



HISTORIC
FRANKLIN
TENNESSEE

ITEM #6
WRKS 06/28/2011

MEMORANDUM

June 20, 2011

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *ES*
Russ Truell, Assistant City Administrator
Becky Caldwell, Solid Waste Director

SUBJECT: Additional information regarding Ordinance 2011-16

Purpose

The purpose of this memorandum is to provide additional information regarding Ordinance 2011-16, amendments to Title 10, of the Franklin Municipal Code to clarify applicability of Chapter 1 and adopt reference to Williamson County Rules and Regulations Pertaining to Regulation of Dogs and Cats.

Background

The City of Franklin does not currently have resources budgeted to manage and enforce animal control. For the past several years, the City has paid Williamson County monies equal to approximately one (1) full-time salary, to manage and enforce animal control within the City limits. County Mayor Rogers Anderson is requesting the City and other cities within Williamson County that expect Williamson County Animal Control to provide enforcement of rules and regulations regarding dogs and cats to adopt the County's most recent resolution that enacted Rules and Regulations Pertaining to Regulation of Dogs and Cats in Williamson County, Tennessee.

Financial Impact

There is not financial impact expected with adopting the Rules and Regulations Pertaining to Regulation of Dogs and Cats in Williamson County.

Not adopting the Rules and Regulations Pertaining to Regulation of Dogs and Cats in Williamson County may impact our proposed FY 2012 budget in the amount of funds needed to create and operate our own Animal Control service and facility.

Options

- 1) Approve Ordinance 2011-16, as written
- 2) Recommend additional changes and forward to Williamson County for feedback

Recommendation

Staff recommends approval of Ordinance 2011-16 as presented.

ORDINANCE 2011-16

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 10 OF THE FRANKLIN MUNICIPAL CODE TO CLARIFY APPLICABILITY OF CHAPTER 1 AND TO ADOPT BY REFERENCE THE RULES AND REGULATIONS PERTAINING TO REGULATION OF DOGS AND CATS IN WILLIAMSON COUNTY, TENNESSEE AS ADOPTED BY THE COUNTY COMMISSION OF WILLIAMSON COUNTY"

WHEREAS, Title 10, Chapter 1 of the City of Franklin Municipal Code addresses animal control with regard to cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock; and

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, wishes to make it clearer that this Chapter applies only to these certain animals and fowl; and

WHEREAS, Title 10, Chapter 2 of the City of Franklin Municipal Code addresses animal control with regard to dogs and cats; and

WHEREAS, the County Commission of Williamson County, Tennessee has updated its regulations relative to animal control of dogs and cats; and

WHEREAS, the City of Franklin has been requested by the County to adopt the same requirements so that the County Animal Control can continue enforcement within the City without concerns of inconsistency or inefficiency; and

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, desires to adopt by reference The Rules and Regulations Pertaining to Regulation of Dogs and Cats in Williamson County, Tennessee, as adopted by the Williamson County Commission on June 21, 2010.

NOW, THEREFORE:

SECTION II: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that Title 10, Chapter 1, Sec. 10-101 is deleted in its entirety and replaced with the following language:

Sec. 10-101. – Applicability; Running at large prohibited.

- 1)** The provisions of this Chapter shall apply to cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock.
- 2)** It shall be unlawful for any person owning or being in charge of any animal or fowl enumerated herein to knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

SECTION II: BE IT FURTHER ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that Title 10, Chapter 2. Dogs and Cats is deleted in its entirety and replaced

with the following language:

Sec. 10-201. – Rules and Regulations Pertaining to Regulation of Dogs and Cats.

The provisions of The Rules and Regulations Pertaining to Regulation of Dogs and Cats in Williamson County, Tennessee, County Resolution No. 6-10-7, as adopted by the County Commission of Williamson County, Tennessee on June 21, 2010, as may be amended, is adopted by reference in its entirety as if fully set forth herein. A copy of these regulations shall be kept on file in the city recorder’s office and shall be kept there for the use and inspection of the public.

SECTION III: BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading, the public health, safety and welfare requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
ERIC S. STUCKEY
City Administrator

BY: _____
DR. KEN MOORE
Mayor

PASSED FIRST READING _____

PASSED SECOND READING _____

APPROVED AS TO FORM:

Kristen L. Corn, Staff Attorney

2011 JAN 19 AM 10:56



WILLIAMSON COUNTY

Rogers C. Anderson, County Mayor
1320 West Main Street, Suite 125
Franklin, Tennessee 37064
(615) 790-5700, Fax (615) 790-5818

January 18, 2011

Brentwood Mayor Betsy Crossley
276 Stratton Court
Brentwood, Tennessee 37027

Fairview Mayor Beverly Totty
7100 City Center Circle
PO Box 69
Fairview, Tennessee 37062

Franklin Mayor John Schroer
Vice Mayor Ken Moore
109 Third Avenue South
Franklin, Tennessee 37064

Nolensville Mayor Jimmy Alexander
705 Stonebrook Boulevard
P.O. Box 547
Nolensville, Tennessee 37135

Spring Hill Mayor Michael Dinwiddie
199 Town Center Parkway
P.O. Box 789
Spring Hill, Tennessee 37174

Thompson's Station Mayor Corey Napier
2691 Pantall Road
Thompson's Station, Tennessee 37179

RE: Williamson County Animal Control Services

Dear Mayors:

As you may know, in 1978, Williamson County enacted a resolution for the promulgation of rules and regulations concerning dogs and cats ("Resolution"). Since that time, the County has entered into agreements to provide animal control services, including enforcement of animal cruelty, running at large and other laws, to various incorporated areas within the County's boundaries. In the past, the provision of animal control services in the various jurisdictions was seamless because the animal control ordinances of the cities and towns who had adopted regulations were generally identical to or very similar to the County's Resolution. However, the County updated its Resolution in May 2010. It has since come to the County's attention that, as an unintended consequence of updating the Resolution, the provision of animal control services in the various jurisdictions has become more complicated due to differences between the County's Resolution and the current animal control ordinances of the cities and towns.

Having the same animal control policy in place in the County and the cities and towns would alleviate concerns regarding inconsistent enforcement, as well as promote efficiency and consistency in the provision of animal control services. For Williamson County Animal Control to continue enforcement for activities with municipal boundaries, it is necessary to have uniform

Municipal Mayors
January 18, 2011 – Page Two

regulations throughout. Accordingly, I would request that you review the enclosed Williamson County Resolution and take the appropriate steps to enact these requirements in your jurisdiction so that Williamson County can continue to provide animal control services to your cities and towns.

Please do not hesitate to contact me with any questions or concerns. I appreciate your cooperation in this matter and look forward to hearing from you.

Sincerely,



Rogers Anderson
Williamson County Mayor

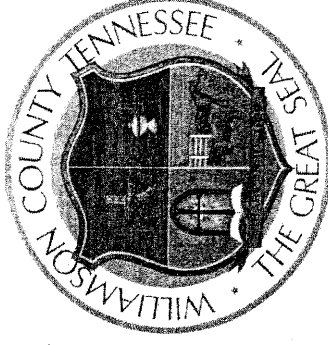
RCA/dg

Enclosure

THE RULES AND REGULATIONS

PERTAINING TO REGULATION OF DOGS

AND CATS IN WILLIAMSON COUNTY, TENNESSEE



Resolution No. 6-10-7

Adopted and Signed on: 6-21-10

TABLE OF CONTENTS

I. Terms Defined.....	1
A. Abandonment.....	1
B. Animal Control Officer.....	1
C. Confined.....	2
D. Guard Dog.....	2
E. Health Officer.....	2
F. Humane.....	2
G. Leash.....	2
H. Necessary Care.....	2
I. Necessary Food.....	3
J. Necessary Shelter.....	3
K. Necessary Water.....	4
L. Owner.....	4
M. Premises.....	4
N. Restrained.....	4
O. Running at Large.....	4
P. Sanitary.....	5
Q. Stationary Point.....	5
R. Tree Trolley System.....	5
S. Vaccination.....	5
T. Vicious Dog.....	5
II. Rabies Vaccination and Registration Required.....	6
III. Running at Large Prohibited.....	8
IV. Cruelty, Abuse & Neglect Prohibited.....	8

V. Vicious/Dangerous Dogs	9
VI. Restraint & Confinement Regulations	10
VII. Unprovoked Attack by a Dog or Cat.....	12
VIII. Reporting of Dog and Cat Bites	13
IX. Seizure	14
X. Impoundment, Confinement, and Disposition.....	14
XI. Dog Fighting Prohibited	17
XII. Nuisance Prohibited	17
XIII. Confinement of Unaltered Female Dogs and Cats in Season ..	18
XIV. Disposition of Dead Dogs and Cats.....	18
XV. Interference with or Violation of Orders	18
XVI. Violations-Penalty	19

THE RULES AND REGULATIONS PERTAINING TO
REGULATION OF DOGS AND CATS IN
WILLIAMSON COUNTY, TENNESSEE

WHEREAS, the County Commission for Williamson County enacted a resolution for the promulgation of rules and regulations concerning dogs and cats on September 18, 1978; and further amended that resolution on March 19, 2004.

WHEREAS, the need has arisen for amendments to this resolution in order that dogs and cats within the county be effectively regulated;

NOW, THEREFORE, BE IT RESOLVED pursuant to Tenn. Code Ann. § 5-1-120, that the County Commission for Williamson County shall enact amendments to the rules and regulations so that they shall read in their entirety as follows:

I. Terms Defined.

For the purpose of these rules and regulations, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

A. “Abandonment” shall mean:

1. Leaving a dog or cat for a period in excess of twenty-four (24) hours without providing for someone to feed, water and check on the animal’s condition;
2. Leaving a dog or cat by a roadside or other area; or
3. Leaving a dog or cat on either public or private property without the property owner’s consent.

B. “Animal Control Officer” shall mean the Animal Control Officer and/or Animal Control Department of Williamson County, Tennessee.

- C. **“Confined”** means securely confined indoors, within an automobile or other vehicle solely for transportation in a humane and safe manner, or confined in a securely enclosed pen or structure or fence, electronic or otherwise, upon the premises of the owner of such animal. Under no circumstances is an electronic or similar fence sufficient to confine a guard dog, an animal in heat or a vicious or dangerous dog. When a dog or cat is transported on public roads in an open air vehicle, truck bed or a vehicle with the windows rolled down, the animal shall be confined or restrained in such a manner that the animal cannot fall or jump out of the vehicle and will not be at risk of injury, entrapment or strangulation.
- D. **“Guard Dog”** shall mean a dog trained to protect persons or property by attacking or threatening to attack and which will cease to attack at command.
- E. **“Health Officer”** shall mean an appropriate designee of the Board of Health of Williamson County, Tennessee.
- F. **“Humane”** shall mean marked by compassion, kindness, sympathy and consideration for an animal’s welfare.
- G. **“Leash”** shall mean any cord, chain, rope, thong or other device affixed to a dog or cat and used by the owner to restrain the movement of the dog or cat, which cord, chain, rope, thong or other restraining device is no greater than fifteen feet in length.
- H. **“Necessary Care”** shall mean taking action necessary to maintain an animal’s health by taking into consideration such factors as its breed, weight, coat and age. It shall include, but not be limited to ensuring that the animal receives veterinary care for illness or to relieve distress from injury, neglect, disease, untreated parasitism, or any malformations. It shall further include necessary effort to maintain the animal’s coat and skin in a reasonably healthy condition.

I. **“Necessary Food”** shall mean food that is not spoiled or contaminated and is of sufficient quantity and quality to allow for normal growth or maintenance of body weight. Food must be provided at least once a day, unless a licensed veterinarian instructs an owner to do otherwise.

J. **“Necessary Shelter”** shall mean:

- 1. A solid structure or enclosure that has a solid roof and floor and four solid sides with an opening that is of adequate size to allow ingress and egress by the animal. A three-sided solid or dome shaped building with a solid roof, such as a garage or tool shed, with a bedding area at the back and meeting other “necessary shelter” standards shall be allowed.
- Unsheltered and unprotected boxes, tarps, crates, airline carriers and cardboard boxes are not permitted.
- Exception: Although not recommended, stationary barrels with one opening lined with sufficient bedding to protect the animal(s) from the extreme barrel surface temperatures, may be used if all other required “necessary shelter” standards are met. (See, Sec. J).
- 2. The shelter must afford sufficient shade and must be sufficient to protect the animal from the elements (including inclement weather and extreme heat and cold), and the opening shall be such as to protect from the wind, rain and snow;
 - 3. Necessary shelter must also be of sufficient weight to prevent overturning, and of sufficient size to allow each animal to stand upright, turn around and lie down in a natural position; and
 - 4. A shelter or enclosure 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.

K. “Necessary Water” shall mean accessible clean water provided 24 hours a day, 7 days a week, in sufficient quantity to satisfy the animal’s needs. Snow and ice are not to be deemed an adequate water source.

L. “Owner” shall mean any person, firm, business, corporation or other entity having a right of property in either a dog or cat, or who keeps or harbors a dog or cat for a period of at least thirty days, or who has a dog or cat in his care or custody, or who knowingly permits a dog or cat to remain on or about any premises which is owned, rented, and/or leased by such person, firm, business, corporation or other entity.

M. “Premises” shall mean any real property titled in the name of or held in fee by or rented or leased to the owner of a dog or cat. For purposes of this article, land surrounding apartments, condominiums and mobile home courts shall not be considered premises of the tenant unless such land is owned outright in fee or otherwise, or rented by lease or other rental agreement. Sporting dogs and multiple dogs housed together may be kept at any reasonable location on occupied premises. (See VI.C.4. for required “confinement” standards.) No one dog shall be confined or restrained in a location isolated from daily outdoor activities. Furthermore, no dog, other than a livestock guard dog or other trained guard dog, shall be kept on any unoccupied premises.

N. “Restrained” means secured on the premises of the owner using a stationary point or trolley system or, whether on or off the premises, secured by leash or lead under the control of a person physically capable of restraining the animal and/or obedient to that person’s commands.

O. “Running at Large” shall mean a dog that is off the premises of the owner and that is not under the control of an owner by leash as defined herein (other than dogs within the confines of an authorized Dog Park.) A dog found on the owner’s premises shall be considered to be running at large when the owner is not on the premises and the dog has

been cited off the owner’s premises by the Animal Control Officer or other law enforcement officer, but has returned to the premises during pursuit by the Animal Control Officer or other law enforcement officer. A dog shall not be considered to be running at large when the dog is a hunting dog employed by the owner in hunt and/or chase or in training for hunt and/or chase and, when under such circumstances, accompanied by the owner.

P. “Sanitary” shall mean an area that is reasonably clean and free of excessive amounts of animal waste or other potentially hazardous waste materials.

Q. “Stationary Point” shall mean a fixed, unchanging point, such as an anchor or stake in the ground, or a structure or fixture.

R. “Tree Trolley System” shall mean a tethering system using one tree or other single stationary point which allows the tethered dog to move freely 360 degrees around the tree or other fixed point.

S. “Vaccination” shall mean the process whereby an animal is immunized against rabies using a vaccine and a technique authorized by State law.

T. “Vicious Dog” shall mean a dog that has bitten (so as to cause serious injury), maimed or killed one or more human beings in one or more unprovoked attacks. A “dangerous dog” shall mean a dog that has bitten (so as to cause serious injury), maimed or killed one or more other domesticated animals in one or more unprovoked attacks. A dog may also be considered dangerous if it has been trained to attack upon command, signal or reflex and to guard, protect, or patrol premises, including a dog used as an attack, search and security dog for any law enforcement agency.

II. Rabies Vaccination and Registration Required.

- A. It shall be unlawful for any owner to own, keep, harbor or permit to remain on the premises of such owner any dog or cat over six months of age that has not been vaccinated against rabies in accordance with Tenn. Code An. 68-8-101 through 68-8-114, as may be amended from time to time. It is recommended that dogs be vaccinated against rabies between the ages of 3 to 6 months. A certificate of such vaccination shall be issued by a licensed veterinarian duly authorized to administer such a vaccination and such certificate shall be kept by the owner, subject to the inspection of the Animal Control Officer, Health Officer or law enforcement officer.
- B. Standard for vaccination. It shall be the duty of the veterinarian, duly licensed by the State Board of Veterinary Medical Examiners and approved by the Board of Health, to administer such a vaccination and to perform such vaccination in such a manner as meets the standards prescribed by the Health Officer, and the laws of the State of Tennessee.
- C. Dogs to wear rabies tags.
 1. It shall be unlawful for any owner to own, keep, harbor or permit to remain on or about the premises of such owner any dog six months of age and older that does not wear a tag evidencing that the dog has been vaccinated in accordance with the provisions of these rules and regulations.
 2. It shall be presumed that any dog not wearing a rabies tag as required herein has not been vaccinated, unless otherwise established. Proof of vaccination, however, shall not relieve an owner of a dog not wearing the required rabies tag from sanction for violation of Section 2 of these rules and regulations.
 3. Tags evidencing that a dog has been vaccinated in accordance with the provisions of these rules and regulations shall be obtained from the Animal Control

Officer or any agent(s) that he/she may from time to time designate (including duly licensed veterinarians) and pursuant to such requirements as the Animal Control Officer may set forth, including the right to charge a reasonable fee for such rabies tag. Each rabies tag shall contain an individual serial number, the name of the county,* and the year of vaccination. In the event that a rabies tag shall be lost, the Animal Control Officer or an appointed agent, on request by the owner, shall issue a duplicate tag, for which the owner may be required to pay a reasonable fee as required by the Animal Control Officer and approved by the Public Health Committee of the Williamson County Board of Commissioners. No refunds shall be available on any rabies tag.

4. The Animal Control Officer shall require that each owner present satisfactory proof that the dog for which a rabies tag is sought has received a vaccination in accordance with the provisions of these rules and regulations.
5. Upon purchasing any rabies tag as herein provided, the owner shall receive a certificate of receipt. Each certificate shall contain the following information: (a) whether the rabies tag is purchased for a dog; (b) the owner's name, address and telephone number; (c) type of breed and color and gender of the dog; (d) date and place of vaccination; (e) serial number on rabies tag issued and (f) date of re-vaccination.
6. It shall be unlawful to transfer a rabies tag, from one dog to another.
7. Any owner moving into Williamson County from out of state shall acquire a Williamson County rabies tag, as herein provided, or be in violation of this Section. An owner moving into Williamson County with a valid rabies tag from another Tennessee county need not obtain a Williamson County tag until the date of expiration of the tag from the other County.

* State law no longer requires the name of the county; therefore, this regulation does not apply.

8. A dog that is seized or impounded and is not wearing a rabies tag may be subject to disposition as deemed appropriate by the Animal Control veterinarian (or Director in the absence of the veterinarian) when not claimed by the owner within 7 business days. If such animal is otherwise eligible for adoption, the animal may be placed for adoption upon ensuring that vaccination is current.

III. Running at Large Prohibited.

It shall be unlawful for any owner, as defined herein, or other person who has control or custody over a dog, whether such control or custody shall be temporary or otherwise, to allow a dog to run at large. Any unaltered animal that has been impounded two (2) times within any twelve (12) month period or a total of five (5) times over any time period, shall be spayed or neutered at the owner's expense prior to release from the shelter.

IV. Cruelty, Abuse & Neglect Prohibited.

It shall be a violation of these rules and regulations for any person to:

- A. Torture, maim or grossly overwork an animal;
- B. Intentionally inflict pain or suffering upon an animal. In the case of activities where physical pain is necessarily caused, such as medical, research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" means a failure to employ the most humane method reasonably available.
- C. Fail to provide necessary food, water, care or shelter for an animal in the person's custody;

- D. Abandon an animal in the person's custody. Any animal control officer shall have authority to intervene to provide necessary care for any dog or cat so abandoned or neglected;
- E. Transport or confine an animal in a cruel manner or in an inhumane manner that exposes the animal to extreme heat or cold resulting in physical distress or suffering;
- F. Knowingly tie, tether, or restrain a dog in a manner that results or may reasonably be expected to result in the dog suffering cuts, abrasions, contusions, disfigurement, physical pain, temporary illness or impairment of a bodily member, organ or function; or
- G. Cause an animal to drag any unreasonably heavy object, including but not limited to cinder blocks, heavy weights, bricks, chains, or logs.

V. Vicious/Dangerous Dogs Shall be Securely Restrained or Confined.

- A. It shall be unlawful for any owner, as defined herein, or other person who has control or custody over a dog, whether such control or custody shall be temporary or otherwise, to own, keep, harbor or permit to remain on or about the premises of such owner a vicious or dangerous dog unless such vicious or dangerous dog shall be securely restrained or confined to an area so as to prevent contact with other animals and persons. Any person having control or custody over a vicious or dangerous dog, as stated above, shall obtain approval from the Animal Control Officer as to the adequacy of the restraint or confinement used to secure the vicious or dangerous dog so as to prevent contact with other animals and persons. A vicious or dangerous dog not restrained or confined as provided herein may be seized by the Animal Control Officer or any law enforcement agency for impoundment or confinement.

- B. It shall be unlawful for any owner to own, keep, harbor or permit to remain on or about the premises of such owner a vicious or dangerous animal without posting notice on the premises in an area in plain view to the general public that a vicious or dangerous animal is on the premises.

VI. Restraint & Confinement Regulations.

The following shall apply to restraint and confinement of animals on the owner's premises or other premises, when used as a primary means of confinement or restraint in any 24 hour period.

- A. No person shall allow any animal to remain confined in such a manner as to restrict the animal's ability to move around naturally. While restraint at a stationary point is not preferred, if a dog is so restrained, no person shall allow any dog to remain restrained at a stationary point by way of rope, chain, tether or cord that is less than 15 usable feet in length or that may reasonably result in the animal becoming entangled so as to restrict reasonable movement throughout the day and night. When multiple animals are tethered there shall be sufficient separation to prevent the animals on the chains, tethers or cords from being entangled. This section shall not apply to the restraint of an animal while the owner or other responsible individual is walking with or accompanying the animal on a leash as defined herein. Unaltered animals may not be tethered, but rather must be confined indoors or in a securely fenced area.

- B. Trolley System. If confining by trolley system, the dog must be restrained by a chain or tether that is at least ten (10) usable feet in length, with swivels on both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten (10) usable feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level in a manner so as not to interfere or become entangled with objects on the property. The animal must be able to fully lie down with head comfortably on the ground and have enough usable tether/cable to enter and exit necessary shelter head first.

- C. Tree Trolley System. If confining by tree trolley system, the dog will be restrained with a system whereby a loose-fitting cable (preferably vinyl covered steel cable or any smooth material that cannot dry rot or break easily) with a loose-fitting metal ring sliding easily around it is attached seamlessly around a tree. A cable of a minimum of 15 ft. in length is then attached at one end to the metal ring and at the other end to the collar or harness of the dog allowing the dog to move freely around the tree or other fixed point. All other restraint and confinement regulations in Section VI apply.

- D. When any animal is restrained on a rope, chain, tether, cord, trolley system or tree trolley system or confined in any manner:

1. The rope, chain, tether or cord restraining the animal may not be more than one-tenth (1/10) of the body weight of the animal;
2. A swivel must be located at both ends of the rope, chain, tether or cord (the end attached to stationary object and the end attached to the animal);
3. The rope, chain, tether or cord must be attached to a properly fitted collar or harness that is commonly recognized as a pet collar or harness (choke and pinch collars or chains of any kind are prohibited while tethered);
4. The area where the animal is restrained or confined is primarily level ground and said ground must be clear of hazardous substances and clear of objects that may cause the animal to become injured or entangled or cause strangulation. If more than one animal is tethered, the animals must be tethered separately and with sufficient distance from the other so as not to allow the animals or their tethers to become entangled. The area must be of safe distance from a roadway, cliff, or any other location that may endanger the animal's life; and

- 5. The system employed shall not allow the animal to go beyond the owner's property.
- E. Confinement. An indoor enclosure or crate is overcrowded unless its area is at least the square of the length of each enclosed or crated animal in inches (from tip of nose to base of tail) plus six (6) inches for each animal confined therein. When a dog/cat is confined outside in a pen or an enclosure, the pen must be a minimum on all sides of four (4) times the length of the dog/cat (head to base of tail) plus space for shelter. See I.J. for "necessary shelter" standards. For each additional dog/cat sharing the pen, a minimum of one additional dog/cat length (using measurement of largest dog/cat) is required for each side.

VII. Unprovoked Attack by a Dog or Cat.

- A. The owner of any dog or cat that attacks by biting, maiming or killing a person shall surrender such dog or cat to seizure, confinement and/or examination, including external examination or submission of the dog or cat to rabies testing, as may be required by the Animal Control Officer, Health Officer and/or any law enforcement authorities.

- B. If a dog or cat is on its own property or on a leash off property and is a victim of an unprovoked attack by a dog or cat, the incident shall be reported to the Animal Control Officer. An Animal Control Officer shall take a report from the owner and from any eye witnesses and shall advise the victim's owner of his/her right to file a complaint in General Sessions Court for recovery of damages such as veterinary fees, in addition to any citation issued hereunder by the Animal Control Officer. The owner of the attacking animal shall, at a minimum, be cited by the Animal Control officer and be fined \$50.00 for allowing the animal to run at large if the offending animal has attacked a dog or cat on the victim animal's owner's property or while the victim animal was on a leash and the offending animal was not on a leash or was not properly controlled by the owner. Further, the Animal

Control Officer may impose appropriate requirements for confinement and control of the dog or cat, including barring a dog from public dog parks if the incident occurred in such a park.

- C. The owner of a dog that bites, maims or kills one or more persons in one or more unprovoked attacks may be required to surrender the animal for destruction pursuant to the procedure defined by state law. The owner of a dog or cat that kills or maims one or more other domesticated animals in one or more unprovoked attacks or the owner of a cat that bites one or more persons may be required to surrender the dog or cat on written order of the Animal Control Officer. An owner may appeal to a court of competent jurisdiction for review of the order of the Animal Control Officer by filing a petition in that court within five days of receipt of the written order issued by the Animal Control Officer.

VIII. Reporting of Dog and Cat Bites.

- A. It shall be unlawful for any owner of a dog or cat, or other person who has control or custody over a dog or cat, whether such control or custody shall be temporary or otherwise, to fail to report to the Animal Control Officer or police department any incident of such dog or cat biting one or more persons, provided that such owner or other person having control or custody over the dog or cat shall have knowledge of or a reasonable basis to know that a biting occurred. "Biting" shall be reported pursuant to this section if the animal's teeth broke the skin of a person.
- B. It shall be unlawful for any person who provides medical treatment to another for a dog, cat or other warm-blooded animal bite to fail to report the bite to the Animal Control Officer or police department.

IX. Seizure.

A. Any dog that is not wearing a tag as required by these rules and regulations, or any vicious or dangerous dog not restrained and confined as provided in these rules and regulations, or any dog or cat that has contracted or is suspected of having contracted rabies, or any animal that has been bitten by a dog, cat or other animal that has contracted or is suspected of having contracted rabies, or any dog running at large, as defined herein, or any dog who has killed or damaged livestock, or any dog that has attacked by biting, maiming or killing one or more persons or other animals, or any dog or cat reasonably believed to be in a life-threatening situation (including threats during domestic violence) or to be suffering as a result of cruelty, abuse, neglect or abandonment, may be seized by the Animal Control Officer, and/or any law enforcement agency, and their agents.

B. Seizure may be accomplished by any means necessary (including the use of a tranquilizer gun) to subdue and seize the animal by the Animal Control Officer, and/or law enforcement agency, and their agents. Such authorities shall also have the authority to exercise the use of a deadly force against any dog or cat or other animal that has contracted or is suspected of having contracted rabies, or that is attacking or threatening to attack by biting, maiming or killing one or more persons or other animals.

X. Impoundment, Confinement, and Disposition.

A. Any dog or cat seized pursuant to these rules and regulations may be impounded and/or confined to such areas as prescribed by the Animal Control Officer.

B. When any dog or cat wearing a tag or other emblem to identify the owner shall be seized and impounded or confined, the Animal Control Officer shall obtain available contact information from the veterinarian who issued the rabies tag and shall cause notice of such seizure to be sent

by registered mail to the owner, such notice to be addressed to the last known mailing address of the owner. Other reasonable attempts to obtain available contact information (including scanning for microchips) and to send notice shall be made. Notice shall provide the reason that the dog or cat has been seized and impounded or confined, and shall state that the owner must appear to claim the dog or cat within seven (7) days subsequent to the date the notice was mailed, and that upon failure to so appear the Animal Control Veterinarian or Director may place for adoption or euthanize the dog or cat. Litters of kittens or puppies that are obviously abandoned may be placed for adoption after three (3) working days at the discretion of the Animal Control Officer. For purposes of this Section, the seven (7) days shall not include Sunday, and shall not include the day of seizure, regardless of the time of day such dog or cat is seized.

C. If the owner appears to claim or redeem the dog or cat, he shall pay to the Animal Control Officer a fee as established by a fee schedule implemented by the Health Officer and/or Animal Control officer for each day that the dog has been held in impoundment or confinement. The fee schedule shall be uniform in application and may be amended from time to time by the Williamson County Board of Commissioners. On payment of the fee, the dog or cat may be returned to the owner, unless other violations of state law or this resolution (such as failure to vaccinate, neglect or cruelty, etc) cause the Animal Control Officer or other law enforcement offer to conclude that there is good cause for the dog or cat to remain impounded or confined. Should the Animal Control Officer, and Health Officer and/or any law enforcement agencies direct that a dog or cat remain impounded or confined for any period of time after the owner pays the fee referenced above, such direction shall be in writing, stating the reasons therefore, and a copy shall be provided for the owner on request. If charges under state law or this resolution are not brought within ten (10) days of the owner's payment of the fee, the animal shall be released to owner.

D. When any dog lacking a tag or other emblem to identify the owner or any cat lacking a means to identify the owner shall be seized and impounded or confined, the Animal Control Officer shall hold such dog or cat for seven (7) days, unless directed by the Animal Control Officer, Health Officer, and/or any law enforcement agency to impound or confine the dog or cat for an additional period of time. For purposes of this Section, the seven (7) days shall not include Sundays and shall not include the day of seizure regardless of the time of day such dog or cat is seized.

E. At the expiration of the time required by this Section or by the Animal Control Officer, Health Officer and/or law enforcement agency for the impoundment or confinement of a dog or cat, the Animal Control Veterinarian (or Director in the Veterinarian's absence) may place for adoption or humanely euthanize such dog or cat.

F. The seven-day impoundment or confinement period, as set forth in this resolution, may be waived by the Animal Control Officer and his/her agents when any dog or cat seized is determined to be suffering from an infectious or dangerous disease or is determined to be suffering from an illness or physical injury that requires immediate medical treatment or humane euthanasia. When the seven-day period is waived, the Animal Control Officer shall obtain contact information as described in Section X.B., and shall attempt to contact the owner as stated on the tag or on any other emblem of identification found on the dog or cat by telephone prior to disposition of the dog or cat. In instances where the impoundment or confinement period is waived, the dog or cat involved may be placed for adoption, humanely euthanized or subject to other appropriate placement as determined by the Animal Control Veterinarian (or Director in the Veterinarian's absence), consistent with applicable law and policy.

G. Any dog or cat that has contracted rabies or that is suspected of having contracted rabies or that has attacked by biting,

maining, or killing one or more persons shall be impounded or confined subject to the directions and orders regarding the place of impoundment or confinement, the care, custody, treatment, observation, examination, and disposition of such dog or cat as issued by the Animal Control Officer, Health Officer and/or any law enforcement agency.

XI. Dog Fighting Prohibited.

- A. No person shall possess, harbor, or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals.
- B. No person shall permit a dog fight to take place upon his premises or premises within his control.
- C. No person shall knowingly be a spectator at a dog fight.
- D. Any dog found on the premises of the dog fight or in the immediate vicinity shall be impounded.

XII. Nuisance Prohibited.

It shall be unlawful for an owner to keep, harbor, or permit to remain on or about the premises of such owner any dog that by frequent and persistent barking, howling or whining disturbs the peace of individuals in the immediate neighborhood. It shall further be unlawful for an owner to permit his premises to become a threat to public health by reason of such owners keeping or harboring of any animal. For the purpose of this Section, a premise shall be deemed a threat to public health when the owner shall fail to remove the remains of dead animals or shall fail to remove fecal material of animals resulting in the creation of a harborage for rats or other carriers of contagious diseases, or resulting in an offensive odor. An Animal Control Officer shall take a report from the caller and other concerned parties and shall recommend possible solutions and advise of the

right to file a complaint in General Sessions Court, in addition to any citation issued hereunder by the Animal Control Officer.

XIII. Confinement of Unaltered Female Dogs and Cats in Season.

It shall be unlawful for any owner of a dog or cat, as defined herein, or any other person having control or custody over a dog or cat, whether such control or custody be temporary or otherwise to fail to confine an unaltered female dog or cat in an enclosed area during the time such dog or cat is in season or in heat. The confinement shall be for a period of twenty-four (24) days in such a manner that will prevent the unaltered female dog or cat from leaving the confined area and shall be sufficient to prevent the unaltered female dog from being reached by any male dogs, except for planned breeding. When exercised, the animal shall be properly leashed. Any unaltered female dog or cat not so confined may be impounded by the Animal Control Officer, and or law enforcement agency. Dogs or cats impounded two (2) times or more due to improper or inadequate confinement while in season must be spayed at the owner's expense prior to release from the Animal Control facility.

XIV. Disposition of Dead Dogs and Cats.

Persons who own, keep, or harbor dogs or cats shall be required to dispose of such dog or cat remains in a proper and lawful manner upon the death of such animal.

XV. Interference with or Violation of Orders Issued by the Animal Control Officer, Health Officer or any Law Enforcement Agency.


It shall be unlawful for any person to interfere with or hinder, or to harass, verbally or physically, any Animal Control Officer, Health Officer, or any law enforcement agency while such officers are in the performance of their duties prescribed in accordance with these rules and regulations. It shall further be unlawful for any person to violate any orders issued by the

Animal Control Officer, Health Officer, or any law enforcement agency regarding the seizure, impoundment, or confinement of a dog or cat as provided herein.

XVI. Violations-Penalty.

In addition to all applicable remedies and penalties under State law, any person found in violation of any of the provisions of these rules and regulations shall be guilty of a misdemeanor and shall be fined fifty (\$50.00) dollars per violation. Each day that a violation exists shall constitute a separate offense under this provision. Each animal affected by a violation shall also constitute a separate offense. Payment of the fine without curing the violation shall not constitute compliance. Further, where authorized hereunder, such person may be subject to forfeiture of the animal(s). At the discretion of the Animal Control Officer, first offenders may be permitted to attend a designated course on animal care and custody in lieu of being cited for violation.

All fines collected shall be designated for the Williamson County Animal Control budget to further the health and welfare of animals and education of the public related to animal health and welfare.




County Commissioner

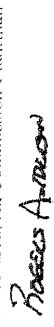
COMMITTEES REFERRED TO AND ACTION TAKEN:

Animal Control Task Force For 17 Against 0
Public Health Committee For 5 Against 0

COMMISSION ACTION TAKEN: For 20 Against 3 Pass 0 Out _____


Elaine Anderson, County Clerk


Houston Naron, Jr., Commission Chairman


Rogers Anderson, County Mayor

6-21-10
Date