

**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 cattle, cows, swine, sheep, horses, mules, goats, or any offensive animal, or any chickens, ducks, geese, turkeys, or other domestic fowl, to permit any of them to run at large in any street, alley, or unenclosed lot within the city. (1982 Code, § 3-101)

**10-102. Keeping within three hundred feet of a residence or place of business.** No person shall keep any cattle, cows, swine, sheep, horses, mules, or goats within three hundred (300) feet of any residence or place of business in the city without a permit so to do from the health officer and/or animal control officer. The health officer and/or animal control officer shall

issue permits only when in his sound judgment the keeping of such animals in the yards or buildings under the circumstances as set forth in the application for the permit will not injuriously affect the public health. Any person aggrieved by the health officer's and/or animal control officer's decision in such cases may appeal same to the mayor and board of commissioners. (1982 Code, § 3-103, modified)

**10-103. Pen or enclosure to be kept clean.** Where animals or fowls are kept within the city, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1982 Code, § 3-106)

**10-104. Water, shelter, ventilation, and food for confined animals.** No animal or fowl of any kind shall be kept or confined in any place where the water, shelter, ventilation and food are not adequate and sufficient for the preservation of their health, safe condition, and wholesomeness for the food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1982 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. (1982 Code, § 3-104)

**10-106. Cruelty to animals.** It shall be unlawful for any person inhumanely, unnecessarily, or cruelly to beat, abuse, neglect, or otherwise injure any dumb animal. (1982 Code, § 3-109, modified)

**10-107. Impoundment and disposition.**<sup>1</sup> Any animal or fowl found running at large in violation of this chapter may be taken up by any policeman and impounded. The impounding officer shall post notices in at least three (3) public places briefly describing the animal or fowl, reporting its impoundment, and giving the date and place that said animal or fowl is to be sold if not claimed by the owner upon payment of the impounding fee of twenty-five dollars (\$25.00) per head and five dollars (\$5.00) per head per day for water and feed. The owner shall also be liable for such fine and costs as the city judge may assess for the violation of the code section involved. In the event any animal or fowl is not claimed within the prescribed time, it may be sold at public auction

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<sup>1</sup>Municipal code reference

Impoundment and/or destruction of dogs and cats: § 10-214.

at the time and place as advertised to the highest bidder for cash. In the absence of a bidder or purchaser at such sale, said animal or fowl may be humanely destroyed or otherwise disposed of for the benefit of the city. The requirements of this section shall not apply to the impoundment and disposition of dogs and cats. (1982 Code, § 3-111, modified)

**10-108. Dangerous or mischievous animals.** It shall be unlawful for any person owning or being in charge of a dangerous or mischievous animal to permit the same to run at large. (1982 Code, § 3-102)

**10-109. Butchering.** It shall be unlawful for any person to butcher any beef, hog, or sheep within the city unless the same be done in strict accordance with the state laws, rules, and regulations in effect at the time. (1982 Code, § 3-107)

**10-110. Bird sanctuary designated.** The entire area embraced within the corporate limits of the City of Sweetwater be and is hereby designated as a bird sanctuary. It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot or molest in any manner, any bird or wild fowl or to rob bird nests. Provided, however, if starlings, pigeons or similar birds are found to be congregating in such numbers in a particular locality that constitute a nuisance or menace to health or property in the opinion of the City of Sweetwater, then in such event the city may take such action as deemed appropriate.

**10-111. Overloading animals or animal drawn vehicles.** It shall be unlawful for any person to overload any animal or any animal-drawn vehicle used for the conveyance of property or persons in the city. When anyone is found so doing, it shall be the duty of any policeman to notify the person in charge at once to remove from such animal or vehicle so much of the load as may be necessary to relieve the over-burdened animal carrying or attached to said load. (1982 Code, § 3-111)

**10-112. Rat control, other pests, etc.** The humane officer<sup>1</sup> shall be obligated to enforce and carry out all rat control and other pest control ordinances or programs of the City of Sweetwater and may, from time to time, be delegated other related duties by the mayor and board of commissioners. (1982 Code, § 3-112)

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<sup>1</sup>Municipal code reference

Humane officer duties, etc.: § 10-208.

**10-113. Reptiles and wild animals.** It shall be unlawful for any person authorized by law to keep or maintain any poisonous reptiles, constrictors, or dangerous carnivorous wild animals without first having registered such reptiles or animals with the health officer and/or animal control officer. Such reptiles and animals shall be securely housed and enclosed so as not to do any injury to or annoy any person.

**10-114. Rescuing impounded animals.** It shall be unlawful for any person to rescue or attempt to rescue any animal which has been impounded or which is in the possession of an officer, agent, or official of the city.

**10-115. Wild animals.** The animal control officer is hereby authorized to apprehend any wild animal that may be at large within the city. Such wild animal may be impounded, released in wild areas outside the city, or destroyed, as the animal control officer, in his discretion, shall determine subject to the applicable state laws. Animal control officers are authorized to use any tranquilizer guns, firearms, or any other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in his discretion, to be of a danger to itself or the public health and safety.

Any animal brought into the City of Sweetwater for purposes of display in any carnival, menagerie, or circus shall be fully confined in a secure cage and shall not be removed from the cage under any circumstances.

**10-116. Poisoning or trapping of animals prohibited.** It shall be a civil offense for any person to poison or to trap any animal, or aid, abet or assist in the poisoning or trapping or the putting out or placing of poison or a trap at any point or place outside of buildings within the corporate limits of the city where dogs, cats or other domesticated animals may secure or encounter the same. Provided, however, in instances where any animal by reason of damage to property, danger to life, or threat to public health becomes a nuisance, a live, humane trapping method approved by the board may be used.

**10-117. Dead animals.** No person shall place or leave the carcass of any dead animal or fowl in any street, alley or lot, or allow the same to remain on his lot.

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Rabies vaccination required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Dogs and cats in food service establishments.
- 10-205. Vicious dogs and cats to be securely restrained.
- 10-206. Dogs killing waterfowl.
- 10-207. Barking or howling dogs.
- 10-208. Pet shop and grooming services inspections.
- 10-209. Pound to be provided.
- 10-210. Pen or enclosure to be kept clean.
- 10-211. Water, shelter, ventilation, and food for confined animals.
- 10-212. Keeping in such manner as to become a nuisance prohibited.
- 10-213. Cruelty to animals.
- 10-214. Impoundment and/or destruction of dogs and cats.
- 10-215. Adoption of impounded animals permitted.
- 10-216. Humane officer--duties, etc.
- 10-217. Dog and cat kennels--licenses, etc.
- 10-218. Fines, fees, etc.

**10-201. Rabies vaccination required.**<sup>1</sup> It shall be unlawful for any person to own, keep, or harbor any dog or cat more than three (3) months old which has not been vaccinated against rabies as required in this section. Only a vaccine that meets the standards prescribed by the United States Department of Agriculture for interstate sale shall be used. The vaccination shall be made annually by or under the supervision of a licensed veterinarian. The veterinarian making the vaccination shall collect his fee for the same from the owner of the dog or cat, shall issue a vaccination tag, and shall sign and issue a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog or cat should be revaccinated, description and sex of the dog or cat vaccinated, and the type and lot number of vaccine administered. The certificate shall be prepared in triplicate; the original shall be given to the owner, first copy filed in the office of the local health department, and the second copy retained by the person administering

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-101 through 68-8-114.

the vaccine. The certificate form shall be the same as prepared and distributed by the state department of public health. (1982 Code, § 3-201)

**10-202. Dogs to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section.

**10-203. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits. A dog or cat shall be deemed to be running at large unless confined to the owner's premises or unless accompanied by a person actually in control of such dog or cat either by leash or by calls or commands which such dog or cat will obey. (1982 Code, § 3-205)

**10-204. Dogs and cats in food service establishments.** No dog or cat shall be permitted or kept for any period of time in any room in which food is prepared, processed, stored, or sold in any restaurant or other food service establishment licensed by the city. This section shall not apply to guide dogs accompanied by blind customers of such establishments nor to police patrol dogs accompanied by a police officer in the course of his duties.

**10-205. Vicious dogs and cats to be securely restrained.** It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. (1982 Code, § 3-203)

**10-206. Dogs killing waterfowl.** Any dog found in the act of killing waterfowl in the city may be summarily destroyed by the animal control officer or any police officer if such animal cannot be apprehended after reasonable effort.

**10-207. Barking or howling dogs.** No person shall keep or harbor any dog which, by loud or frequent habitual barking, yelping, or howling shall become an annoyance or nuisance to any neighbor of the owner or to people passing upon the streets. (1982 Code, § 3-204)

**10-208. Pet shop and grooming services inspections.** The animal control officer, code enforcement officer, or any police officer of the city shall

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

have the right to inspect any pet shop within the city to determine whether the pet shop is in compliance with the provisions of this chapter and other ordinances of the city.

The chief of police, and/or animal control officer, shall have the authority to set standards of cleanliness, humane treatment, and any other reasonable factor regarding the operation of a pet shop.

**10-209. Pound to be provided.** The city shall establish a dog and cat pound for keeping impounded dogs and cats. The pound may be operated directly by the city or it may be operated by a veterinarian or other suitable person under a contract with the city. (1982 Code, § 3-206)

**10-210. Pen or enclosure to be kept clean.** Where dogs or cats are kept within the city, the building structure, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

**10-211. Water, shelter, ventilation, and food for confined animals.** No dog or cat of any kind shall be kept or confined in any place where the water, shelter, ventilation and food are not adequate and sufficient for the preservation of their health, safe condition, and wholesomeness for the food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

**10-212. Keeping in such manner as to become a nuisance prohibited.** No dog or cat shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason.

**10-213. Cruelty to animals.** It shall be unlawful for any person inhumanely, unnecessarily, or cruelly to beat, abuse, or otherwise injure any dog or cat.

**10-214. Impoundment and/or destruction of dogs and cats.**<sup>1</sup> All stray or unlicensed dogs and cats running at large or otherwise being kept in violation of this chapter may be impounded by the health officer, dog catcher, humane officer or any policeman. If the owner of an impounded dog or cat is known, he shall be given notice in person by telephone, or by a postcard addressed to his last known mailing address. If the owner is not known, a notice describing the impounded dog or cat shall be posted in a conspicuous

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<sup>1</sup>Municipal code reference

Impoundment and disposition: § 10-107.

place at the city hall. The notice shall advise the owner to appear within three (3) days from the date of such notice and redeem his dog or cat or else it will be disposed of as hereinafter provided. In order to redeem his dog or cat, the owner must pay impounding and boarding fees which were incurred according to the schedule of fees established from time to time by the mayor and board of commissioners, which fees shall be posted in a conspicuous place at the city hall. Until the mayor and board of commissioners change the fees, the fees will be: an impounding fee of twenty-five dollars (\$25.00) per day for the first offense, plus a boarding fee of five dollars (\$5.00) per day on the first offense. On the second offense an impoundment fee of fifty dollars (\$50.00) per day plus a board fee of ten dollars (\$10.00) per day on second offense. If the dog or cat is not claimed within five (5) days after the date of the notice, it may be adopted or destroyed in a humane manner as directed by the poundmaster. Furthermore, in no event shall a dog or cat be released from the pound unless it has been vaccinated and had a tag evidencing such vaccination placed on its collar.

When an officer, in lawfully attempting to impound a dog or cat, finds that he cannot do so in safety because of the vicious nature of such dog or cat, he may summarily destroy it. (Ord. #753, Oct. 2002)

**10-215. Adoption of impounded animals permitted.** Any domestic animal which has been confined at the animal shelter and not claimed by its owner as provided in this chapter may be adopted by responsible adults to be kept only as household pets. Those desiring to adopt an animal shall be required to complete a questionnaire containing such information as may be necessary to determine suitability of pet ownership. Further, those desiring to adopt an animal shall be required to sign a contract with the City of Sweetwater or its designated representative agreeing to have the animal examined by a licensed veterinarian within forty-eight (48) hours of adoption and immunized as recommended, to have the animal surgically sterilized as stipulated in the adoption contract, fees for said sterilization to be shared as specified in the agreement with the local humane society, to obey all local and state ordinances pertaining to the keeping of animals as pets and to return the animal to the animal shelter if the terms of the contract cannot be met.

**10-216. Humane officer--duties, etc.**<sup>1</sup> The mayor and board of commissioners may from time to time employ a part or full time humane officer, or officers, whose main duties shall be the enforcement of all ordinances relating to animals and fowls and any other related ordinances and he shall be in charge of the dog and cat pound and the maintenance of the same. This officer shall

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<sup>1</sup>Municipal code reference

Rat control and other pests: § 10-112.



have all of the authority provided under the laws of the State of Tennessee and the City of Sweetwater for this purpose and all city policemen and city firemen shall render assistance to him when so requested in performing his official duties hereunder. (1982 Code, § 3-208)

**10-217. Dog and cat kennels--licenses, etc.** Any person or corporation engaging in the buying and selling of dogs, cats, or pets, or boarding or caring for the same shall be required to obtain an annual kennel operators license from the city upon the payment to the city of the appropriate privilege tax. However, no such license shall be issued until the owner establishes to the satisfaction of the humane officer and code enforcement officer or the city health officer that he has erected and is able to maintain satisfactory facilities including proper sewage disposal facilities. (1982 Code, § 3-209, modified)

**10-218. Fines, fees, etc.** (1) The humane officer may dispose of animals for non-residents of the city for a fee of twenty-five dollars (\$25.00) to be paid, cash in advance. All funds collected under the provisions of this chapter, including license fees, redemption charges, and fines shall be paid into the general fund of the city.

(2) A crematory fee for dogs and cats in an amount to be established from time to time by the mayor and board of commissioners will be posted in a conspicuous place at city hall. Fees for dogs and cat cremation will be as follows:

<u>Weight</u>	<u>Fee</u>
0-10 lbs.	\$100.00
11-30 lbs.	150.00
31-60 lbs.	200.00
60 lbs. and up	300.00

(1982 Code, § 3-210, as amended by Ord. #753, Oct. 2002, modified)