

ORDINANCE NO. 2017-1038

AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES, TITLE 3, CHAPTER 2 DOGS BY AMENDING OR DELETING CERTAIN SECTIONS; PROVIDING AN EFFECTIVE DATE

WHEREAS, it is the responsibility of the City to ensure the public health, safety, and welfare of its citizens, and

WHEREAS, the City has certain rules and regulations for the care and confinement of dogs and cats within the City, and

WHEREAS, these rules and regulations are codified as Title 3, Chapter 2 of the Municipal Code, and

WHEREAS, it is now deemed in the public interest to review and revise the regulations on animals such as dogs and cats, and

WHEREAS, a public hearing on this Ordinance was held on the 13th day of April, 2017.


NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBYVILLE, TN, that:

- Section 1. That the City Code of Ordinance, Title 3, Chapter 2, Section 3-205(3) be and the same is hereby amended to delete all provisions effective January 1, 2017.
- Section 2. That the City Code of Ordinance, Title 3, Chapter 2, Section 3-205(9) is hereby amended by deleting that paragraph in its entirety.
- Section 3. This Ordinance shall be effective from and after its passage on second and final reading.

APPROVED:


Mayor Wallace Cartwright

ATTEST:


City Recorder Anna Mai

APPROVED AS TO FORM:


City Attorney Ginger Shofner

First Reading: 3/9/17

Public Hearing: 4/13/17

Second Reading: 4/17/17

Effective Date: 4/28/17

City if such dog or cat is under the full control of the owner or attendant by being held with a chain, strap, rope, or other leash of sufficient strength to prevent escape. It shall be the duty of every owner or person in charge of a dog to keep the animal under effective restraint, while the dog is within the City, whether or not the dog is upon or away from his premises. It shall be unlawful for the owner or person in charge of any dog to fail to keep the animal under effective restraint. Proof that a dog is not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima facie evidence of a violation. Negligent failure to provide or maintain effective restraint shall not be a defense. Competent evidence that the failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden on the city to prove otherwise.

(a) Injured or killed dogs or cats. Dogs or cats injured or killed in the streets shall be considered as running at large, and the animal control officer or any Police Officer may remove all such animals. The owner of any injured dog or cat shall be liable for impoundment costs or veterinarian charges. The Animal Control office (or such department the City Manager may designate) will remove dead animals from any right-of-way. (1985 Code, § 3-215)

(2) Nuisance dogs and cats. It shall be unlawful for any person negligently, willfully, or knowingly to:

(a) Permit an animal to run at large, attack people or other animals, bite or attempt to bite any person;

(b) Maintain unsanitary or offensive conditions which result in offensive odors or are dangerous to the animal or the public health;

(c) Maintain a dog or cat that is diseased or dangerous to the public health;

(d) Permit a dog or cat to chase pedestrians or moving vehicles, rummage through receptacles for trash and garbage; or

(e) Permit any dog or cat to disturb the peace and quiet of any neighborhood by loud and frequent barking, whining or howling, or otherwise permit dog or cat behavior which results in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises or the peace, safety and quiet of any person(s).

(3) Restraint.

Effective January 1st 2016

Chaining. Direct point chaining, or tethering of dogs to a stationary object, is prohibited. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:

(1) Only one dog may be tethered to each cable run.

(2) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a

cable run.

(3) There must be a swivel on both ends of the tether to minimize tangling of the tether.

(4) The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the Animal Control Officer, considering the age, size and health of the dog.

(5) The cable run must be at least (10) feet in length and mounted at least five (5) feet and no more than seven (7) feet above ground level.

(6) Must be located no closer than 10 feet from the owner's property line.

(7) The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming tangled with other objects or animals.

(8) No dog may be restrained on the side of your property that faces a public street.

Effective January 1st 2017

No person shall, at any time, fasten, chain or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the owner's property or on the property of the dog owner's landlord. (Exception - A dog may be tethered to allow for the cleaning of the dog's enclosure or while the owner is outside with the dog and is in visual contact of the animal at all times to prevent injury to the dog.)

Any dogs confined within a fenced yard must have an adequate space for exercise based on a dimension of at least one hundred (100) square feet. Provided further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons having custody of such dogs shall provide an enclosure for such dogs meeting the one hundred (100) square feet dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with materials to provide the

dog with shade and protection from the elements. An additional fifty (50) square feet of space is required for each additional dog within the same enclosed area.

(4) Mistreatment of animals. It shall be unlawful to mistreat an animal in violation of §3-206.

(5) Dangerous dogs. It shall be unlawful to keep, maintain, or harbor a dangerous dog in violation of this chapter, or to have the custody of or own or possess a dangerous dog unless such a person is in full compliance with all restrictions placed upon such person by the court that has designated such dog as a dangerous dog.

(6) Concealing dogs or cats. It shall be unlawful for any person to hide, conceal or aid or assist in hiding or concealing any dog owned, kept or harbored in violation of any provisions of this chapter.

(7) Sale or gifting of animals. It shall be unlawful for any person to display in public places within the city limits cats, dogs, or other domestic animals for the purpose of giving them away or selling them. Public places shall include, but not limited to shopping centers, storefronts, street corners, sidewalks, and businesses; provided however, this provision shall not apply to licensed dealers under §§ 44-17-101, et seq., at their place of business, or to the Shelbyville Bedford County Humane Association, Bedford County Animal Control, or Shelbyville Animal Control offering animals for adoption in compliance with Tennessee Code. Nothing in this section shall prevent a person from selling or giving away cats, dogs, or other domestic animals owned by that person from their own residence.

(8) Duty of owner for removal of feces. It shall be the duty of the owner or person in charge of any dog or cat to remove and dispose of any feces deposited by the animal upon the grounds of any public park or public place, upon any residential lot of another occupied for human habitation, or upon any adjacent right-of-way, and will be done on demand by the owner or occupant of the director or any animal control officer.

(9) Registration of animals. All residents owning, keeping, or harboring any dog or cat over six (6) months of age or any other animal which must be vaccinated for rabies, shall pay to the City a yearly registration fee of fifty dollar (\$50) for each un-spayed or unaltered dog or cat owned, kept, or harbored.

(a) Upon receipt of the registration fee required by section (9) and the exhibition of an unexpired certificate of rabies vaccination, the City Manager shall issue a registration certificate to the owner of the animal, giving the owner's name, date issued, amount paid, description, name, age and sex of the animal, the registration microchip issued number, the date the animal was vaccinated, and the type of vaccine used.

(b) The registration certificate is valid for a maximum period of twelve (12) months.

(c) It shall be unlawful for any person owning, keeping or harboring an animal within the City to fail to register such animal as required by this section. If they are not registered they will be subjected to a fifty dollar (\$50) fine for every 30 days until the

ordinance is complied with and if the ordinance is complied with within the first 30 days the fine is to be waived.

(d) Animals within the City limits for thirty (30) days or less are not required to be registered.

(e) Persons newly residing within the City limits have thirty (30) days in which to comply with this section.

(f) All spayed and neutered dogs and cats must have a tattoo indicating alterations. All previously spayed or neutered animals will need to provide documentation if requested.

3-206. Animal treatment.

(1) Every owner or keeper of a dog or cat shall see that such animal:

(a) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement;

(b) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;

(c) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;

(d) Has reasonably necessary medical care, in addition to the required rabies vaccination, which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease;

(e) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the City and in effect from time to time.

(2) No animal shall be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, or by any rope, chain, or cord directly attached to the animal's neck or by a leash less than ten (10) feet long, or by any leash or tether without swivels on both ends, or of such unreasonable weight as to prevent the animal from moving about freely.

(3) Where more than one (1) animal is kept in an enclosure out of doors, the animals may not be tethered or chained facing one another with less than a ten (10) foot separation between them when the tethers are fully extended.

(4) 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.

(5) 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.