

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

1. IN GENERAL.
2. DOGS.

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. (1973 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep or allow any other 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 health officer. The health 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)

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, and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1973 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. Further it shall be unlawful for any person to ride, lead, keep or be in charge of any horses, mules, ponies, or livestock, of any description upon the streets, roadways, sidewalks, or public thoroughfares of the City of Waynesboro during the time from sunset to sunrise except during parades or other authorized special events. (1973 Code, § 3-105, as amended by Ord. #11-A, July 1989)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1973 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 or by any police officer and 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 a postcard addressed to his last-known mailing 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 five (5) 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 pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl reasonable fees to cover the costs of impoundment and maintenance. (1973 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1973 Code, § 3-108)

CHAPTER 2

DOGS

SECTION

- 10-201. Definitions.
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10-201. Definitions. (1) "Dog." All members of the dog family three (3) months of age or more found within the corporate limits of the City of Waynesboro.

(2) "Owner." Any person having a property right in and to a dog, or who has a dog in his care, or acts as its custodian, or any person who permits a dog to remain on or about any premises.

(3) "Running at large." Running at large shall be the permitting by the owner of any dog to trespass upon, into or about the public streets, highways, roads, alleys, public square or other public places within the City of Waynesboro , or to trespass upon the premises of another person, or to go upon the school grounds or play grounds.

However, nothing in this chapter shall be construed to prohibit any dog from appearing upon any street or in any other public place in the City of Waynesboro, if such dog 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.

(4) "Vaccination." The injection of a rabies vaccine for dogs, which meets the standards set out in Tennessee Code Annotated, § 68-8-102(5).

(5) "Pound." Any place provided or maintained by the City of Waynesboro for the keeping of dogs pending their redemption or extermination.

(6) "Vicious propensities." The natural or habitual inclination or tendency to do any act that will tend to endanger the person or property of another, including, but not limited to the habit of chasing bicycles, motorcycles, automobiles, trucks or other vehicles on either public or private property, or having a nature of ferociousness or disposition to mischief that might occasionally lead a dog to attack human beings without provocation.

(7) "Noisy dogs." Any dog which by frequent barking, whining or howling that annoys and disturbs the peace and quiet of any neighborhood within the corporate limits of the city. (1973 Code, § 3-201)

10-202. Dogs running at large prohibited. It shall be unlawful for any person to negligently, knowingly, or willfully to permit the running at large of any dog or dogs in the City of Waynesboro. However, nothing in this chapter shall be construed to prohibit any dog from appearing upon any street or at any other public place in the City of Waynesboro, if such dog 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. (1973 Code, § 3-202)

10-203. Harboring vicious or noisy dogs. It shall be unlawful for any person to own, keep or harbor any dog having vicious propensities, as herein defined, or to own, keep, or harbor any noisy dog as herein defined. (1973 Code, § 3-203)

10-204. All dogs to be vaccinated. It shall be unlawful for any person to own, keep or harbor any dog over the age of three (3) months which has not received a vaccination as herein defined, and it shall further be unlawful for any person to own, keep or harbor any dog which does not wear an official tag evidencing such vaccination. (1973 Code, § 3-204)

10-205. Disposition to be made of stray dogs.¹ Any dog found running at large as herein defined may be seized by the chief of police, any police officer or any other public officer of the City of Waynesboro and placed in the pound. If such dog is wearing a collar bearing identification of the owner, the owner shall be notified by personal contact or by the mail service.

The owner may appear within seven (7) days and redeem his dog by paying a pound fee of fifty dollars (\$50.00) and a daily board charge of five dollars (\$5.00).

Unless the owner claims said dog within seven (7) days and pays the fees herein provided, the dog shall be sold to any individual desiring to purchase the same, upon the individual paying the pound fees and the daily board charge up to and including the day of sale, and, upon the individual having the dog vaccinated as herein provided, collaring said dog and placing the official tag indicating the dog's vaccination on said collar. However, no vicious dog, one that has recently bitten a person, or is suspected of being infected with rabies shall be sold. All dogs held in confinement for more than seven (7) days shall be humanely destroyed. (1973 Code, § 3-205, as amended by Ord. #660-A, Aug. 1987)

¹For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

10-206. Abandonment of dogs prohibited. It shall be unlawful for any person to abandon any dog within the corporate limits of the City of Waynesboro, or to turn any dog out of any automobile or other vehicle. (1973 Code, § 3-206)

10-207. Concealing dog in violation of chapter. It shall be unlawful for any person to hide, conceal, aid or abet in the hiding or concealing of any dog owned, kept, or harbored in violation of any of the provisions of this chapter. (1973 Code, § 3-207)

10-208. Penalty assessed against owners of dogs within the corporate limits. All citizens within the corporate limits of the City of Waynesboro owning dogs shall be liable for their dogs running at large, for harboring vicious or noisy dogs, for failure to keep their dogs vaccinated, for allowing dogs to roam at large not under the full control of the owner by way of chain, strap, rope or leash.

Upon being found guilty of violation of any provision of this chapter, the owner may be fined by the City Court of Waynesboro up to fifty dollars (\$50.00) for each offense plus reasonable court costs. (Ord. #651, Dec. 1983)