

**ORDINANCE NO. 3560
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE AMENDING TITLE 10 OF THE MORRISTOWN
MUNICIPAL CODE.**

Be it ordained by the City Council for the City of Morristown that the text of Title 10 of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

“TITLE 10

ANIMAL CONTROL

Sec. 10-101. - 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 live, vertebrate creature, domestic or wild.

Animal control authority (ACA) means the agency or department empowered to enforce this chapter.

Animal control officer/ humane officer means the person(s) employed by the Morristown Hamblen Humane Society (MHHS) as its enforcement officer(s).

Animal shelter means any facility operated by the Morristown-Hamblen Humane Society (MHHS) for the purpose of caring for all animals held under the authority of this chapter or state law.

At-large means any animal shall be deemed to be at large when it is off the property of its owner and not under the control of a competent person.

Dangerous animal means:

(1) Any animal which, according to the records of the Morristown-Hamblen Humane Society (MHHS) and/or the Morristown Police Department (MPD), Hamblen County Sheriff's Department (HCSO) and/or the Hamblen County Health Department (HCHD), has inflicted severe injury on a human being without provocation on public or private property; or

(2) Any animal which, according to the records of the appropriate authority listed above, has killed a domestic animal without provocation while off the owner's property; or

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or

- (4) Any animal not owned by a governmental or law enforcement unit used primarily to guard public or private property; or
- (5) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or another domestic animal.
- (6) Exemptions for animals that are provoked. No animal may be declared dangerous if the threat, injury or damage was sustained by a person who, at the same time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

Euthanize means to give a painless death.

Humane society means the Morristown-Hamblen Humane Society ("MHHS").

Humane society agent means any properly designated officer of the MHHS.

Impound means to confiscate or seize and hold.

Owner means any person, groups of persons, or corporation owning, keeping, or harboring an animal. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more, or allowed to stay on property unreported as a stray.

Severe injury means any animal that causes physical injury that results in a broken bone or lacerations requiring sutures or cosmetic surgery.

Wild animal means any live, warm-blooded animal that cannot be domesticated, or any reptile.

(Ord. No. 2592, 2-1990)

Sec. 10-102. - Running at large.

It shall be unlawful for any person owning or in charge of, or having custody of, any animal, or fowl, to permit such animal or fowl to run at large within the city.

It shall also be a violation of this chapter if any person violates Tennessee Code Annotated §44-8-408 and the City and/or animal control authority may take all necessary actions to enforce this statute.

(Ord. No. 2592, 2-1990)

Sec. 10-103. - Female dogs in heat.

The animal must be confined in a suitable building (suitability to be determined by the humane officer) in such a manner that such female dog cannot come into contact with another animal except for planned breeding, for the entire heat

period (usually 24 days). Female dogs found in violation of this section and impounded will not be released from the animal shelter until said animal has been spayed, at the expense of the owner and until the other fees have been paid as set out in section 10-104(4).
(Ord. No. 2592, 2-1990)

Sec. 10-104. - Impoundment.

(a) All animals found in violation of any section(s) of this chapter may be impounded by the humane officer or any law enforcement officer of the city and kept at the animal shelter in a humane manner, pursuant to the subsections below.

(b) Impounded animals shall be kept for not less than 72 hours (three days). Any animal not reclaimed by its owner within this time shall become the property of the humane society, and shall be made available for adoption or euthanized. However, if an emergency situation exists that requires the immediate euthanasia of an injured, dangerous or severely diseased non-livestock animal, the animal may be immediately euthanized.

(c) The humane officer, upon impoundment of any animal, shall make a reasonable effort to notify the owner.

(d) To reclaim an animal, an owner or any person in charge of such animal must pay the cost of a rabies vaccination if no certificate of vaccination is presented, and the cost of impounding and maintaining such animal.

(e) No person shall, without proper authority, release any animal or fowl impounded.

(f) No impounded live animal shall be sold or given to anyone to be used for experimentation purposes in a school, laboratory, university or any research facility.

(Ord. No. 2592, 2-1990)

Sec. 10-105. - Animal care.

(a) No owner(s) shall fail to provide their animal(s) or fowl with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) No person shall kill, wound, trap, or catch any birds or destroy any bird nests within the city, unless authorized in writing by the city administrator.

(c) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement, to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(d) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained or located, such

operator shall at once report the accident to the MHHS or to the appropriate law enforcement agency.

(e) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be consumed by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed with vegetable substance.

(f) Tennessee Code Annotated §§ 39-14-201 et. seq., are incorporated by reference as if set out in full.
(Ord. #2592, Feb. 1990)

Sec. 10-106. - Dangerous animals.

(a) No person shall keep any animal known to be vicious or dangerous.

(b) If the animal control officer has reason to believe that an animal meets the definition of a "dangerous animal" as stated in section 10-101 above, then the owner of the animal shall be cited into the Morristown Municipal Court for a hearing on the allegations and determination of the dangerous animal ordinance.

(c) Owner's/keeper's responsibilities of a dangerous animal. The following actions are required of owners of animals that have been designated as "dangerous" by the procedures described above:

(1) The owner or keeper shall notify the animal control authority immediately if a "dangerous animal is loose, unconfined, has attacked another animal or has attacked a human being;

(2) While on the owner's property, a "dangerous animal" must be securely confined indoors or in a securely enclosed and locked pen or structure to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five feet by ten feet 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 feet. The enclosure must also provide protection from the elements for the animal;

(3) The owner or keeper shall display a sign on his or her premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from the public street or thoroughfare. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal;

(4) A dangerous animal may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the control of a responsible adult person. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal;

(5) If the owner or keeper of dangerous animal is a minor, the parent or guardian of that minor shall be responsible for

compliance with the specifications of this chapter for the care and housing of the animal and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the animal.
(Ord. No. 2592, 2-1990)

Sec. 10-107. - Actions to be taken against owners of dangerous animals.

(a) Any dangerous animal shall be immediately confiscated by the animal control authority if the:

(1) Animal is not maintained in the proper enclosure;

(2) Animal is outside the dwelling of the owner, or outside of the proper enclosure and not under the physical restraint of the owner. In addition, the owner shall pay a fee of \$100.00 to the MHHS in addition to all other expenses incurred.

(b) If a dangerous animal of an owner with a prior conviction under this chapter, attacks or bites a person or another domestic animal, the dangerous animal shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(c) The owner of any animal that aggressively attacks and causes severe injury or death of any human, whether the animal has previously been declared dangerous. The animal shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(Ord. No. 2592, 2-1990)

Sec. 10-108. - Restrictions on keeping animals and fowls within the city.

(a) No person shall keep any animal or fowl, other than domesticated and/or non-livestock animals, within 1,000 feet of any residence, place of business, or public street.

(b) When any animals or fowl are kept within the town, the building, structure, corral, pen, or other enclosures in which they are kept shall be at all times maintained in a clean and sanitary condition and free from excessive odor. When any animal is confined by the use of a chain, the chain must be a minimum of 15 feet in length, and must be attached to the animal by an appropriate collar or harness, and must remain free from possible entanglement.

(Ord. No. 2592, 2-1990)

Sec. 10-109. - Rabies vaccination, certificates, tags, and confinement.

(a) No person shall own, keep, or harbor any dog or cat which has not been vaccinated against rabies, as required by T.C.A. §§ 68-8-101, et. seq.. All such vaccinations shall be administered by or under the supervision of a veterinarian licensed by the state board of veterinary medicine examiners to practice veterinary medicine in the state.

(b) Evidence of the rabies vaccination shall consist of a certificate of vaccination and a rabies tag which must be worn by the animal on a collar at all times.

(c) No person, without proper authority, shall remove the collar or rabies tag from any animal.

(d) Whenever an animal has bitten any person or is for any reason suspected of being infected with rabies, the Hamblen County Health Department shall cause such animal to be confined or isolated at a veterinary hospital, the animal shelter, or other places as approved by the Hamblen County Health Department for such a time as the health department deems it necessary to protect the safety of the people and/or the property. When an animal has bitten a person, it shall not be killed while under confinement. If such animal should die within the period, the Hamblen County Health Department shall send its head to the state laboratory for examination.

The humane society shall be authorized to impose a reasonable charge for the housing and maintenance of said animals.

(Ord. No. 2592, 2-1990)

Sec. 10-110. - Keeping of wild animals.

No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes whether gratuitously or for a fee. This shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(Ord. No. 2592, 2-1990)

Sec. 10-111. - Performing animal exhibitions.

(a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will, or is likely to cause, physical injury or suffering.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.

(Ord. No. 2592, 2-1990)

Sec. 10-112. - Animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by their animal(s) on public walks, recreation areas, or private property.

(Ord. No. 2592, 2-1990)

Sec. 10-113. - Investigations.

For the purpose of discharging the duties imposed by this code and to enforce its provisions, any animal control officer or any police officer is empowered to enter upon any premises upon which an animal or fowl is kept or harbored and to demand the exhibition by the owner of such animal or fowl, the rabies

vaccination certificate for such animal. It is further provided that any agent of the humane society may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when it requires humane treatment.
(Ord. No. 2592, 2-1990)

Sec. 10-114. - Enforcement.

(a) The civil and criminal provisions of this chapter shall be enforced by the animal control authority. It shall be a violation of this chapter to interfere with an animal control officer in the performance of their duties

(b) The animal control officer may issue a citation for any violation of this chapter. A citation shall state the name and address of the owner, the date, time, and the nature of the violation and the amount of the fine. If the fine is not paid within seven days at the animal shelter, the owner will be summoned to appear in city court for enforcement of the fine and/or penalty. Violation of any provision of this title shall be a misdemeanor and punishable by a fine of \$50.00 for a first offense, \$50.00 for a second offense, and thereafter, a citation to appear in court. (Ord. No. 2592, 2-1990)”

This ordinance shall take effect upon second and final reading, the public welfare requiring same.

PASSED ON FIRST READING THIS THE 2ND DAY OF AUGUST, 2016.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 16TH DAY OF AUGUST, 2016.

MAYOR

ATTEST:

CITY ADMINISTRATOR