

TITLE 10**ANIMAL CONTROL****CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1**IN GENERAL****SECTION**

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10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1968 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep or allow any animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street without a permit from the city manager. The city manager 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 endanger the public health.

Any permit issued by the city manager shall be revoked by him when he has reasonable cause to believe that the public health will be endangered by allowing such permit to continue in effect.

Any person aggrieved by the city manager's action in granting, refusing, revoking, or failing to revoke any permit as provided in this section may appeal to the city council. (1968 Code, § 3-102)

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. (1968 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl of any kind 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, and wholesomeness for food if so intended. (1968 Code, § 3-104)

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. (1968 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1968 Code, § 3-106)

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 health officer, by any police officer, or by the county rabies control officer and confined in the county animal pound.

Impounded animals shall be returned to the owner or otherwise disposed of in accordance with such rules and regulations as are applicable to animals impounded by the county.

In the event the city impounder apprehends any animal found running at large, in violation of Title 10 of the Municipal Code of the City of Columbia, Tennessee, the animal may be disposed of by adoption or euthanization. Said adoption or euthanization shall in no event occur less than three (3) days after apprehension of said animal by the impounder.

If a dog found running at large is wearing tags as required by § 10-202 or if the impounder or shelter designee has knowledge of the owner of any animal, impounded, the impounder or shelter designee shall notify said owner by telephone or letter of the date said animal is scheduled to be placed for adoption or euthanized. The impounder or shelter designee shall use their best efforts to determine the owner of such animal. In the event the impounder or shelter designee after using their best efforts are still unable to determine the identity of the owner of said animal, no further notice beyond the provisions of this section shall be required prior to said action. (1968 Code, § 3-107, as amended by Ord. #3248, Aug. 1998)

CHAPTER 2

DOGS AND CATS

SECTION

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10-201. Terms defined. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Leash" shall mean any cord, chain, rope, thong or other device affixed to a dog or cat used to restrain the movement of the dog or cat, in which cord, chain, rope, thong or other restraining device is no greater than fifteen (15) feet in length.

(2) "Owner" shall mean any person, firm, business, corporation or other entity having a right of property in either a dog or cat, or who keeps or harbors a dog or cat, or who has a dog or cat in his care or custody, or who permits a dog or cat to remain on or about any premises which are owned, rented, and/or leased by such person, firm, business, corporation or other entity.

(3) "Premises" shall mean any real property titled in the name of or held in fee by or rented or leased to the owner of a dog or cat.

(4) "Public nuisance" means any animal which:

- (a) Molests passerbys or passing vehicles;
- (b) Attacks other animals;
- (c) Trespasses on school grounds or private property;
- (d) Is repeatedly at large;
- (e) Damages private or public property; or

(f) Barks, whines, howls or makes any noise natural to its species in an excessive, continuous or untimely fashion, so as to disturb the peace.

(5) "Running at large" shall mean a dog or cat who is off the premises of the owner and that is not under the control of an owner or some other person on behalf of the owner by leash as defined herein.

(6) "Vicious dog" shall mean a dog that has bitten, maimed or killed one or more human beings or other domestic animals in one or more unprovoked attacks. A dog is also considered to be vicious that has been or is enrolled in a program which trains such dog to attack upon command, signal or reflex and to guard, protect or patrol premises, including a dog used as an attack, search and security dog or any law enforcement agency. Attacks by dogs resulting in bites, maiming and killings are presumed to be unprovoked unless otherwise shown. (Ord. #3550, May 2004)

10-202. Licensing. (1) No person shall own, keep or harbor any dog or cat within the city limits unless such dog or cat is licensed as herein provided. Written application for such license shall be made to the city recorder, or such agents as shall be designated by the city manager, and shall state the name and address of the owner and the name, breed, color, age and sex of the dog or cat. A license fee shall be paid at the time of making application in the amount of five dollars (\$5.00) per dog or cat (with the exception of kennels as outlined in § 10-202(3), a numbered receipt shall be given to the applicant, and a numbered tag shall be issued to the owner.

(2) The five dollar (\$5.00) license fee shall apply to each dog or cat over the age of six (6) months and shall be applicable for a period of one (1) year.

(3) Every person, group of persons, or corporations, engaged in the commercial business of buying, selling, breeding, or boarding, or who owns, harbors, or keeps four (4) or more dogs or cats in a kennel, shall pay a license fee in the amount of twenty dollars (\$20.00), unless they elect to license each individual dog or cat as provided for in § 10-202(1) above.

(4) All dog or cat licenses and kennel licenses shall be issued for a period of one (1) year.

(5) Application for such license shall be accompanied by proof of vaccination of the animal for rabies effective for the period for which such application is made, and no license shall be issued for a period longer than until the last day of the month in which the effective period of vaccination expires. If the effective period of vaccination is less than one (1) year from the date of the issuance of such license, the fee shall be prorated and such license shall be issued to cover the remaining effective period of the vaccination.

(6) In the event a license tag issued for a dog or cat is lost, the owner may obtain a replacement tag upon the payment of a replacement tag fee in the amount of two and 50/100 dollars (\$2.50).

(7) If there is a change in ownership of a dog or cat or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of cash transfer fee in the amount of five dollars (\$5.00) per dog or cat, with a maximum fee of twenty dollars (\$20.00) for a kennel.

(8) No person shall use for any dog or cat a license receipt or license tag issued for another dog or cat. (Ord. #3550, May 2004)

10-203. Tag and collar. (1) Upon complying with the provisions of § 10-201, there shall be issued to the owner a numbered tag.

(2) Every owner is required to see that the tag is securely fastened to the dog's or cat's choke chain, collar, or harness which must be worn by the dog or cat at all times unless the dog or cat is accompanied by its owner and engaged in hunting or other sporting activities where a collar might endanger its safety. (Ord. #3550, May 2004)

10-204. Restraint notice. (1) It shall be unlawful for an owner to keep, harbor or permit on or about the premises of such owner any dog that is a public nuisance.

(2) Every female dog or cat in heat shall be kept confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with a male dog or cat except for planned breeding.

(3) It shall be unlawful for any owner to own, keep, harbor or maintain on or off his premises any vicious dog unless such dog is within the owner's house, in a secure enclosure, securely muzzled, or otherwise securely confined to an area so as to prevent contact with other animals and persons.

(4) It shall also be unlawful for any owner to own, keep, harbor or permit to remain on or about the premises of such owner a vicious dog without posting notice on the premises in an area in plain view to the general public that a vicious dog is on the premises. (Ord. #3550, May 2004)

10-205. Impoundment. (1) Unlicensed dogs or cats found running at large, public nuisance animals and vicious dogs not properly restrained as provided herein, shall be picked up by the animal control officer or other police officer designated by the chief of police or the city manager, impounded in the animal shelter and there confined in a humane manner. If not retrieved by their owner or adopted, all licensed animals shall be euthanized after a period of ten (10) working days following personal notification of the owner or notification of such owner by mail. All unlicensed animals shall be housed at such shelter for a minimum period of three (3) working days and shall be euthanized after a maximum period of five (5) working days.

(2) Title to all animals held at the animal shelter may be transferred to any person deemed suitable and responsible after the legal detention period has expired and the animal has not been claimed by its owner. In the event of

such transfer of title, it is expressly understood that the new owner shall pay for each such animal's board until it shall be removed from the animal shelter.

(3) When dogs or cats are found running at large and their ownership is known to the animal control officer, such dogs or cats need not be impounded, but the animal control officer may, at his discretion, cite the owners of such dogs or cats to appear in court to answer charges of violation of this chapter. The animal control officer shall take into consideration whether or not the dog or cat has previously been reported as a public nuisance, the rabies season and any other relevant information.

(4) Immediately upon impounding dogs or cats, the animal shelter shall make every reasonable effort to notify the owners of such dogs or cats so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

(5) Animals other than dogs and cats may be impounded when found running at large within the city limits and disposed of in accordance with the law.

(6) No unsprayed female dog or cat which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to thereafter abide by the provisions of this chapter and to have such female spayed. (Ord. #3550, May 2004)

10-206. Redemption of impounded animals. (1) The owner shall be entitled to resume possession of any impounded dog or cat or other animals, upon compliance with the license provisions in § 10-202 and the payment of impoundment fees provided for under this chapter. Proof of ownership must be given, which may include a license receipt, affidavits of neighbors, a photograph, etc.

(2) Any animal impounded under the provisions of this chapter and not reclaimed by its owner within the allotted times, may be humanely destroyed by the animal shelter or have its title transferred to or placed in the custody of some person deemed to be a responsible and suitable owner as provided for herein, who will agree to comply with the provisions of this chapter and such other regulations as shall be fixed by the city. (Ord. #3550, May 2004)

10-207. Impoundment fees. Any animal impounded may be reclaimed as provided by this chapter upon payment by the owner to the animal shelter of such a fee and board costs as may from time to time be established by the shelter or by resolution of the city council, as well as the payment of any applicable license fees. (Ord. #3550, May 2004)

10-208. Rabies control. (1) (a) It shall be the duty of every owner to have his dog or cat vaccinated against rabies after the dog reaches three (3) months of age or the cat reaches six (6) months of age. Regardless of the type of licensed vaccine used or the age of the animal at the time of

the first (primary) vaccination, the animal shall be revaccinated one (1) year later. Following the first two (2) vaccinations, booster vaccinations will be due at intervals in accordance with the approved duration of immunity of the specific vaccine used and the species vaccinated. The required due date for revaccination shall be placed on the certificate by the veterinarian administering the vaccine. For purposes of animal control programs and medical decisions regarding human anti-rabies treatments, a dog or cat shall be considered currently vaccinated only if a valid certificate exists and the revaccination date on the certificate has not been reached.

(b) Every animal or rodent, which bites a person, shall be promptly reported to the animal control officer and shall thereupon be securely quarantined at the direction of the animal control officer for a period of ten (10) days and shall not be released from such quarantine except by written permission of the animal control officer. At the discretion of the animal control officer such quarantine may be on the premises of the owner, at the animal shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the animal shelter.

(2) The owner upon demand by the animal control officer shall forthwith surrender any animal, which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Said animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of the required fees and upon compliance of the licensing provisions set forth in this chapter.

(3) When rabies has been diagnosed in an animal under quarantine or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the animal control officer shall immediately send such animal to the state health department for pathological examination, and shall identify the proper public health officer of the city of the diagnosis.

(4) When one or both reports indicate a positive diagnosis of rabies, the animal control officer shall recommend an area-wide quarantine for a period of sixty (60) days, and upon the invoking of such quarantine, no pet animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal may be taken or shipped from the city without written permission of the animal control officer.

During this quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the local health officer shall require that all dogs or cats, three (3) months of age and older, shall be vaccinated against rabies with a canine rabies vaccine approved by the Biologics Control Section of the U.S. Department of Agriculture. The types of approved canine anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by the local health officer. All vaccinated dogs or cats shall

be restricted (leashing or confinement on enclosed premises) for thirty (30) days after vaccination. During the quarantine period, the local health officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of the health jurisdiction.

No dog or cat which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted by the animal shelter during the period of rabies emergency quarantine, except by special authorization of the local health officer and the animal control officer.

(5) Dogs or cats bitten by a known rabid animal shall be immediately destroyed, or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a kennel for six (6) months shall be enforced. If the dog or cat has been previously vaccinated, within time limits established by the local health officer or public health service based on the kind of vaccine used, revaccination and restraint (leashing and confinement) for thirty (30) days shall be carried out.

(6) In the event there are additional cases of rabies occurring during the period of the quarantine, such period of the quarantine may be extended for an additional six (6) months.

(7) No person shall kill, or cause to be killed, or remove from the city limits, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human except as herein provided, without written permission from the animal control officer.

(8) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

(9) The animal control officer shall direct the disposition of any animal found to be infected with rabies.

(10) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the animal control officer.

(11) Each and every provision of this chapter relative to rabies control shall be applicable to all animals and rodents and the owners thereof in the City of Columbia. (Ord. #3550, May 2004)

10-209. Reports of bite cases. It shall be the duty of every physician or other medical practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. (Ord. #3550, May 2004)

10-210. Responsibilities of veterinarians. It shall be the duty of every licensed veterinarian to report to the animal control officer any animal considered by him to be a rabies suspect. (Ord. #3550, May 2004)

10-211. Animal shelter. For the purpose of carrying this chapter into effect there is hereby established an animal shelter. (Ord. #3550, May 2004)

10-212. Exemptions. (1) Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter, except where expressly stated.

(2) The licensing and vaccination requirements of this chapter shall not apply to any dog or cat belonging to a nonresident of the city and kept within the city for not longer than thirty (30) days, provided all such dogs or cats shall at all times while in the city be kept within a building, enclosure or vehicle, or be under restraint by the owner. (Ord. #3550, May 2004)

10-213. Cruel or inhumane treatment. It shall be unlawful for any owner or any other person to treat a dog or cat in a cruel or inhumane manner. After obtaining appropriate warrants the animal control officer 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 in his opinion, it is required to insure humane treatment of such animal. (Ord. #3550, May 2004)

10-214. Interference. No person shall interfere with, hinder or molest the animal control officer in the performance of any duty imposed by this chapter or seek to release any animal in the custody of the animal control officer except as herein provided. (Ord. #3550, May 2004)

10-215. Records. (1) It shall be the duty of the animal control officer and/or the animal shelter to keep or cause to be kept accurate and detailed records of the licensing, impoundment and disposition of all animals coming into custody of such shelter.

(2) It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of all bite cases reported to him, and his investigation of same.

(3) It shall be the duty of the city recorder to keep, or cause to be kept, accurate and detailed records of all moneys belonging to the city and coming into her hands from fees imposed by the chapter or the resolutions passed pursuant thereto, as is required as to other moneys coming into her hands as such city recorder. (Ord. #3550, May 2004)

10-216. Violations/penalty. Any person found in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). (Ord. #3550, May 2004)

10-217. Appeals procedure. Any owner who wishes to appeal any decision made by the animal control officer shall appeal such decision in writing to the city recorder's office. Upon receipt of such written appeal, a time shall be set for the City of Columbia Police Chief, the animal control officer and the city manager to hear such appeal. (Ord. #3550, May 2004)