

Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb

**ORDINANCE PROVIDING FOR THE REGULATION OF DOGS AND CATS AND THE REGULATION, CAPTURE, IMPOUNDING AND HUMANE DISPOSITION OF STRAY DOGS, STRAY CATS AND OTHER STRAY ANIMALS.**

WHEREAS, pursuant to section 5-1-120 of the Tennessee Code Annotated, Blount County may by resolution provide for the regulation of dogs and cats, and the regulation, capture, impounding and disposal of stray dogs, stray cats and other animals within the unincorporated territory of Blount County; and

WHEREAS, Blount County may enter into a contract with an incorporated City within Blount County for the purpose of providing animal control and animal shelter services: and

WHEREAS, Blount County Animal Control is a Certified Animal Control Agency Licensed in the State of Tennessee to perform Animal Control Services and Licensed in the State of Tennessee to perform Chemical Capture of dogs and cats within its jurisdiction pursuant to Tennessee Code Annotated 44-17-601: and

WHEREAS, The Blount County Animal Center is a Veterinary Facility Licensed in the State of Tennessee:

NOW THEREFORE. BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this \_\_\_\_ day of \_\_\_\_\_ 2023 as follows:

**Section 1. Definitions.**

As used in this resolution, the following terms shall mean:

1. Animal Center: Any premises designated by the County for the purpose of Impounding, quarantining, caring for, adopting, or humanely euthanizing and disposing of animals.
2. Animal Control Officer: A person employed or designated by the County as having responsibility for enforcement of animal control regulations and laws.
3. Direct Control: 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 competitions or events) at all times such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the animal.
4. Habitually: Done regularly or repeatedly
5. Intermittently: Starting, stopping, and starting again: Not constant or steady

**Resolution No. 23-07-0xx**

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

6. Owner: Any person possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal or livestock covered by this resolution.
7. Owner Surrendered: An animal whose legal owner has transferred ownership and care of the animal to the Blount County Animal Center or to a Blount County Animal Control Officer, and who has completed and signed the Owner Surrender form.
8. Person: 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 resolution.
9. Quarantine: Is the strict confinement, isolation and observation of an animal suspected of having rabies. While quarantined, the animal is to be kept away from other animals and the public.
10. Restraint: A dog or cat is under restraint within the meaning of this resolution if such animal meets the criteria defined in Direct Control or is under control of a competent person and immediately obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner.
11. Running at Large: Shall mean any animal which is not confined to its owner's property or under direct control of the owner.
12. Secure Enclosure: Shall mean any building, wire or wooden kennel, or the owner's home, built in such a manner, and with sufficient strength, as to prevent an animal housed within from escaping by chewing, digging, climbing, or other means. This enclosure will be kept locked.
13. Serious Physical Injury: Shall mean any injury requiring immediate medical attention to stop bleeding, or which requires medical attention to close the wound or repair broken bone, or which may result in disfigurement or death of the victim.
14. Stray: A dog, cat, or other animal which is found wandering or running at large away from the property limits of its owner and not under the Direct Control or Restraint of a competent person, or which is lost, and its owner is unknown
15. Commercial Dog Breeder: Any person who, during a twelve-month period, possesses or maintains 10 or more fertile female dogs in the state for the primary purpose of selling their offspring as household pets.
16. Service Animal: Is any dog that has been individually trained to perform tasks, or do work for the benefit of a person with a physical or mental disability.
17. Tether: A cable, cord, or similar device used to attach an animal to a stationary device, but does not include chains. The tether may not restrain an animal in such a manner as to unreasonably restrict the animal's ability to move.

Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb

**Section 2. Rabies Vaccination, certificate and tags**

1. It is unlawful within the unincorporated territory of Blount County for any person to own, keep, or harbor any dog or cat six (6) months of age or older that has not been vaccinated against rabies and registered in accordance with the provisions of the Tennessee Anti-Rabies law, Tennessee Code Annotated 68-8-103.
2. Evidence of such vaccination shall consist of a certificate that contains the owners name and address, date of vaccination, date the dog or cat should be revaccinated, description and sex of the dog or cat vaccinated, number of the vaccination tag issued when applicable, manufacture and lot number of vaccine administered and the name and signature of the supervising veterinarian. Vaccination of animals other than dogs and cats is not required unless deemed necessary by the State of Tennessee or the Blount County Department of Health. Paper forms, computer printout, or electronic format are acceptable proof of rabies vaccination.
3. The person or facility administering the vaccine shall issue a rabies tag for every dog vaccinated for rabies and the identification numbers on the tag will be recorded on the rabies certificate. Cats may be, but are not required to be issued a rabies tag.
4. Every dog owner shall attach a metal tag or other evidence of rabies 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. Nothing in this section shall be construed as permitting the use of an unvaccinated dog for any purpose. Tennessee Code Annotated 68-8-106
5. Any dog or cat found running at large in unincorporated Blount County may be seized by any peace officer or animal control officer and brought to the Blount County Animal Center. If the dog or cat is wearing a rabies vaccination tag or other identification, all reasonable effort shall be made to locate and notify the owners who shall be required to appear within five (5) business days and redeem the animal by paying an impound fee as set by Blount County resolution. If the dog or cat is not wearing a rabies vaccination tag or other identification the animal shall be impounded for a period of three (3) business days.
6. Failure to pay the impound fee, or have the animal vaccinated if proof of current vaccination is not produced prior to release, shall require the animal to be adopted or humanely euthanized.
7. No dog or cat three (3) months or older shall be released from the Blount County Animal Center without having proof of current vaccination or until it has been vaccinated and, where applicable, a tag issued.

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

8. Any person failing to meet any requirements or violating any of the provisions of the Anti-Rabies law of the State of Tennessee commits a Class C Misdemeanor with each violation being a separate offense. Tennessee Code Annotated 68-8-113.

**Section 3. Stray Animals/Animals at Large**

1. 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, park (except those areas in the County which have been designated for specific purpose as a Dog Park) or upon the property of another.
2. 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.
3. This section shall not apply to a dog while engaged in an active hunt or chase, nor to a dog guarding or driving stock. This section shall not apply to any animal participating in an organized animal event.

**Section 4. Impoundment**

1. Except as provided in this section, any animal impounded under the provisions of this article shall be transported to the Blount County Animal Center, or to a veterinary facility if the animal is in immediate danger and the Center veterinarian is not available or unable to treat the animal. The Animal Control Officer will find suitable shelter for livestock and other animals that cannot be housed at the Center.
2. Stray Animals shall be held at the Animal Center for a waiting period of not less than three (3) business 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 case the waiting period shall be not less than five (5) business 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 reclaim the animal upon payment of any applicable fees. No Animal shall be adopted or humanely euthanized until the expiration of the prescribed waiting period except as provided in subsection 2a and 3 of this section.
  - 2a. If, in the attempt to impound the animal, it becomes impossible to do so safely by proper handling procedures, the animal control officer, after being convinced that seizure of the animal is necessary to public welfare by reason of its viciousness or infection with rabies may, chemically capture the animal and transport it to the Animal Center for quarantine or euthanasia, or contact the Blount County Sheriff's Department to euthanize the animal utilizing a firearm.

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

3. If any impounded animal is found to be diseased, severely injured, or of a vicious nature, the animal may be immediately euthanized in a humane manner: provided. however, that if the owner is known, he shall be notified, and except in the case of a rabid animal, shall have the right to reclaim his animal and/or obtain the advice and services of a veterinarian. Where there has been a reasonable attempt to contact the owner and the owner has not promptly responded, then the animal may be humanely euthanized.
4. All impounded animals will be entered into the Animal Center's shelter operations database to create a permanent record which includes, but is not limited to, a description of the animal, the date, and location where the animal was picked up, the date the animal will be available for adoption, and any identifying information about the animal. All impounded animals will be scanned for a microchip and every reasonable effort will be made to contact the owner if the animal has been microchipped or is wearing a rabies tag.
5. Blount County Animal Control upon impoundment of any animal, and regardless of the reason for the impoundment, will make every reasonable effort to ascertain and notify the owner of the animal that their animal has been impounded and the reason for said impoundment. Reasonable effort in this case shall mean:
  - (a) Affixing an animal control impoundment form to the residence of the owner in a conspicuous location;
  - (b) Scanning the impounded animal for a microchip, or utilizing information on an ID tag;
  - (c) Contacting the Blount County Health Department or the issuing agency of the rabies tag if one is with the animal impounded;
  - (d) Posting the animal on social media.

**Section 5. Vicious Dogs and Cats**

**5-1. Definitions.**

For the purposes of this section, 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

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

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 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.

**5-2. 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 Blount County General Sessions Court for the purpose of determining whether or not the dog in question should be designated as a

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

level one or level two dangerous dog. Except by agreement of the respondent and counsel for Blount County and with the approval of the judge or by order 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 court shall designate a dog as a "level one dangerous dog" if the 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 court shall designate a dog as a "level two dangerous dog" if the 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 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:

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

- (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 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 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 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 administrator of the animal control unit 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.

**5.3. Notice of designation.**

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

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 court in writing of the decision of the court and of any restrictions imposed upon the respondent, either personally through the animal control unit 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 court within the time period to be specified by the court at the time the restrictions are imposed.

**5-4. 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. Notwithstanding any other provision of this chapter, the daily boarding fee for a dog impounded pursuant to subsection (a) or subsection (b) shall be the amount charged for animals pursuant to this chapter.
- (d) No dog that has been designated by the court as a level one (1) or level two (2) dangerous dog may be released by the Blount County Animal Center or a veterinarian until the owner has paid all veterinary costs and all other fees and cost of the Blount County 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 (1) or level two (2) dangerous

Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb

dog, the dog shall be deemed to have been abandoned and may be disposed of by the Blount County Animal Center or the animal control unit. Euthanasia or surrender to the animal control unit or the Blount County 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.

**5-5. 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 (1) or level two (2) 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 (1) or level two (2) dangerous dog unless such person is in full compliance with all restrictions placed upon such person by the court that has designated such dog as a level one (1) or level two (2) dangerous dog.
- (b) If a level two (2) 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 unit 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 article shall be construed to limit the city'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.

**5-6. Mandatory restrictions on level one dangerous dogs.**

- (a) Once the dog is designated as a level one (1) dangerous dog by the 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 unit and must produce, upon demand, proof of compliance with such restrictions;

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

- (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 unit, 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 unit;
- (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 court;
- (7) Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the animal control unit; and
- (8) The owner of a level one (1) 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.
  - (a) The court may impose such additional restrictions that it deems necessary.
  - (b) The cost of all such restrictions must be paid by the owner.

**5-7. Mandatory restrictions on level two dangerous dogs.**

- (a) Once the dog is designated as a level two dangerous dog by the 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 unit and must produce, upon demand, proof of compliance with such restrictions.

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

- (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 unit, 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 unit 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 5-133(a)(1) of this article. The owner must obtain the approval of the animal control unit 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 unit 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 unit.
- (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 unit, 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

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

administrator 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 unit 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 unit.
- (14) Samples preserved for possible DNA identification which must be delivered to the animal control unit.
- (15) Notification in writing to the animal control unit 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 city or outside the city and/or to transfer ownership of the dog.
  - (a) The court may impose such additional restrictions that it deems necessary.
  - (b) The cost of all such restrictions must be paid by the owner.

**5-8. Removal of designation of level one dangerous dog.**

If there are no additional instances of the behavior described in section 5-2 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 unit 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 unit may petition the court to remove such designation.

**5-9. 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 unit 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.

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

- (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 unit 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 unit 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 unit no later than twenty-four (24) hours thereafter and, upon request from the animal control unit shall produce the animal for verification or evidence of the dog's death that is satisfactory to the animal control unit.
- (d) If a level one or level two dangerous dog escapes, the owner shall immediately notify the animal control unit 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 unit 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 city 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 city if such designation is based solely upon the breed of the dog. Any person relocating a dog to the city is subject to the restrictions set forth in this article.

**5-10. 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.

**Section 6. Animals Creating a Nuisance.**

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

1. The owner having control or custody of any animal or livestock shall maintain, control and care for said animal or livestock so as not to create a nuisance as defined by this Ordinance. The failure to do so shall be deemed a violation of this Ordinance. For the purposes of this Section a nuisance is defined as follows:
  - (a) An animal or livestock which habitually barks. whines. meows. squawks, or causes other objectionable noise resulting in a nuisance to a neighboring resident. For purposes of this section, "habitually" shall mean continuously for a period of thirty (30) minutes or intermittently for a period of one (1) hour; or
  - (b) An animal or livestock disturbs the peace by destroying, desecrating, or soiling public or private property, chasing, snapping, or charging 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 resolution; or
  - (c) Maintains an animal in an unsanitary environment which results in offensive odors or which is dangerous to the animal or the public health, welfare or safety:  
or
  - (d) Maintains property in a manner that is offensive, annoying, or dangerous to the public health, welfare, or safety because of the number, type, variety, density, or location of animals thereon.
2. The owner having control or custody of a female dog or cat in heat (estrus) shall humanely confine such dog or cat for the duration of estrus except for controlled and intentional breeding of such animal. Failure to do so shall constitute a violation of this Ordinance.
3. This section does not apply to livestock raised for agricultural purposes nor does it apply to a licensed veterinary facility, licensed boarding facility, or licensed animal center.

**Section 7. Dogs and Cats In Food Service Establishments**

Except as specified in Section 8.2 and 8.3 below, live animals may not be allowed on the premises of a food establishment in Unincorporated Blount County.

**7.2** Live animals are allowed in the following situations if the owner or operator does not permit animals to physically contact food, serving dishes. utensils, tableware, linens, unwrapped single-service and single-use articles or other food service items that may result in contamination of food or food-contact surfaces and does not permit animals to physically contact employees engaged in the preparation or handling of food:

- (a) Fish or crustacea in aquariums or display tanks;

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

- (b) Patrol dogs accompanying police or security officers in offices and dining, sales and storage areas; and sentry dogs in outside fenced areas:
- (c) Service animals accompanying persons with disabilities in areas that are not used for food preparation;
- (d) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.
- (e) By permission of the establishment.

**7.3. Dogs and Cats in Outdoor Dining Areas**

Dogs and cats other than service dogs may be permitted in outside areas of a food establishment, pursuant to the following:

- (a) The animals shall be properly restrained;
- (b) Except as provided in Section 8, no animal shall be present in the interior of any restaurant or in any area where food is prepared:
- (c) The food establishment shall have the right to refuse to serve the owner of an animal if the owner fails to exercise reasonable control over the animal or the animal is otherwise behaving in a manner that compromises or threatens to compromise the health or safety of any person present in the food establishment:
- (d) The person in charge shall not permit animals to physically contact food, serving dishes, utensils, tableware, linens, unwrapped single-service and single-use articles or other food service items that may result in contamination of food or food-contact surfaces and shall not permit animals to physically contact employees engaged in the preparation or handling of food:
- (e) The person in charge shall instruct employees and patrons that animals shall not be allowed to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations;
- (f) Patrons shall keep their animals on a leash at all times and keep their animals under reasonable control;
- (g) Animals shall not be allowed on tables, chairs or other furnishings;
- (h) The person in charge shall ensure that any accidents involving animal waste are cleaned immediately and the area sanitized with an approved

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

product A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

- (i) The permit holder shall post a sign or signs reminding employees and patrons of the applicable rules on the premises in a manner and in such place(s) that are clearly visible; and
- (j) Animals shall not be permitted to travel through indoor or non-designated portions of the food establishment. and ingress and egress to the designated outdoor portions of the food establishment shall not require entrance into nor passage through any indoor area of the food establishment.

T.C.A. 6-54-135, 53-8-117 and 68-14-701 through 68-14-726.

Nothing withstanding these provisions, nothing in this Ordinance prohibits a food establishment from prohibiting dogs and cats in outdoor dining areas.

**Section 8. Wild or Exotic Animals.**

- 1. No person shall have, sell, keep, or maintain any wild, exotic, dangerous, or non-domesticated animal within unincorporated Blount County. "Wild, exotic, dangerous, or non-domesticated animal" shall be defined to include all animals classified as class I animals under Tennessee Code Annotated Section 70-4-403, as amended, and shall also include any wolf hybrid.
- 2. Notwithstanding any provision of this resolution to the contrary, the provisions of this section shall have no application to the following:
  - 2a. A veterinary establishment licensed by the State;
  - 2b. Appropriately accredited colleges, universities, or other institutions of higher learning which own, keep or maintain any such animals for educational or scientific purposes; or
  - 2c. Persons or entities maintaining such animals pursuant to a valid permit issued by the Tennessee Wildlife Resources Agency.
- 3. Any person maintaining a wild or exotic animal described in this section, who possesses a valid permit from TWRA for that animal will notify the Blount County Animal Control Officer Immediately, once the permit has been Issued, and will give the animal control officer a copy of the current permit, and a copy of all subsequent renewal permits for said animal. Maintaining a permitted animal without a valid permit constitutes a violation of this section and the animal control officer may Impound, or cause to have Impounded, the animal.

Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb

**Section 9. Interference with Enforcement.**

1. It shall be unlawful for any person to knowingly hinder, resist, or oppose any animal control officer or any other law enforcement officer performing animal control functions in the performance of his/her duties.
2. It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by Blount County Animal Control or to molest or release any animal caught therein.

**Section 10. Animal Care and Manner of Keeping /Necessary Shelter.**

1. It shall be unlawful for any person keeping an animal to fail to provide for that animal:
  - (a) Clean, sanitary, and humane conditions:
  - (b) Sufficient quantities of food and clean fresh water daily:
  - (c) Proper air ventilation and circulation:
  - (d) Necessary shelter and protection from the elements and environment:
  - (e) Medical attention and/or necessary veterinary care when it is sick, diseased or injured: and
  - (f) Annual inoculations, as recommended by a veterinarian, against disease infectious to humans or animals.
2. It shall be unlawful for any person to tease or molest any animal.
3. This section does not replace the criminal offense part of the Tennessee Code Annotated 39-14-202 pertaining to cruelty to animals.
4. Necessary Shelter – A solid structure or enclosure that has a solid roof, floor, and four sides. An opening that is of adequate size to allow ingress and egress by the animal on one of the sides. This structure should be resistant to water infiltration. Three sided or domed shelters with a floor which meet the opening and water infiltration requirements are allowable. All shelters must allow the animal to enter and comfortably stand and lay down in a natural position. Unsheltered and unprotected boxes, tarps, crates, airline carriers, cardboard boxes are not considered necessary shelter. The Blount County Animal Control Officer will make the final determination if the shelter is adequate and meets the guidelines for a Necessary Shelter.

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

- (a) From March through October, the structure is properly shaded, and from November through February, when necessary to protect the dog from cold and promote the retention of body heat, the shelter is fitted with a sufficient quantity of bedding material. The opening shall be such as to protect from wind, rain and snow.
- (b) The shelter must be of sufficient weight to prevent overturning.
- (c) The shelter must not be unclean or unhealthy or constructed of materials dangerous to animals. A shelter is considered unclean when it contains an excessive amount of animal waste and is considered unhealthy when its condition is likely to cause illness or injury to the animal.
- (d) The structure provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the dog to lie on in a normal manner and that can be maintained in a sanitary manner.
- (e) The structure or structures must be of a sufficient size or number to provide shelter to each dog present at the same time.

**Section 11. Animals injured on the County Maintained Roads and Right of Way.**

- 1. Dogs, cats, or other animals injured on the County maintained roads and right of way shall be considered strays, and the animal control officer may remove all such animals. The owner of the injured animal shall be liable for impoundment costs. If the owner of the animal is known a reasonable effort must be made to contact them prior to providing veterinary treatment.

**Section 12. Ignorance of Dog's or Cat's Habits No Defense.**

- 1. It shall be the duty of any person owning, keeping, harboring, possessing or maintaining any dog or cat to maintain close supervision of such animal, and ignorance of the habits or character of such dog or cat on the part of such person shall be no defense in actions arising under this resolution.

**Section 13. Tethering of Dogs.**

Residents of Unincorporated Blount County may tether a dog on their property or business under the following guidelines:

- 1. Tethering material must be of sufficient tensile strength to prevent the dog from breaking the tether. The tether is not unreasonably heavy in proportion to the weight of the animal.

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

2. Tethers must be a minimum often 15' feet in length. The tether has a swivel located at both ends and the tether is free of tangles.
3. Logging chains, large gauge chains or heavy steel cable may not be used to tether an animal.
4. Dogs on a tether must be able to have access to shelter which is dry and provides sufficient protection for the outside temperature, and suitable for the breed of dog tethered. During periods of hot conditions, temperatures above 80 degrees, the dog must have access to shade. The dog shall not be kept outside during freezing weather without unrestricted access to a 4-sided insulated shelter with a roof and dry bedding material sufficient to retain body heat. The animal should never be kept outside during thunderstorms, tornados, or flooding.
5. The animal has access to water, shelter, and dry ground at all times, and has access to adequate food. Water containers should be of such construction and placement as to not be susceptible to tipping. The area where the dog is tethered will have sufficient clean water and food.
6. The area where the dog is tethered shall be free of snags, impediments, etc. to prevent the possibility of the dog being injured or injuring itself while on the tether.
7. The use of pinch or choke collars, or any other collar device designed to tighten around the dog's neck are prohibited. Non-tightening collars and harnesses are allowed and must be properly fitted and is a collar or harness that is commonly recognized as such.
8. The animal is at least six months of age, has a current rabies vaccination, is not sick or injured and is not in estrus.
9. Pulley, running line, or trolley systems are at least fifteen (15') feet in length and are not less than six (6) feet above the ground.
10. If there are multiple animals, each animal must be tethered separately and be of sufficient distance apart to prevent tangling an adjacent tether.
11. The tether must allow the animal to lay down comfortably at all positions of the tether.

**Section 14. Service Animals.**

1. Under the Americans with Disabilities Act persons with a physical or mental disability may use service animals in public accommodations. Under ADA and Tennessee State Law "emotional support animals" are not individually trained to perform certain tasks for their handler and owners of public accommodations do not have to allow these animals onto their premises.

Examples of Service Animals:

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

- (a) Hearing dogs (or miniature horses), which alert their handlers to important sounds such as alarms, doorbells, and other audible signals.
- (b) Guide dogs (or miniature horses), which help those who are blind or visually impaired to navigate safely.
- (c) Psychiatric service animals which help their handlers manage mental and emotional disabilities.
- (d) Seizure alert animals, which let their handlers know of impending seizures, and may guard their handlers during seizure activity.
- (e) Allergen alert animals which let their handlers know of foods or other substances which could be dangerous

**Section 15. Spay / Neuter.**

1. Unaltered dogs or cats must be confined indoors, or in a securely fenced area or under direct physical control of the owner by means of a lead, or similar device made for walking animals. Exceptions to this section include:
  - (a) Persons who own, keep, harbor, or have custody of registered service dogs, or working Police K-9's, or dogs and cats competing in shows and / or sporting competitions, or commercial breeders, or
  - (b) Persons who are nonresidents of the County and reside temporarily herein for a period not to exceed a total of (30) days within a twelve-month period, or
  - (c) State licensed Animal Shelters housing animals on quarantine, stray holds, or available for adoption, or
  - (d) Licensed Veterinary facilities, or
  - (e) An individual that owns, keeps, harbors, or has custody of an animal and who is in possession of a certification signed by a licensed Veterinarian stating the animal is unfit or unable to be spayed or neutered because the procedure would endanger the life, or be detrimental to the health and well-being of the animal.

**Section 16. Animals secured in vehicles.**

**Sponsored by Commissioners Rick Carver, Mike Akard and Linda Webb**

1. Animals riding in the bed of an open pickup truck or similar vehicle must be secured to prevent that animal from jumping out of the vehicle, or being tossed out of the vehicle while the vehicle is in motion. Dog boxes or crates designed to contain animals and secured to the bed, or a harness system which prevents the animal from jumping out of the vehicle, or falling over the side of the vehicle are acceptable.

**Section 17. Penalty and Jurisdiction.**

1. A violation of any provision or section of this Ordinance unless otherwise noted is punishable by a civil penalty of not less than fifty (\$50.00) dollars or more than five hundred (\$500.00) dollars, provided the complaining party carries the burden of proof by a preponderance of the evidence. When specified herein, each day that a violation occurs is a separate and distinct violation subject to a separate civil penalty for each day a violation occurs. The court may enjoin a person found to be in violation of this Ordinance from future conduct that would constitute a violation and said enjoined conduct shall constitute a separate violation for each day the violation occurs.
2. The General Sessions Court for Blount County, Tennessee, shall have jurisdiction to enforce this resolution by assessing the monetary penalties provided in number 1 of this section and issuing any orders necessary to enforce the provisions of this Ordinance.