

3/18/99

RESOLUTION No. 99-03-001

Sponsored by Commissioners J. C. Franklin and Bob Kidd

A RESOLUTION PROVIDING FOR THE REGULATION OF DOGS AND CATS AND THE REGULATION, CAPTURE, IMPOUNDING AND DISPOSAL OF STRAY DOGS, STRAY CATS AND OTHER STRAY ANIMALS.

WHEREAS, pursuant to section 5-1-120 of the Tennessee Code Annotated, Blount County ("County") may by resolution provide for the regulation of dogs and cats and the regulation, capture, impounding and disposal of stray dogs, stray cats and other stray animals within the unincorporated territory of County; and

WHEREAS, it has been determined that the adoption of such a resolution is necessary and proper for the health, safety and welfare of citizens and residents of County; and

WHEREAS, by Interlocal Agreement approved by County December 17, 1998, County contracted with City of Maryville ("City") to enforce all animal control regulations enacted by County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 18th day of March, 1999, as follows:

SECTION 1. Definitions. As used in this resolution, the following terms shall mean:

1. Animal control officer: A person employed or designated by City or County as having responsibility for enforcement of animal control regulations and laws.
2. Animal shelter: Any premises designated by City or County for the purpose of impounding, caring for and disposing of animals.
3. Owner: A person, having a right of property in an animal(s) subject to regulation hereunder, or who keeps, harbors, possesses or maintains such animal(s).
4. Person: An individual, group of individuals or entity.
5. Restraint: A dog or cat is under restraint within the meaning of this resolution if such animal is controlled by a leash, under control of a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner.
6. Stray: A dog, cat or other animal which is found wandering or running at large away from the property limits of its owner and not under the control of a competent person or which is lost, and its owner is unknown.

SECTION 2. Rabies vaccination and registration required. No person shall own, keep, harbor, possess or maintain within the unincorporated territory of County any dog over three (3) months of age or any cat over six (6) months of age without having the same duly vaccinated against rabies and registered in accordance with the provisions of the Tennessee Anti-Rabies Law, Tennessee Code Annotated § § 68-8-101, *et seq.*, or other applicable law.

SECTION 3. Every dog and cat to wear collar, choke chain or harness with tag. No person shall own, keep, harbor, possess or maintain any dog or cat which does not wear a collar, choke chain or harness with an attached metal tag or other evidence of vaccination and registration as required hereunder. Provided, however, the collar, choke chain or harness 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.

SECTION 4. Stray dogs, cats and other animals prohibited. No person shall permit any dog, cat or other animal owned by him or under his control or which may be found habitually on premises occupied by him to become a stray as defined hereunder within the unincorporated territory of County.

SECTION 5. Vicious dogs and cats prohibited. (1) No person shall own, keep, harbor or possess or in any way maintain a vicious dog or cat unless safety procedures as hereinafter provided have been implemented. If a dog or cat either attacks a person by biting or in any manner causing injury or habitually or repeatedly attacks livestock or other domestic animals without provocation, it shall be prima facie evidence that the dog or cat is vicious. After notification by an animal control officer that the dog or cat is vicious, the owner thereof shall keep the dog or cat chained or muzzled, or in a secure enclosure at all times, or have the dog or cat humanely destroyed, or turn the dog or cat over to an animal control officer for humane destruction at the animal shelter.

(2) Any person who has received notification from an animal control officer that a dog or cat owned, kept, harbored or maintained by such person is deemed as vicious may appeal such determination to the Blount County Clerk; provided that such appeal is filed in writing with the clerk within ten (10) days of such notification. The clerk shall conduct an administrative hearing within ten (10) days of receiving timely notification of appeal, to determine if the dog or cat is vicious.

SECTION 6. Noisy dogs prohibited. No person shall own, keep, harbor, possess or maintain any dog which disturbs the peace and quiet of others by loud and frequent barking, whining or howling. A dog shall be deemed in violation of this section if it barks, whines or howls continuously for a period in excess of one (1) hour and fifteen (15) minutes. This section shall not apply to a dog on a hunt or chase, or to a dog guarding or driving livestock, or to a dog participating in an organized animal show, or to veterinary clinics or boarding facilities.

SECTION 7. Nuisance defined; actions constituting a nuisance. (1) No person shall own, keep, harbor, possess or maintain a dog or cat in such a manner to constitute a public nuisance. A dog or cat which disturbs the rights of, threatens the safety of, or damages the property of or injures any person, or interferes with the ordinary use and enjoyment of property, shall be deemed to be a public nuisance.

(2) By way of example and not of limitation, the following acts by an owner of a dog or cat are also declared to be a public nuisance and prohibited, to wit:

(a) Failure to exercise sufficient restraint necessary to control a dog or cat.

(b) Allowing or permitting a dog or cat to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, shrubs, lawns, flowers or vegetables.

(c) Maintaining a vicious dog or cat without approved safety procedures. (See Section 5 above.)

(d) Maintaining a dog or cat in an unsanitary environment which results in offensive odors or which is dangerous to the dog or cat or the public health, welfare or safety.

(e) Maintaining property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare because of the number, type, variety, density or location of dogs or cats thereon.

(f) Maintaining a dog or cat that is diseased or dangerous to the public health.

(g) Maintaining a dog or cat that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians or vehicles.

(h) Failure to confine a female dog while in heat for twenty-four (24) days in a building or secured enclosure in such a manner that the female dog will not be in contact with another dog, or create a nuisance by attracting other dogs. This subsection shall not be construed to prohibit the intentional breeding of dogs within an enclosed area on the premises of the owner of the dog being bred.

SECTION 8. Ignorance of dog's or cat's habits no defense. It shall be the duty of any person owning, keeping, harboring, possessing or maintaining any dog or cat to maintain close supervision of

such animal, and ignorance of the habits or character of such dog or cat on the part of such person shall be no defense in actions arising under this resolution.

SECTION 9. Leash requirement for dogs in certain areas of public parks or public property. No person owning or having possession, charge or custody of any dog may take the dog into or allow the dog to enter any public park or public property within the unincorporated territory of County without having the dog at all times under restraint of a leash in all areas of the public park or property where signs are posted requiring a leash. Where signs are not posted requiring a leash, the dog shall at all times be under the control of the owner or other person having possession, charge or custody of the dog.

SECTION 10. Dogs and cats in food service establishments. No dog or cat shall be permitted, kept or allowed for any period in any room in which food is prepared, processed, stored, sold or consumed in any restaurant or other food service establishment located within the unincorporated territory of County. This section shall not apply to the guide dogs of blind customers of such establishments nor to law enforcement patrol dogs with law enforcement officers in the course of their duties nor to dogs assisting disabled persons.

SECTION 11. Seizure or disposition of stray dogs, stray cats and other stray animals. Any stray dog, stray cat or other stray animal may be seized by an animal control officer and placed in the animal shelter. If such dog, cat or other animal is wearing a tag or if its owner is known, such dog, cat or other animal may be held at the animal shelter for five (5) days if not claimed sooner. The owner, if known, shall be notified in person, by telephone or by postcard addressed to his last known mailing address to appear within five (5) days and redeem such dog, cat or other animal by paying the established fee for the impounding thereof, or the dog, cat or other animal will be humanely destroyed or offered for adoption. If such dog, cat or other animal is not wearing a tag and the owner thereof is not known, such dog, cat or other animal may be humanely destroyed or offered for adoption unless claimed by the owner thereof within three (3) days. Any dog or cat released from the animal shelter shall be vaccinated against rabies within seven (7) days of its release and shall display a metal tag or other evidence of such vaccination. If a dog is lost hunting and has a collar on, the Animal Control Officer is required to notify the owner, and the owner shall have 24 hours to pick the dog up without having to pay the fee for the dog not being spayed or neutered.

When, because of viciousness or apparent infection with rabies, a stray dog, stray cat or other stray animal cannot be safely impounded, it may be summarily destroyed by an animal control officer.

SECTION 12. Dogs, cats or other animals injured or killed in the public streets or rights of way. Dogs, cats or other animals injured or killed in the public streets or rights of way shall be considered strays, and the animal control officer may remove all such animals. The owner of any such injured dog or cat shall be liable for impoundment costs. The Blount County Highway Department may remove dead animals from any County maintained roads and right-of-way.

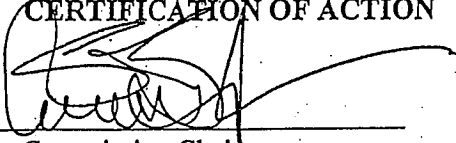
SECTION 13. Penalty. A violation of any provision or section of this resolution is punishable by a civil penalty of not less than Fifty (\$50.00) or more than Five Hundred Dollars (\$500.00), provided the complaining party carries the burden of proof by preponderance of the evidence.

SECTION 14. Jurisdiction. The General Sessions Court for Blount County, Tennessee, shall have jurisdiction to enforce this resolution by assessing the monetary penalties provided under Section 13 above.

SECTION 15. Initiation of proceedings. All proceedings for the violation of any provision or section of this resolution shall be initiated by a citation issued by an animal control officer or law enforcement officer.

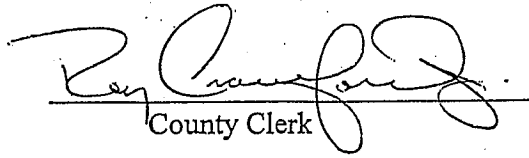
SECTION 16. Effective date. This resolution shall take effect upon its adoption, the public welfare requiring it.

CERTIFICATION OF ACTION



Commission Chairman

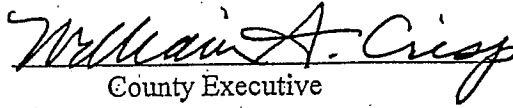
ATTEST



County Clerk

Approved:

Vetoed:



County Executive

MAR 23 1999

Date