

VICIOUS DOG HEARING
Wednesday, May 10, 2017 - 9:30 a.m.
Room 430
Blount County Courthouse

MINUTES

Gaye Hasty, Blount County Clerk, called the Vicious Dog Hearing to order on Wednesday, May 10, 2017, at 9:30 a.m. in Room 430 at the Blount County Courthouse, Maryville, Tennessee.

Those present were Gaye Hasty - Blount County Clerk; Amy McElhaney - owner of dog and person requesting the hearing; Jeffery K. Campbell - Blount County Animal Control Officer; Deputy William C. Sanders; Darla Snyder – complainant; Charles Snyder, Kevin Lewis, Pat and Dennis Raines, Craig Holloway, Clifton Hughes, Officer Curtis Moore, and Rhonda Pitts - Deputy Blount County Clerk.

Ms. Hasty explained this is a hearing regarding an appeal by Ms. Amy McElhaney, 226 Lavista Drive, Maryville, TN, 37804, regarding a citation she received from the Blount County Animal Control regarding her dog *Tyler*, and that he had been declared vicious, pursuant to Section 5 of the Blount County Animal Control Ordinance. Ms. Hasty explained the procedure in conducting the hearing.

Ms. Hasty asked Deputy William Sanders, Blount County Sheriff's Office, to give his comments.

Deputy William Sanders, Blount County Sheriff's Office stated he was called to Ms. Snyder's residence concerning an incident that she had while she was walking her dog on the circle at Lavista Drive. He said when he showed up she had a German Shepherd and she was complaining of hand pain, but she could move her hand. He said she said her dog had been bitten and he referred her to Animal Control because they didn't know who the owner was of the dogs that were involved. He said she had been walking her dogs and two other dogs ran out between two houses and attacked her German Shepherd and knocked her down. He said he tried to locate the dogs and the owner of the dogs, but to no avail. He said she did not request a report at that time and he referred her to Animal Control. He said the next day he was called back out to the same matter and she said that she had found the owner of the two dogs that had bitten her dog and knocked her down. He said her hand was in a splint. He said she said she had broken a bone in her hand and he took a personal injury report concerning her hand. He said he tried to make contact with the owner of the dogs that she had found and no one was at home. He said she had originally given me the wrong address, and I knocked on that door and the homeowner there referred me to the neighbor, which was the other house where the dogs were. He said she had explained, the woman that lived at that residence, had another dog destroyed for biting her dogs. He said he never made contact with the dog owner. He said he put the personal injury report in the system.

Jeff Campbell, Blount County Animal Control Officer gave his comments. Jeff stated on 4/12/17, he was contacted by the complainant, Ms. Snyder, stating that she had been attacked by

the dogs on Lavista and at that time he was not aware there had been a police report made. He said he went to the area to look for the animals. He said while he was looking for the animals, he was approached by Ms. Snyder's husband questioning him as to why they had not removed the dogs at that time. He said they were not aware of where the dogs belonged. He said after he received the police report, he was able to contact Ms. McElhaney and serve her with a vicious dog of physical injury.

Ms. Hasty asked Ms. Snyder, the complainant, if she would like to give her comments.

The complainant, Ms. Darla Snyder, 249 Lavista Drive, Maryville, TN, gave her comments. She stated that on the night of 4/11/17, she was walking her dog with her flashlight, because she had gotten home late and the dog had been crated, and she was taking her out to run off some energy. She said they did their normal route from Headrick View and that it crossed over to Lavista Drive. She said as they went down Headrick View and turned on to Lavista and she had gotten about half way and her dog stopped, so she turned back around to go back the same way that she had come. She said from out of nowhere two dogs came out. She said it was the black dog that latched on to her dog Sally's butt, and would not let go. She said the light colored dog, a pit bull, did nothing but stand there and bark. She said they were out in the street when the dog latched on to her dog. She said at that moment she fell and dropped the leash, and then the dogs went at it. She said the dog was still attached to Sally and she started kicking the dog and it finally let go. She said they ran home and literally Sally ran home. She said when they got home she was checking her dog, but she couldn't find anything at the time. She said an hour and half later her dog started bleeding from her wound spot and the next morning she took her to the Vet. She said the wound was deep and was a superficial wound. She said she had received concerns from surrounding neighbors about their kids being around, and what could happen next. She said the fence where the dogs were getting out was not fixed, because they had actually seen the dogs getting out the next day where the board is broken. She said we would like the fence more secure and their medical expenses taken care of. Ms. Hasty informed Ms. Snyder medical expenses could not be addressed at this hearing, and that it was a civil matter that would have to be addressed by another court. Ms. Hasty informed Ms. Snyder this hearing is about determining whether or not the dog is vicious or not vicious. Ms. Snyder stated Ms. McElhaney had offered to pay for the medical and the Vet bills and she appreciated that greatly.

Ms. Hasty asked the owner of the dogs, Ms. McElhaney if she would like to give her comments.

Amy McElhaney, 226 Lavista Drive, Maryville, TN, owner of the dogs, gave her comments. Ms. McElhaney stated the fence has been fixed professionally. She said she had lived there twelve years and her dog *Tyler* had never gotten loose and was a very social dog and had never bitten anyone or another dog. She said she did not see what happened to Ms. Snyder that evening, and she wanted to make things right just going off of Ms. Snyder's word alone. She said her dogs are kept inside when she is not home and they are crated. She said they are only in her fenced in yard, and she has a 6 ft. privacy fence built by David Caldwell. She said they are only in that yard when she is home. She says she walks her dogs and takes them to the dog parks and she spends a lot of time with them. She said if she has to travel for work, she has a pet sitter that comes to her house, or her parents help her. She said she has had *Tyler* since he was a puppy and he was adopted from the Monroe County Animal Shelter. She said vicious is the last word she

would use to describe this dog. She said her parents have kept him and they have an underground fence. She said he had no trouble with kids or people riding bikes on the road in front of him. She said she has a friend with young children that brings them to her house and she has no fear at all, of the dog. She said her neighbors behind her have two dogs that are outside 24/7 and they bark very loudly as people walk by during the day. She said they sound a whole lot more vicious than her dogs. She says her dogs cannot see through a 6ft privacy fence, and people can't see them, and any boards that were loose have been fixed and replaced. She said David Caldwell comes out and does maintenance on her fence. She said that was the first time in twelve years that *Tyler* has gotten out of her fence, and she is not denying that he got out. She said he did and it was an accident. She said she did not know if Ms. Snyder's dog barked at him that night when he approached her and that kind of started the whole thing. She said she did not know if he was provoked because she wasn't there and she didn't see it. She said he is not a vicious dog.

Ms. Hasty asked if there was anyone in the audience that witnessed this specific incident. There was no response. Ms. Hasty asked Officer Campbell if there was anything else that he needed to add at this time. Officer Campbell said no. Ms. Hasty asked Officer Campbell to come to the podium so that she could ask him a question. Ms. Hasty asked Officer Campbell if Animal Control had ever ran calls to this residence or had any complaints regarding Ms. McElhaney's animals. Officer Campbell responded no they haven't, and they really had not had any complaints in that neighborhood.

County Clerk Gaye Hasty read out loud the first two paragraphs from Section 5 subsection (2) from the Blount County Animal Control Ordinance. Ms. Hasty stated that after listening to both sides of this incident, she said there was a lack of sufficient evidence to establish this case. She said it was dark. Ms. Hasty said also, she had questions regarding the injury as to whether it was from the dog, or from the leash itself that occurred. Ms. Hasty stated she would have to rule that *Tyler* not be deemed vicious. Ms. Hasty asked Ms. McElhaney to remain vigilant in following the Blount County Animal Control Ordinance by keeping her dogs in an enclosure, and if she had them out, they had to be on leash. Ms. Hasty asked the Blount County Animal Control Officers, from time to time, and for the next several weeks and at least once a month, to inspect and check the enclosure to make sure that it is continuing to be well maintained and to confirm that *Tyler*, and any other animals in Ms. McElhaney's household, and animals in that neighborhood, are being kept under the owners care, and are not running at large.

Gaye Hasty, Blount County Clerk, closed the hearing.