

## AMENDED ORDINANCE 668

AN ORDINANCE AMENDING TITLE 10, "ANIMAL CONTROL", CHAPTER 1, "IN GENERAL" AND CHAPTER 2, "DOGS AND CATS", OF THE MUNICIPAL CODE OF THE CITY OF LAFAYETTE, TENNESSEE

**BE IT ORDAINED** by the City Council of the City of Lafayette, Tennessee, that Title 10 "Animal Control", Chapter 1, "In General" Section 10, Items 101 through 108; and Chapter 2, "Dogs and Cats" Section 10, Items 201 through 208, of the Municipal Code of the City of Lafayette, Tennessee be Amended by deleting the entire section and substituting the following:

### TITLE 10 ANIMAL CONTROL

#### CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.
3. VICIOUS DOGS
4. PIT BULLS

#### CHAPTER 1

#### IN GENERAL

#### SECTION

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water and shelter to be provided
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Animal waste to be removed.
- 10-109. Violation and Penalty.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any hogs, cows, swine, sheep, horses, mules, goats, llamas, emus, or any chickens, ducks, geese, turkeys, birds or other domestic fowl, cattle, livestock, dogs, cats and reptiles, to knowingly or negligently permit any of them to run at large in any street, alley or unenclosed lot within the corporate limits. (1973 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep any animal or fowl, with the exception of dogs and cats, enumerated in the preceding section within one thousand feet (1,000') of any residence, place of business, or public street,

without a permit from the animal control officer. The animal control officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1973 Code, § 3-102)

It shall be unlawful for any person to keep hogs, cows, swine, sheep, horses, mules, goats, llamas, emus, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock within the corporate limits unless the property is zoned agriculture and contains five (5) or more acres.

1. This section shall not be applicable to property used to keep the aforementioned animals as of the effective date of the enactment of this chapter. The keeping of said animals shall be treated as a non-conforming use as authorized by the Lafayette Zoning Ordinance. At such time as the property ceases to be used to keep said animals, this section shall be applicable to said property.
2. This section shall not be applicable to veterinary clinics, boarding facilities, pet shops or livestock dealers licensed to do business in the city

**10-103. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1973 Code, § 3-103)

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1973 Code, § 3-104, modified)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1973 Code, § 3-105)

**10.106. Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any animal or fowl.

**10-107. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter, may be seized by the animal control officer or by any police officer and be confined in a pound provided or designated by the governing body. If the owner is known, he shall be given notice in person, by telephone, or by postcard addressed to his last known address.

If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case, the notice shall state that the impounded animal or fowl must be claimed within seven (7) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the governing body.

The animal control officer shall collect from each person claiming an impounded animal or fowl, reasonable fees, in accordance with a schedule approved by the Board of Mayor and Council member, to cover the costs of impoundment and maintenance.

**10-108. Animal waste to be removed.** It shall be unlawful for the owner of any animal to allow such animal to leave a deposit of excreta on any public walks, recreation areas, public parks, other public property, or private property without removing such excreta.

(1) Violation. The owner of any animal shall remove any excreta deposited by such animal on public walks, recreation areas, public parks, or private property other than the premises of the owner(s) of the animal(s).

(2) Proper removal. The removal and disposal of excreta shall be done in a safe and healthful manner. The means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such excreta, unexposed to such person or the public. Disposal shall be accomplished by transporting such excreta to a place suitable and regularly reserved for the disposal of human excreta, specifically reserved for the disposal of human excreta, specifically reserved for the disposal of animal excreta, or as otherwise designated as appropriate by the health department.

(3) Possession of means of removal. No person who owns, possesses, or controls any animal shall appear with such animal on any public walks, recreation areas, public parks, other public property, or private property, neither owned nor occupied by such person, without the means of removal of any excreta left by such animal(s).

Exemptions. The requirements for removing animal excreta under this section shall not apply to:

- a. Private property where the owner(s) of an animal(s) own, inhabit, or otherwise exercise control over.
- b. Private property where the owner(s) of an animal(s) have permission of the property owner(s) to leave the excreta. Where attendants are employed for the purpose of removing the deposits, such as would be the case in a parade, organized animal show (dog show, horse show, etc.), a private animal boarding facility, a riding stable, or other such establishment(s) or event(s).
- c. Any handicapped person, who, by reason of the handicap, is physically unable to comply with the requirements of this section.

(4) Enforcement. Violation of this section shall be enforced(able) in accordance with law by the Police Department, Code Enforcement Department, Animal Control officers, County Health Department, or any other designee of the City.

(5) Penalties. Violators will be subject to a fifty dollar (\$50.00) fine for each occurrence.

**10.109. Violation and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provisions of this municipal code. Each day the violation shall continue shall constitute a separate offense.

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Running at large prohibited.
- 10-203. Vicious dogs to be kept in a secured fenced area.
- 10-204. Noisy dogs prohibited.
- 10-205. Confinement of dogs and cats suspected of being rabid.
- 10-206. Number of dogs and/or cats, acreage restrictions
- 10-207. Seizure and disposition of dogs and cats.
- 10-208. Impoundment fees.
- 10-209. Health permit and business license required.
- 10-210. Authority to impound dogs/cats.
- 10-211. Interfering with police officers or health department officials.
- 10-212. Law enforcement work dogs

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog or cat 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 through 68-8-114) or other applicable law. (1973 Code, § 3-201)

**10-202. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog or cat to run at large within the corporate limits. (1973 Code, § 3-203)

**10-203. Vicious dogs to be kept in a secured fenced area.** It shall be unlawful for any person to own or keep any pit bull or any other vicious dog known to be dangerous unless said dog is in a secured fenced area as to reasonably provide for the protection of other animals and persons. It is a civil offense to fail to comply with the foregoing section. Any violation of this section is punishable by civil penalty of a fifty dollar (\$50.00) fine, plus court costs. Each day in violation shall constitute a separate offense. (1973 Code, § 3-204)

**10-204. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1973 Code, § 3-205)

**10-205. Confinement of dogs and cats suspected of being rabid.** If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal control officer or chief of police may

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<sup>1</sup> Tennessee Code Annotated, TCA 68-8-107

cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (1973 Code, § 3-206)

**10-206. Number of dogs and/or cats, acreage restrictions.**

- (1) The following prescribes the total number of dogs and/or cats or combination thereof allowed per specified acreage restrictions:
  - Less than one and one-half (1.5) acres - Up to six dogs (6) dogs and/or cats or combination thereof.
  - Greater than one and one-half (1.5) acres - Up to ten (10) dogs and/or cats or combination thereof.
- (2) Reference to dogs and cats only refer to adult dogs and cats older than four (4) months. There are no restrictions on the number of dogs and cats younger than four (4) months old that can be on the property.
- (3) This section shall not apply to veterinarian clinics, kennels, boarding facilities, pet shops, or pet dealers licensed to do business in the city.
- (4) 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, and the animal control officer or other designated employee of the city verifies that the dogs and cats are being maintained in humane and sanitary conditions, the mayor may exempt any restriction as specified in this section; however, violations of any part of the animal control ordinances may result in revoking of the exemption.

**10-207. Seizure and disposition of dogs and cats.** Any dog or cat found running at large may be seized by the animal control officer and any police officer and placed in a pound provided or designated by the governing body. If said dog or cat is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog or cat by paying a reasonable pound fee, to be fixed by the animal control officer, or the dog or cat will be humanely destroyed or sold. If the dog or cat is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within three (3) days. No dog or cat shall be released in any event from the pound until such dog or cat has been vaccinated and a tag placed on its collar. Any new owner adopting a dog that has not been spayed or neutered must pay a twenty-five dollar (\$25.00) deposit before a dog may be released, as required by the Tennessee Spay/Neuter Law.<sup>1</sup>

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<sup>1</sup>State law reference, Tennessee Code Annotated, § 44-17-501, et seq., "The Tennessee Spay/Neuter Law," prohibits persons from adopting a dog or cat from an agency (pound, animal shelter, etc.) operated by a municipality unless the dog or cat was already spayed or neutered, was spayed or neutered while in the custody of the agency, or the new owner signs a written agreement to have the animal spayed or neutered within 30 days of the adoption if the animal is sexually mature, or within 30 days after the animal reaches six (6) months of age if it is not

sexually mature. Before an agency may release an animal which has not been spayed or neutered it must collect a twenty-five dollar (\$25.00) deposit from the new owner to ensure compliance with the law. If the new owner does not comply with the law, the deposit is forfeited and the agency may file a petition in court to force the new owner to either comply with the law or return the animal. An agency may not spay or neuter a dog or cat that is returned to its original owner within seven (7) days of its being taken into custody by the agency. When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded, it may be summarily destroyed by the animal control officer or any police officer. (1973 Code, § 3-207, modified)

**10-208. Impoundment fees.** Any animal impounded may be reclaimed as provided by this chapter upon payment by the owner to the city pound of such a fee and board costs as may from time to time be established by the pound or by resolution of the city council, as well as the payment of any applicable license fees.

**10-209. Health permit and business license required.** Any person having in their possession dogs or any other animal, domestic or tamed, with the intent or purpose to sell or be given away to the general public shall have a health permit from a licensed veterinarian stating that said animal has a current vaccination record or is in a good state of health. In addition a business license is required from the City of Lafayette, if a charge or fee is paid for said animal or reptile. Penalty for violation of this section shall be two dollars (\$2.00) to fifty dollars (\$50.00) for each violation. A minimum fine and costs shall be imposed for the first offense, a maximum fine and costs for the second and each offense thereafter. (1973 Code, § 3-208)

**10-210. Authority to impound dogs/cats.** All police officers and animal control officers or other duly authorized persons shall have the right to take up and put into the City pound any dog/cat found in violation of any provision of this chapter.

**10-211. Interfering with police officers or health department officials.** It shall be unlawful for any person to interfere with or hinder any police officer or any official of the health department, including the animal control officer, in the discharge or apparent discharge of his duty in enforcing the provisions of this chapter.

**10-212. Law enforcement work dogs.** The provisions of this chapter do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties.

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## CHAPTER 3

### VICIOUS DOGS

#### SECTION

10-301. Definitions.

10-302. Vicious dogs prohibited.

10-303. Impoundment; proceedings against owner.

**10-301. Definitions.** For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Confined" shall mean securely confined indoors, within an automobile or other vehicle, or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet.

(2) "Vicious dog" shall mean any dog which attacks or bites a person or a domestic animal on any public or private property without provocation, or any dog owned or harbored primarily or in part for the purpose of fighting.

**10-302. Vicious dogs prohibited.** It shall be unlawful for any person to keep or harbor a vicious dog within the area of the City unless the vicious dog is confined

**10-303. Impoundment; proceedings against owner.** (1) Impoundment. Any vicious dog, may be taken into custody by the appropriate authorities of the Police Department and impounded. The fees imposed shall be imposed upon and paid by the owner of such vicious dog so impounded to cover the costs of the City in impounding the dog.

(2) Court proceeding against owner. If any vicious dog is impounded, the appropriate authorities of the Police Department may institute proceedings in the City Court against the owner charging the owner with violation of this division. Nothing in this section shall be construed as preventing appropriate authorities of the City government or a complaining citizen from instituting a proceeding in City Court for violation of this division where there has been no impoundment.

(3) Court findings. If a complaint has been filed in the City Court against the owner of a dog for violation of this division, the dog shall not be released from impoundment or disposed of except on order of the court, payment of all charges and costs under this chapter, including penalties for violating this chapter. The court may, upon making a finding that the dog is a vicious dog pursuant to this chapter, order the dog to be destroyed in an humane manner by the department of health.

## CHAPTER 4

### PIT BULLS

#### SECTION

- 10-401. Definitions.
- 10-402. Restrictions.
- 10-403. Standards and requirements.
- 10-404. Sale or transfer of ownership prohibited.
- 10-405. Animals born of registered dogs.
- 10-406. Rebuttable presumption.
- 10-407. Failure to comply.
- 10-408. Violations and penalties.

**10-401. Definitions.** The word pit bull as used in this chapter shall have the following meanings:

- (1) The bull terrier breed of dog; and
- (2) Staffordshire bull terrier breed of dog; and
- (3) The American pit bull terrier breed of dog; and
- (4) The American Staffordshire terrier breed of dog, all of the above breeds to be identified as described by the American Kennel Club and United Kennel Club; and
- (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; and
- (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

**10-402. Restrictions.** It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of Lafayette, Tennessee, except as provided in this chapter.

**10-403. Standards and requirements.** The following standards and requirements apply to pit bull dogs located within the corporate limits.

- (1) Registration. Each owner, keeper, harbinger, or possessor of a pit bull dog shall register such dog with the animal control officer.
- (2) Leash and muzzle. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet (4') in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures. In addition, a basket type muzzling device sufficient to prevent such dog from biting persons or other animals shall basket type muzzle all pit bull dogs on a leash outside the animals' kennel.



(3) Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet (2'). All structures erected to house pit bull dogs shall comply with all zoning and building ordinances and regulations of the City and shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(4) Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(5) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(6) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the animal control officer two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(7) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs shall within ten (10) days of the incident report the following information in writing to the animal control officer as required hereinafter:

- (a) The removal from the city or death of a pit bull dog; or
- (b) The birth of offspring of a pit bull dog; or
- (c) The new address of a pit bull dog owner should the owner move within the corporate limits of the city.

**10-404. Sale or transfer of ownership prohibited.** No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City unless the recipient person registers the pit bull dog with the animal control officer at the time of transfer. The owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City.

**10-405. Animals born of registered dogs.** All offspring born of pit bull dogs within the City shall be registered with the animal control officer within six (6) weeks of the birth of such animal.

**10-406. Rebuttable presumptions.** There shall be a rebuttable presumption that any dog registered within the City as a pit bull dog or any of those breeds defined by § 10-401 hereof is in fact a dog subject to the requirements of this chapter.

**10-407. Failure to comply.** It shall be unlawful for the owner, keeper, harborer, or

possessor of a pit bull dog within the City to fail to comply with the provisions of this chapter. Any dog found to be subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

**10-408. Violations and penalties.** Any persons violating or permitting the violation of any provisions of this chapter shall, upon conviction, be subject to the fine prescribed in the general penalty clause of the Municipal Code. Each day that such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the City. Should the defendant refuse to remove the dog from the City, the city judge shall find the defendant in contempt and order the immediate confiscation and impoundment of the animal. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the person's failure to abide by the provisions of this code.

**BE IT FURTHER ORDAINED** that this ordinance shall take effect from and after its passage, the public welfare requiring it.

Richard F. Driver

Richard Driver, Mayor

ATTEST:

Annette Morgan

Finance Officer/Recorder

PASSED 1<sup>ST</sup> READING 06/03/2014

PASSED FINAL READING 06/12/2014 As amended