

KNOX COUNTY CODE

Chapter 6

ANIMALS*

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Sec. 6-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means every living dumb creature, including but not limited to dogs, cats, warm blooded mammals, birds, reptiles, and fish.

Animal control division means the animal control division of the county health department.

Animal control officer shall mean any person employed by the county health department animal control division who is authorized to implement and enforce this article and applicable state statutes.

Animal shelter means any animal shelter owned by, controlled by or under contract with the county.

Direct control means immediate and continuous physical control of an animal (excluding herding dogs, dogs in the process of hunting, police dogs, and dogs participating in organized field competition) at all times such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the animal.

Livestock means all animals of the equine, bovine or swine class and includes goats, sheep, mules, horses, hogs, or cattle and domesticated poultry.

Owner means any person possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal or livestock covered by this article.

Person means any natural person, individual, firm, society, corporation, partnership, association, trust, estate or other legal entity. If the person is a minor as defined by statute, said minor's parent(s) or legal guardian shall be the owner for the purposes of this article.

Quarantine is the strict confinement, isolation and observation of an animal suspected of rabies.

Running at Large shall mean any animal which is not confined to its owner's property or under direct control of the owner.

Vaccination, means a rabies vaccine administered by a licensed veterinarian and approved by the county health department or the state department of health and administered to such animal on an annual basis.

Sec. 6-32. Animals at large.

(a) No person owning or having possession, charge, care, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk or park or upon the property of another.

(b) Every person owning or having possession, charge, care, custody or control of any animal shall keep such animal exclusively upon his own premises; provided, however, that such animal may be off such premises if it is under the direct control of a competent person.

(c) This section shall not apply to a dog on a hunt or chase, nor to a dog guarding or driving stock. This section shall not apply to any animal participating in an organized animal show.

Sec. 6-33. Animals creating a nuisance

(a) The owner having control or custody of any animal or livestock which:

(1) Habitually barks, whines, meows, squawks or causes other objectionable noise resulting in a nuisance to a neighboring resident, shall be deemed to be committing an act in violation of this article. For purposes of this article, “habitually” shall mean continuously for a periods of ten minutes, or intermittently for one-half hour or more.

(2) Disturbs the peace by destroying, desecrating or soiling public or private property, chasing of persons, livestock, cars, or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of said property, shall be deemed to be committing an act in violation of this Ordinance.

(b) The owner having control or custody of a female dog or cat in heat (estrus) shall humanely confine such dog or cat in a building or secure enclosure so as to be inaccessible to any male dog or cat, except for controlled and intentional breeding of such animal.

Sec. 6-34. Number of animals, acreage restrictions.

(a) The following chart prescribes the number of dogs and cats per specified acreage restrictions:

IF YOU HAVE:*	Less than 1.0 acre	1.5 - 2.5 acres	2.5 - 5 acres	5+ acres
1-5 dogs and cats	Allowed	Allowed	Allowed	Allowed
6-10 dogs and cats	Prohibited	Allowed	Allowed	Allowed
11-20 dogs and cats	Prohibited	Prohibited	Allowed	Allowed
21+ dogs and cats	Prohibited	Prohibited	Prohibited	Allowed

(b) Reference to dogs and cats only refer to adult dogs and cats older than four months. There are no restrictions on the number of dogs and cats younger than four months old that can be on the property.

(c) If it is determined that a person is in violation of this section, such person shall be allowed thirty days from the notice of violation to correct such violation.

(d) This section shall not apply to veterinarian clinics, kennels, boarding facilities, pet shops or pet dealers licensed to do business in the county.

(e) 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, the health officer for the county may exempt any restriction as specified in this section.

Sec. 6-35 Wild or exotic animals.

(a) No person shall have, sell, keep or maintain any wild, exotic, dangerous, or nondomesticated animal within the county. "Wild, exotic, dangerous, or non-domesticated animal" shall be defined to include all animals classified as class I animals under T.C.A. Section 70-4-403, as amended, and shall also include any wolf hybrid.

(b) Notwithstanding any provision of this article to the contrary, the provisions of this section shall have no application to the following:

- (1) Any veterinary establishment licensed by the state;
- (2) Appropriately accredited colleges, universities, or other institutions of higher learning which own, keep or maintain any such animals for educational or scientific purposes; or
- (3) Persons or entities maintaining such animals pursuant to a valid permit issued by the wildlife resources agency.

Sec. 6-36 Sale or giving away of animals on public property.

It shall be unlawful for any person to sell or to give away dogs, cats, puppies, and kittens on roads, streets, sidewalks, outdoor commercial areas, including parking lots, or public property within the county.

Sec. 6-37. Injured animals; action required.

It shall be unlawful for any person injuring any animal by any means to fail to notify immediately the owner of such animal; or immediately seek medical care for the animal from a licensed veterinarian; or immediately notify the county animal control division; or immediately notify the county humane society; or immediately notify the county sheriff's department. Compliance with this section shall not constitute an admission of financial liability for veterinary care of such injured animal.

Sec. 6-38. Rabies vaccinations.

(a) Every person who is the owner of any dog or cat over the age of three months within the county shall have such animal vaccinated against rabies with a vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian. The vaccination schedule shall be the following:

Dogs: (1) Within 30 days after a dog reaches the age of three months, and annually thereafter;

(2) Within 30 days of acquiring the dog if there is no documented vaccination history; or

(3) Within 30 days after entering the jurisdiction of this article if the owner cannot provide documented vaccination history.

Cats: (1) Within 30 days after a cat reaches the age of three months a primary or first vaccine dose must be given and is valid for only one year. The second and subsequent

vaccine doses can be a “three year vaccine”, certified by the veterinarian and will be valid for three years. If an approved “three year vaccine” is not used, then the cat must be vaccinated annually.

(2) Within 30 days of acquiring the cat if there is no documented vaccination history; or

(3) Within 30 days after entering the jurisdiction of this article if the owner cannot provide documented vaccination history.

(b) Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog or cat shall be revaccinated, description and sex of the dog or cat vaccinated, type and lot number of vaccine administered and the name of the veterinarian administering the vaccine.

Sec. 6-39. Rabies tags.

Every dog owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the dog vaccinated; provided, that the collar may be removed in the case of hunting dogs while in chase or returning from the chase. But nothing herein shall be construed as permitting the use of an unvaccinated dog in either the hunt or chase.

Sec. 6-40. Animal bite investigations and quarantine.

(a) Any animal which has bitten a person or shows symptoms of rabies shall be penned up immediately by its owners, or by the person having charge of the animal, or by the person sheltering, feeding, harboring or taking care of the animal, and the county health department animal control division shall be notified immediately. The animal shall be confined by the animal shelter, a veterinarian, or in a place approved by the health department representative for not less than ten (10) days.

(b) If the animal which has bitten a person is running at large and/or is not current on rabies vaccination at the time the bite occurs, it must be quarantined at a veterinary hospital within the County or at the animal shelter.

(c) If the animal which has bitten a person is not running at large and is current on its rabies vaccination at the time the bite occurs, the health department representative has the option of requiring the animal be taken to a license boarding facility or to quarantine the animal at the residence if adequate facilities are available. The animal shall be subject to observation by the health department representative at all times during the quarantined period.

(d) If rabies does not develop during the quarantine period, then the animal shall be released to the owner after current rabies vaccination and payment of all applicable fees, but if rabies does develop, the animal shall be destroyed by a veterinarian and the animal head submitted for rabies testing.

(e) The owner will be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during the quarantine period.

(f) A dog used by a law enforcement agency in the performance of functions or duties of the agency which has bitten a person, and has received vaccinations against rabies, and

does not show the symptoms of rabies, may continue to be utilized by the law enforcement agency; however, the dog shall be subject to observation by the health department representative.

Sec. 6-41. Fencing of livestock.

(a) It shall be unlawful for the owner of any livestock to willfully allow such livestock to run at large or stray upon any street, roadway, right of way, other public area, or the private property of another without consent. Failure of the owner to maintain fencing or other containment adequate to prevent livestock from running at large as provided in this section constitutes willful conduct by the owner for this article. Electric fencing will be recognized as adequate fencing if it is adequately maintained.

(b) Every owner of livestock shall erect and /or maintain a fence to contain and confine all livestock kept or maintained on his property. Such fence shall be sufficiently strong and substantial so as to prevent egress of livestock. Failure to so erect and/or maintain the fence in reasonably good condition shall be deemed a violation of this article. The owner of livestock shall, within twenty-four (24) hours of initial warning from the animal control division, repair or erect a fence and / or make arrangements for the placement of the livestock so as to have livestock confined. If the fence is not repaired or erected or arrangements have not been made for the placement of livestock within the twenty-four (24) hour period, the owner may receive a civil citation as provided in this article.

Sec. 6-42. Disposal of bodies of dead animals.

(a) Any owner of any animal, upon the death of such animal, shall immediately dispose of the carcass by burying at least two feet below the surface of the ground and at least fifty feet from any water source, or by any other authorized method of disposal; provided, however, nothing in this section shall prohibit the disposal of such carcass to rendering companies licensed to do business in the county.

(b) It is unlawful to dispose of the carcass of any animal by dumping such carcass on any public or private property.

(c) Any owner of any animal shall be responsible for the costs of disposing of the animal carcass in instances where the animal control division disposes of the animal due to any emergency or the owner's failure to act.

Sec. 6-43. Poisoning or trapping of animals.

It shall be unlawful for any person to deliberately poison or to trap any domesticated animal or aid, abet or assist in the deliberate poisoning or trapping or the putting out or placing of poison or a trap at any point or place outside of buildings where dogs, cats or other domesticated animals may encounter the poison or trap; provided, however, that 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 provided or approved by the animal control division may be used.

Sec. 6-44. Animal care and manner of keeping.

(a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

- (1) Clean, sanitary, and humane conditions;
 - (2) Sufficient quantities of food and clean fresh water daily;
 - (3) Proper air ventilation and circulation;
 - (4) Sufficient shelter and protection from the elements and environment;
 - (5) Medical attention and/or necessary veterinary care when it is sick, diseased or injured;
- and
- 6) Annual inoculations, as recommended by a veterinarian, against disease infectious to humans or animals.

(b) It shall be unlawful for any person to tease or molest any animal.

(c) This section does not replace the criminal offense part of T.C.A. § 39-14-202, pertaining to cruelty to animals.

Sec. 6-45. Interference with enforcement.

(a) It shall be unlawful for any person to knowingly hinder, resist or oppose any officer or employee of the animal control division in the performance of his duties.

(b) It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by the animal control division or to molest or release any animal caught therein.

Sec. 6-46. Impoundment.

(a) Except as provided in this section, any animal impounded under the provisions of this article shall be transported to the animal shelter, or if the animal is in immediate danger, to a veterinary facility. The animal shall be held at the animal shelter for a waiting period of not less than three (3) days, including the day the animal is received, but exclusive of legal holidays, unless the animal is wearing identification, rabies, or license tags in which event the waiting period shall be not less than five (5) days, including the day the animal is received, but exclusive of legal holidays. During the prescribed waiting period the owner of the animal, if known, shall be notified and allowed to redeem the animal upon payment of any applicable fees. No animal shall be destroyed until the expiration of the prescribed waiting period except as provided in subsection (b) of this section.

(b) If, in the attempt to seize an animal, it becomes impossible to do so safely by proper handling procedures, the animal control division after being convinced that seizure of the animal is necessary to public welfare by reason of its viciousness or infection with rabies may, tranquilize the animal or dispose of the animal by shooting it.

(c) If any animal so impounded is found to be sick, injured or of a vicious nature, the animal may be immediately destroyed in a humane manner; provided, however, that if the owner is known, he shall be notified, and shall have the right to obtain the advice and services of a veterinarian, and in all such cases where the owner of the animal is known, the animal shall not be destroyed without the consent of the owner. Where there has been

a reasonable attempt to contact the owner and the owner has not promptly responded, then the animal shall be humanely destroyed.

(d) As soon as possible after any animal is impounded, a permanent record shall be made which includes a description of the animal and the date, time and place that the animal was picked up. If such animal is not redeemed, the date and time of adoption or euthanasia shall also be included as part of the permanent record.

(e) Whenever the animal control division finds that any animal is or will be without proper care because of injury, illness, incarceration, or other involuntary absence of the person responsible for the care of such animal, the animal control officer may impound such animal until reclaimed by its owner. Any animal which has been impounded and not reclaimed for ten (10) days after the circumstances causing the impoundment have ceased to exist may be disposed of pursuant to animal shelter policy.

Sec. 6-47. Violations; civil infractions; civil penalties.

(a) Any violation of this article is a civil infraction.

(b) Any person who has committed an act in violation of this article may receive a citation from the animal control division by an animal control officer or law enforcement officer who has probable cause to believe that the person has committed a civil infraction in violation of this article.

(c) The county environmental court shall have jurisdiction over all violations of this article.

(d) Any violation of this article may be punishable by a civil penalty of not less than \$50.00 nor shall be more than \$500.00. Each day that any section of this article is violated shall constitute a separate punishable offense.

(e) Any person issued an animal control ordinance citation may be deemed to be charged with a civil violation and shall comply with the directives on the citation.

(f) If a person fails to appear in court, such person shall be deemed to have waived their right to contest the citation and in such a case a default judgment may be entered and the judge shall impose a civil penalty at that time. An order to show cause may be issued. If the civil penalty is paid, the case shall be dismissed. If the civil penalty is not paid, judgment may be entered up to the maximum civil penalty.

Sec. 6-48. Animal restrictions in county parks.

(a) *Leash requirement.* All animals must be on a leash not exceeding six feet in length and in the custody of a competent person while on Knox County Park Property.

(b) *Prohibited animals.* The following animals are not permitted in Knox County Parks:

(1) Livestock;

(2) Wild or exotic animals privately owned;

(3) Where a county park sign prohibits all animals privately owned; and

(4) Any animal behaving in a dangerous or potentially dangerous manner or any dog that has been classified as dangerous.

(c) *No animals allowed in designated county parks.* No privately owned animals will be

permitted in county parks that have a designated sign posted to that effect. This restriction will be designated in certain parks that have a high volume of participants and inadequate areas for animals.

(d) *Responsibility for animal waste.* The owner or person having custody of an animal must remove from the county park all waste generated by such animal.

Secs. 6-49—6-70. Reserved.

DIVISION 2. DANGEROUS DOGS

Sec. 6-71. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Attack means an unprovoked attack in an aggressive, terrorizing or threatening manner on a human in which the victim suffered a physical injury, including but not limited to a scratch, abrasion, or bruise; or on a domesticated animal that causes death or injury that requires veterinary treatment.

Confined means securely confined indoors, within an automobile or other vehicle solely for transportation and transported in a humane manner, or confined in a securely enclosed and locked pen or structure or fence, electronic or otherwise, upon the premises of the owner of such animal. However, under no circumstances is an electronic or similar fence sufficient to confine an animal in heat or a level two dangerous dog.

Dangerous dog means any dog that has been designated as such by the county general sessions court.

Electronic fence. A fence, collar, or a combination of a fence and collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's property.

Minor injury means an injury in which the victim suffers pain as a result of an attack by an animal but which does not produce any broken bone, bleeding or death on the part of the victim.

Proper enclosure means a place in which a dog is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve (12) and designed to prevent the dog from escaping and shall also provide protection for the dog from the elements. The enclosure shall be of suitable size for the dog.

Properly restrained means:

- (1) Controlled by a competent person by means of a chain, leash, or other like device not to exceed six (6) feet in length;
- (2) Secured within or upon a vehicle being driven or parked; or
- (3) Kept within a proper enclosure.

Properly restrained in or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

Provocation means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the

premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

Severe injury means any injury in which the victim suffers pain as a result of an attack by an animal and which includes any broken bone, bleeding or death on the part of the victim.

Sec. 6-72. Citation for designation of level one dangerous dog or level two dangerous dog; hearing; designation of level one dangerous dog or level two dangerous dog; imposition of conditions; no change of ownership pending hearing.

(a) If an animal control officer or a law enforcement officer has investigated and determined that there is probable cause to believe that a dog is level one or level two dangerous, a citation shall be issued for the owner to appear in general sessions court for the purpose of determining whether or not the dog in question should be designated as a level one or level two dangerous dog. Except by agreement of the respondent and counsel for the county and with the approval of the judge, the hearing shall be held not less than five (5) nor more than fifteen (15) business days after service of citation upon the owner of the dog.

(b) The general sessions court shall designate a dog as a "level one dangerous dog" if the general sessions court finds, upon a preponderance of the evidence, that the dog:

- (1) Has, when unprovoked while on the property of its owner, attacked a person on two (2) or more occasions within the prior twenty-four-month period; or
- (2) Has, within the prior twenty-four-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
- (3) Has, when unprovoked while off the property of its owner, bitten a person or domestic animal causing a minor injury.

(c) The general sessions court shall designate a dog as a "level two dangerous dog" if the general sessions court finds, upon a preponderance of the evidence, that the dog:

- (1) Has, when unprovoked while on the property of its owner, attacked a person on three (3) or more occasions within the prior twenty-four-month period; or
- (2) Has, on two (2) or more occasions within the prior twenty-four-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
- (3) Has, when unprovoked while off the property of its owner, bitten a person or a domestic animal causing a severe injury; or

(4) Has previously been declared a level one dangerous dog but has not been kept in compliance with any restrictions placed by the general sessions court upon the owner of such dog; or

(5) Has been owned, possessed, kept, used or trained in violation of T.C.A. § 39-14-203.

(d) No dog may be declared level one or level two dangerous as a result of injury or damage if, at the time the injury or damage:

(1) The person who was injured or damaged:

a. Was committing a willful trespass or other tort upon the premises occupied by the owner of the dog;

b. Was teasing, tormenting, abusing or assaulting the dog; or

- c. Was committing or attempting to commit a crime;
- (2) The dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack; or
- (3) Injury or damage was sustained by a domestic animal which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog.
- (e) Upon designating a dog as a level one or level two dangerous dog, the general sessions court shall impose the restrictions on the owner of such dog as set forth in this article and may impose such additional restrictions on the respondent as are appropriate under the circumstances of the case. The general sessions court shall reduce such restrictions to writing and have them served on the respondent.
- (f) It shall be unlawful for any person who is subject to any such restrictions to fail to comply with such restrictions.
- (g) It shall be unlawful for any person who has been served with a citation to appear in general sessions court for the purpose of determining whether such person's dog should be designated as a level one or level two dangerous dog to transfer ownership of such dog until after the general sessions court has issued a ruling on such citation.
- (h) It shall be unlawful for any person whose dog has been designated as a level one or level two dangerous dog to transfer ownership of such dog to another person without:
 - (1) Having advised such other person that the dog has been designated as a level one or level two dangerous; or
 - (2) Having advised such other person in writing of the restrictions that have been placed upon such dog; and
 - (3) Having notified the animal control division in writing at least fifteen (15) days prior to such transfer of the name, address and telephone number of the proposed new owner or custodian, the proposed new location of the dog, and the name and description of the dog.

Sec. 6-73. Notice of designation.

Within ten (10) working days after a hearing conducted pursuant to this article, the owner of the dog, if absent from the hearing, shall be notified by the general sessions court in writing of the decision of the general sessions court and of any restrictions imposed upon the respondent, either personally through the animal control division or by first-class mail, postage prepaid. If a dog is declared to be level one or level two dangerous, the owner shall comply with all restrictions imposed by this article and the general sessions court within the time period to be specified by the general sessions court at the time the restrictions are imposed.

Sec. 6-74. Impoundment and abatement of level one or level two dangerous dog.

(a) If upon investigation it is determined by an animal control officer or law enforcement officer that probable cause exists to believe a dog poses an immediate threat to public safety, then the animal control officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this article. At the time of an impoundment pursuant to this subsection or as soon as practicable thereafter, the officer shall serve upon the owner of the dog a notice of a

hearing to be held pursuant to this article to declare the dog level one or level two dangerous.

(b) Any animal control officer may impound any level one or level two dangerous dog if the animal control officer has reasonable cause to believe that any of the mandatory restrictions upon such dog are not being followed if the failure to follow such restrictions would likely result in a threat to public safety. The owner of a level one or level two dangerous dog shall surrender such a dog to any animal control officer or law enforcement officer upon demand. In the event such a dog is impounded, the animal control officer or law enforcement officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.

(c) If a dog has been impounded pursuant to subsection (a) or subsection (b), the animal control officer may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this article, provided that such confinement will ensure the public safety. (d) No dog that has been designated by the general sessions court as a level one or level two dangerous dog may be released by the Animal Center or a veterinarian until the owner has paid all veterinary costs and all other fees and cost of the Animal Center that are normally charged to an owner prior to redemption of the animal. If the owner fails to pay such fees and costs and take possession of the dog within ten (10) days of the owner's receipt of notice of the designation of the dog as a level one or level two dangerous dog, the dog shall be deemed to have been abandoned and may be disposed of by the Animal Center or the animal control division. Euthanasia or surrender to the animal control division or the Animal Center of such a dog does not free the owner of responsibility for all costs incurred up to and including the date of euthanasia or surrender.

Sec. 6-75. Possession unlawful without proper restraint; failure to comply with mandatory restrictions.

(a) It is unlawful for a person to have the custody of or own or possess a level one or level two dangerous dog that is not properly restrained. It is unlawful for a person to have the custody of or own or possess a level one or level two dangerous dog unless such person is in full compliance with all restrictions placed upon such person by the general sessions court that has designated such dog as a level one or level two dangerous dog.

(b) If a level two dangerous dog is impounded due to the owner's failure to comply with the mandatory restrictions placed upon such owner by the General Sessions Court, the animal control division shall request that the district attorney general for the county file a petition with the circuit court for the destruction of the dog in accordance with Tenn. Code Ann. § 44-17-120.

(c) Nothing in this ordinance shall be construed to limit the county's authority to request that the district attorney general file a petition with the circuit court of the county for the destruction of any dog in accordance with Tenn. Code Ann. § 44-17-120 or to dispose of animals pursuant to any other legislative authority whatsoever.

Sec. 6-76. Mandatory restrictions on level one dangerous dogs.

- (a) Once the dog is designated as a level one dangerous dog by the general sessions court, the following restrictions shall be mandatory upon the owner of such dog:
- (1) The dog must be confined indoors or confined on the owner's property by a fence (other than an "electronic fence") capable of confining the dog or by a proper enclosure;
 - (2) A level one dangerous dog shall not be permitted to leave the premises of the owner unless it is properly restrained by a fixed leash or lead under the control of a person physically capable of restraining the dog and the dog must be obedient to that person's commands;
 - (3) The owner must allow inspection of the dog and its enclosure by the animal control division and must produce, upon demand, proof of compliance with such restrictions;
 - (4) In the event that the owner of the dog is a tenant on real property where the dog is being kept, the owner must obtain written permission from the landlord or property owner, to be filed with the animal control division, to keep the dog on certain specified premises;
 - (5) The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the animal control division;
 - (6) The owner and dog must attend and successfully complete an American Kennel Club canine good citizenship course and test within a time specified by the general sessions court;
 - (7) Neutering or spaying of the dog;
 - (8) Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the animal control division; and
 - (9) The owner of a level one dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its fence or proper enclosure.
- (b) The general sessions court may impose such additional restrictions that it deems necessary.
- (c) The cost of all such restrictions must be paid by the owner.

Sec. 6-77. Mandatory restrictions on level two dangerous dogs.

- (a) Once the dog is designated as a level two dangerous dog by the general sessions court, the following restrictions shall be mandatory upon the owner of such dog:
- (1) The dog must be kept in a securely enclosed and locked secured enclosure suitable to prevent the entry of young children and designed to prevent the animal from escaping. A secured enclosure must be a minimum of six (6) feet in height and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet deep. A secured enclosure must also be humane and provide some protection from the elements for the animal. If the dog is maintained unattended out-of-doors, such secured enclosure must be enclosed within an outer fence, and the outer perimeter of the secured enclosure must be no less than five (5) feet from the outer fence.
 - (2) The owner must allow inspection of the dog and its enclosure by the animal control division and must produce, upon demand, proof of compliance with such restrictions.
 - (3) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission from the

landlord or property owner, to be filed with the animal control division, to keep the dog on certain specified premises.

(4) The owner and dog must attend and complete a training class and/or behavior modification course approved by the animal control division that is designed to teach the owner how to deal with, correct, manage and/or alter the problem behavior.

(5) The owner must display, in a conspicuous manner, a sign at all entrances to the owner's premises on or within which the dog is kept warning that a dangerous dog is on the owner's premises by stating in capital letters measuring at least one and one-half (1.5) inches in width and one and one-half (1.5) inches in height and reading "WARNING-- DANGEROUS DOG-KEEP AWAY." The sign must be visible and legible from the public way and from fifty (50) feet away from the secured enclosure required pursuant to section 6-77(a)(1) of this article. The owner must obtain the approval of the animal control division prior to posting the warning sign.

(6) A level two dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals.

(7) A level two dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public.

(8) The owner of a level two dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its own separate enclosure.

(9) Such dog shall be photographed by the animal control division for future identification purposes.

(10) Neutering or spaying of the dog.

(11) Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the animal control division.

(12) Requiring the owner of the dog or owner of the premises in which the dog is kept to procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the dog, in an amount not less than one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance to the animal control division, within ten (10) business days of the designation of the dog as a level two dangerous dog. The insurance shall include a provision whereby the insurer notifies the animal control division not less than thirty (30) days prior to cancellation or lapse of coverage.

(13) Maintaining and updating annually a record maintained with the animal control division that lists the dog owner(s) or agent contact information, emergency contact persons and phone numbers, veterinarian, landlord and/or property owner contact information, property/liability insurance carrier, vaccination, licensing and/or permit number, photograph of the animal and any other information deemed necessary by the animal control division.

(14) Samples preserved for possible DNA identification which must be delivered to the animal control division.

(15) Notification in writing to the animal control division of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within the county or outside the county and/or to transfer ownership of the dog.

- (b) The general sessions court may impose such additional restrictions that it deems necessary.
- (c) The cost of all such restrictions must be paid by the owner.

Sec. 6-78. Removal of designation of level one dangerous dog.

If there are no additional instances of the behavior described in section 6-72(b) within eighteen (18) months of the date of designation as a level one dangerous dog, the dog shall automatically be removed from the list of level one dangerous dogs. The dog may be, but is not required to be removed from the list of level one dangerous dogs prior to the expiration of the eighteen-month period if the owner of the dog demonstrates to the animal control division that changes in circumstances or measures taken by the owner, such as training of the dog, confinement, etc., have mitigated the risk to the public safety; in such event, the owner or the animal control division may petition the general sessions court to remove such designation.

Sec. 6-79. Change of ownership, custody or location of dog; death of dog.

- (a) The owner of a level one or level two dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least fifteen (15) days prior to the actual transfer or removal of the dog, notify the animal control division in writing of the name, address and telephone number of the proposed new owner, the proposed new location of the dog, and the name and description of the dog.
- (b) The owner shall, in addition to the above, notify any new owner or custodian of a level one or level two dangerous dog in writing regarding the details of the dog's record and the terms and conditions for confinement and control of the dog. The transferring owner shall also provide the animal control division with a copy of the notification to the new owner of his or her receipt of the original notification and acceptance of the terms and conditions. The animal control division may impose different or additional restrictions or conditions upon the new owner.
- (c) If a level one or level two dangerous dog should die, the owner shall notify the animal control division no later than twenty-four (24) hours thereafter and, upon request from the animal control division shall produce the animal for verification or evidence of the dog's death that is satisfactory to the animal control division.
- (d) If a level one or level two dangerous dog escapes, the owner shall immediately notify the animal control division and make every reasonable effort to recapture the escaped dog to prevent injury and/or death to humans or domestic animals.
- (e) The following persons must notify the animal control division when relocating a dog to the county, even on a temporary basis:
 - (1) The owner of a level one or level two dangerous dog that has been designated as such by another lawful body other than the county; and
 - (2) The owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than the county based upon the behavior of the dog.

No such designation as a level one or level two dangerous dog or any similar such designation by another lawful body, humane society or governmental entity shall be

recognized by the county if such designation is based solely upon the breed of the dog. Any person relocating a dog to the county is subject to the restrictions set forth in this article.

Sec. 6-80. Penalties.

Any person violating the provisions of this article upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation.