6 months after initial registration.

(d) The owner of a vicious dog shall confine such vicious dog within a building or secure enclosure where the vicious dog resides and shall not take such vicious dog out of the building or secure enclosure unless such vicious dog is securely muzzled.

(e) The owner of a vicious dog shall post in a conspicuous place at each entrance to such building or enclosure, including within five (5) feet from the edge of the street at any point where a driveway or sidewalk meets the street from the owner's property or other place where the vicious dog resides, a clearly legible and visible sign warning all persons preparing to enter said building or enclosure, sidewalk or driveway of the dangerous propensities of the vicious dog confined therein.

(f) The owner of the vicious dog shall be required to notify the Town within twenty-four (24) hours of any transfer of ownership of the vicious dog, the vicious dog's escape or death, any change of address by the owner (or the person who keeps the vicious dog, if not the owner), and/or birth of offspring to the vicious dog.

(4) Appeals:

(a) Within seven (7) days of receipt of the notice from the Chief of Police or designee declaring his or her dog a vicious dog, the owner may contest the vicious dog declaration by the Chief of Police or designee by delivering an objection to the declaration to the Town Manager at the Signal Mountain Town Hall. If the seventh day falls upon a holiday or weekend or other day that the Signal Mountain Town Hall is not open for business, the deadline shall be extended to the next business day. After receipt of the objection, the Town Manager shall schedule and conduct a hearing on the matter as soon as practicable. The owner of the vicious dog shall be given not less than seventy-two (72) hours written notice of the time and place of said hearing. Said notice shall state a description of the vicious dog in question and the basis for the determination that the dog is a vicious dog. 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 a hearing, the Town Manager or designee affirms the declaration that the dog is a vicious dog, the Town Manager or designee shall order the owner of the vicious dog to comply with the provisions pertaining to vicious dogs as required by this chapter or remove it from the Town.

(c) The order issued by the Town Manager or designee shall immediately be served upon the owner or other person who is in control of the vicious dog in the same manner as the notice of hearing. The order to register and 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 five (5) business days after deliver of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Town Manager or designee. If the owner of the vicious dog appeals the order to the Town Council, the owner must comply with the requirements laid out above for confinement or keep the vicious dog impounded at the expense of the owner until the Town Council makes a decision on the appeal.

(d) If no appeal is filed, the owner of the vicious dog shall have three (3) additional days after the expiration of the time for appeal within which to comply with the order of the Town Manager or designee. If the owner of the vicious dog does not comply with the order on or before the eighth day after the order is delivered to the owner of the vicious dog, the Town Manager or designee is authorized to seize and impound the vicious dog at the owner's expense. A vicious dog so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the owner of the vicious dog has

not complied with the order of the Town Manager or designee, the Town Manager or designee shall cause the vicious dog to be destroyed.

(e) If a notice of appeal is filed with the Town Council, 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 (20) 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 (3) days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the Town Manager or designee and the arguments of the parties or their representative, but no additional evidence shall be taken.

(f) If the Town Council affirms the order of the Town Manager or designee, the Town Council shall order in its written decision that the owner of the vicious dog shall register and confine said vicious dog as required by this chapter or remove such vicious dog from the Town. The decision and order shall immediately be served upon the owner of the vicious dog in the same manner as the notice set out in Section 5(a), above. If the owner of the vicious dog does not comply with the order of the Town Council after appeal within three (3) days of its issuance, the Chief of Police or his or her designee is authorized to seize and impound such vicious dog. A vicious dog so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the owner of the vicious dog has not petitioned the Town Judge 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.

(5) All unregistered vicious dogs shall be deemed illegal animals. Any person found harboring or keeping an unregistered vicious dog shall submit an application to register the vicious dog within five (5) days of receiving notice from the Town of Signal Mountain or its designee. If no application to register is timely submitted, the person found harboring or keeping an unregistered vicious dog shall immediately have the illegal animal removed from the Town limits. If the illegal animal is thereafter found in the Town while unregistered or if the person harboring or keeping the illegal animal fails to remove it from the Town within ten (10) days after being notified by the Town, then the vicious dog shall be destroyed. This section shall not apply to a dog which, upon initial notice to its owner, the owner agrees to properly register and confine; or to a dog for which a hearing has been requested under this chapter to determine if it is a vicious dog until there has been a final decision on the questions raised at a hearing at which time the owner may, if the dog is found to be a vicious dog, properly register and confine said dog.

(6) Any dog which is alleged to be vicious and which is under impoundment shall be held at the expense of the owner pending the outcome of any hearing. All costs of such impoundment 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 impoundment which shall nonetheless be paid by the owner.

(7) 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 within the Town and the owner may be cited to Municipal Court pursuant to 10-212 below.

10-210. Removal. 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.

10-211. Enforcement. The entity the Town Council has designated to enforce animal control or other person appointed by the Town Council, shall implement and enforce the provisions of this chapter and shall have the power to make citations for any violation thereof to the Town Judge. It shall be unlawful for any person to hinder, molest or interfere with such society or person in the performance of their duties hereunder.

10-212. 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 cited to the Town Judge and is subject to punishment of fines, costs, and penalties as set forth in this municipal code and authorized by Tennessee Code Annotated, § 6-54-308.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading: January 27, 2020

Passed Second Reading: February 10, 2020



Dan Landrum, Mayor

2-10-2020
Date



Recorder

2-10-2020
Date