

MONTGOMERY COUNTY ANIMAL CONTROL
REGULATIONS

The purpose of these Regulations are to promote the public health, safety and general welfare for the citizens of Montgomery County, Tennessee in its unincorporated areas and to ensure the humane treatment of animals by regulating the care and control of animals.

ARTICLE 1 - DEFINITIONS

Sec. 1. Definitions

When used in these Regulations, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“*Abandon*” means forsake, desert or absolutely give up an animal previously under the custody or possession of a person without having secured another owner or custodian, or by failing to provide one or more of the elements of adequate care for a period of twenty-four (24) or more consecutive hours.

“*Adequate care*” or “*care*” means the reasonable practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering, disease, or the impairment of health.

“*Adequate exercise*” or “*exercise*” means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size and condition of the animal.

“*Adequate feed*” means the access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal without duress or competition; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

“*Adequate shelter*” means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and

for dogs and cats, provide a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to (i) easily stand sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least 20 feet in length, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the species is considered provision of adequate space.

"Adequate veterinary care" means to provide medical care to alleviate suffering, prevent disease transmission, maintain health, and provide available care to prevent diseases through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every 12 hours, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternate source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or cat from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Altered" means a surgical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means a living organism characterized by voluntary movement except human beings and plants.

“*Animal Control Director*” means the duly appointed and acting Director of Montgomery County Animal Care and Control or his or her designated representative for the County of Montgomery, or the person duly appointed by the County Mayor;

“*Animal Control Officer*” or “*ACO*” means an employee or agent of the County, designated by the Animal Control Director or County Mayor to administer and enforce the licensing, inspection and enforcement requirements contained within these Regulations.

“*Animal Hoarder*” means a person who possesses a large number of animals and (i) fails to or is unable to provide adequate care as defined in this chapter or (ii) keeps animals in severely overcrowded conditions where they are unable to be in a state of good health or (iii) display the inability to recognize or understand the nature of, or has the reckless disregard for the conditions of the animals or (iv) is living in unsanitary, unhealthful or potentially dangerous conditions due to the inability to provide adequate care as defined in this chapter.

“*Animal Hospital*” means any licensed establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

“*Animal shelter*” means any facility operated by the County or humane society for the temporary care, confinement and detention of animals and for the humane euthanizing and other disposition of animals. The term shall also include any private facility authorized by the County Mayor or his/her designee to impound, confine, detain, care for or euthanize any animal.

“*At large*” means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal; excluding feral cats.

“*Attack*” means attack by an animal off its owner’s property in a vicious, terrorizing or threatening manner or in an apparent attitude of aggression; “attack” does not include any actions by an animal in defense of itself or its owner or caretaker against aggression by a person or an animal.

“*Breeder*” means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, and/or other animals to be kept as household pets.

“*Cattery*” means any enclosure, premises, building structure, lot or area, in or on which eight or more cats at least (3) months of age are kept, bred, harbored or maintained. The owner must apply for a cattery license and meet the standards of husbandry described in this chapter. Space requirements, sanitation and proper vaccinations and veterinary care are required by this section. Both kennels and catteries will be subject to at least annual inspection by Animal Control with emphasis placed on sanitation, vaccination records, absence of disease and humane operation.

“*Collar*” means a well fitted device appropriate to the age and size of the animal, constructed of nylon, leather, or similar material, and attached to the animal’s neck in such a way as to avert trauma or injury to the animal.

“*Companion animal*” means any domestic or feral dog, domestic or feral cat, guinea pig, small domesticated mammal, rabbit not raised for human food or fiber, potbellied pig, exotic or aquatic animal, amphibian, reptile, exotic bird, or any feral animal or any animal under the care, custody or ownership of a person or any animal which is bought, sold, traded or bartered by any person. Agricultural animals, game species, or any animal regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

“*Cruelty*” means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, “cruelty” shall mean a failure to employ the most humane method reasonably available.

“*Curbside sale*” means any attempt to sell, barter, trade or adopt any companion animal on a public or private street, parking lot, or location.

“*Dangerous dog*” means any dog that, according to the records of an appropriate authority, as described in Article 7

For purposes of this section, the term:

(a) "Dangerous dog" means any dog that:

(1) Causes severe injury to a person or another domestic animal; or

(2) Engages in behavior that poses a threat to public safety as described in paragraph (g) of this section.

(b) "Serious injury" means any physical injury that result in medical attention being rendered by licensed/certified medical personnel.

(c) “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.

(d) "Proper enclosure" means secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least 10 feet in width, 10 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property.

(e) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

(f) "Impound" means taken into the custody of Montgomery County Animal Care and Control or the organization authorized to enforce the dangerous dog law of this jurisdiction.

(g) "Potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

(1) Causing an injury to a person that is less than severe;

(2) Causing an injury to a domestic animal that is severe;

(3) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;

(4) Acts in a highly aggressively manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.

(h) "Responsible person" means a person at least 18 years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.

"Direct and immediate threat" means any clear and imminent danger to the health, safety, or life of an animal or person as would be perceived by a reasonable person.

"Disposition" means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. Disposition includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

"Dog" means any member of the animal species *canis familiaris* or any animal which is a crossbreed of any animal that is a member of the *canis familiaris* species, not including, wolf/dog crossbreeds and wolf hybrids.

"Domestic animal" means any animal that may be legally possessed by a person and is commonly kept as a pet in or around a residence, outbuildings or business. *Domestic animal* includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

"Dump" means to knowingly abandon, desert, forsake, or absolutely give up without having secured another owner or custodian; any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another including but not limited to an animal shelter, veterinary hospital or animal welfare facility.

"Ear tip" means a mark identifying a feral cat as being in a Trap, Neuter, Release (TNR) program, specifically, the removal of approximately three-eighths of an inch off the tip of the cat's left ear in a straight line, while the cat is anesthetized.

"Enclosures" for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door. The enclosure must contain adequate shelter from the weather.

(i) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. The enclosure must contain adequate shelter from the weather. This type of enclosure is not acceptable for a female in heat. An unrestrained dog(s) that attacks a dog restrained by this method may be charged with being a DANGEROUS DOG as defined by this resolution.

(ii) Enclosures for DANGEROUS DOGS shall be a secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 10 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property. A "DANGEROUS DOG" sign prescribed by Montgomery County Animal Care and Control must be posted at the entry to the property.

"Exotic animal" means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

“*Feral cat*” means a cat that is unsocialized to people and typically avoids contact with humans.

“*Feral cat caregiver*” means any person, who in accordance with a good faith effort to trap, neuter, vaccinate, and return the feral cat, provides volunteer care to a feral cat.

“*Feral cat colony*” means a group of feral cats that congregate, more or less, together as a unit and share a common food source.

“*Foster care provider*” means an individual who provides care or rehabilitation for companion animals through an affiliation with Montgomery County Animal Care and Control.

“*Foster home*” means a private residential dwelling and its surrounding grounds at which site through an affiliation with Montgomery County Animal Care and Control.

“*Groomer*” means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

“*Grooming shop*” means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

“*Guard dog*” means any member of the dog family (*canidae*) trained to attack on command or to protect persons or property, and who will cease to attack upon command.

“*Guard dog owner*” means any person, firm or corporation, which employs a guard dog to protect commercial property from unauthorized intrusion; for purposes of this definition, “owner” includes legal owner and any person, firm or corporation who, through arrangement or contract, has secured the use of a guard dog to protect commercial property from unauthorized intrusion.

“*Guard dog purveyor*” means any person, firm or corporation supplying guard dogs to members of the public.

“*Guard dog trainer*” means any person, either as an individual or as an employee of a guard dog purveyor, whose prime function is the training of dogs as guard dogs.

“*Home-based rescue*” means any person that accepts: (i) more than twelve (12) companion animals; or (ii) more than nine (9) companion animals and more than three (3) unweaned litters of companion animals in a calendar year for the purpose of finding permanent adoptive homes for the companion animals and houses the companion animals in a private residential dwelling or uses a system of housing companion animals in private residential foster homes.

“*Impoundment*” means the taking into custody of an animal by any police officer, animal

control officer, or any authorized representative thereof.

"Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, hunting, training for a fee, or selling dogs or cats, except a facility operated by a humane society or a governmental agency or its authorized agents, for the purpose of impounding or caring for animals.

"Licensed veterinarian" means a person licensed to practice veterinary medicine.

"Livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine (except potbellied pigs), goats, and poultry.

"Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

"Microchip" means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

"Microchipping" means the implanting of a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

"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.

"Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal, the muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or animal.

"Neglect" means any of the following:

- (1) Failing to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized;
- (2) Failing to provide an animal with adequate living conditions as defined in this chapter (adequate feed, adequate water, adequate shelter, adequate space etc.);
- (3) Failing to provide adequate veterinary care;
- (4) Keeping any animal under conditions which increase the probability of

the transmission of disease;

- (5) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory to suffer unnecessary neglect, torture, or pain; or
- (6) Meeting the requirements of the definition of an Animal Hoarder.

“*Owner*” means any person, corporation, organization, group of persons or association that (i) has a property right in an animal; (ii) keeps or harbors animal; (iii) has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person; or (iv) by agreement with or with permission of the true owner of the animal, has an animal in his or her care or acts as a caretaker or custodian of an animal. “*Owner*” does not include Montgomery County Animal Care and Control, non-profit animal sheltering facility, rescue organization, feral cat caretakers, a veterinarian or an operator of a grooming shop, kennel or pet shop engaged in the regular practice of said business.

“*Pet dealer*” means any person or organization, other than a shelter or registered rescue organization, who engages in the business of selling, buying, brokering, or bartering of animals, whether such animals are located in the County or just offered for sale, barter, broker, etc., in the County.

“*Proof of ownership*” means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies vaccination certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.

“*Properly cleaned*” means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals’ contact with these contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazard of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

“*Proper disposal*” means placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

“*Proper enclosure*” means a place in which a companion animal 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 and designed to prevent the companion animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the companion animal from escaping and shall also provide protection for the companion animal from the elements. The enclosure shall be of suitable size for the companion animal.

"Properly fitted" collar means the animal has a collar that measures the circumference of a neck plus at least one inch.

"Properly restrained" means: (i) controlled by a competent person by means of a chain, leash, or other like device not to exceed six feet (6') in length; (ii) secured within or upon a vehicle being driven or parked; or (iii) 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.

"Provoke" means to goad, inflame, instigate or stimulate an aggressive or defensive response on the part of an animal, but does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an animal.

"Public nuisance" means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:

- (1) damages, soils, defiles or defecates on any property other than that of its owners;
- (2) interfere with the ordinary use and enjoyment of a person's property;
- (3) turn over garbage containers or damage flower or vegetable gardens;
- (4) cause unsanitary or offensive conditions;
- (5) impede the safety of pedestrians, bicyclists, or motorists;
- (6) allowed to remain an unaltered free roaming cat.
- (7) Any animal that is repeatedly found running at large;
- (8) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint or otherwise under the owner's control;
- (9) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

- (10) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- (11) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (12) Any animal that chases motor vehicles in a public right-of-way;
- (13) Any animal that attacks domestic animals;

"Reasonable period" means a period of time not to exceed twelve (12) hours in a twenty-four hour period.

"Records of an appropriate authority" means records of any state, county or city law enforcement agency; records of any county or city animal control agency; records of any county board of health or records of any federal, state or city court.

"Releasing agency" means an animal shelter, humane society, and animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or rescue that releases companion animals for adoption.

"Registered Rescue Organization" means any person or organization, that is not acting for profit, and that rescues animals from a variety of sources and places them through adoption with new owners.

"Relinquish" means giving up all rights to said animal including future knowledge of the disposition of the animal.

"Restraint" for all domesticated animals shall mean on the premises of the owner, or if off the premises of the owner, under restraint by means of a lead or leash and under the control of a responsible person.

- (i) Any tethering system employed shall not allow the dog to leave the owners property.
- (ii) No tether shall weigh more than 1/8 of the dog's body weight.
- (iii) Any tether shall be at least twenty (20) feet in length.
- (iv) Any tether must be attached to a properly fitting collar or harness worn by the animal.
- (v) Or under an effective, responsive voice command

"Sanitary conditions" means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

“*Service Animal*” means a dog that is individually trained to do work or perform tasks for people with disabilities, according to ADA Service Animal requirements.

“*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, disfiguring lacerations requiring multiple sutures or cosmetic surgery, or death on the part of the victim.

“*Stray*” means any animal: (i) which is at large; (ii) which appears to be lost, unwanted or abandoned; or (iii) whose owner is unknown or not readily available.

“*Tether*” or “*tethering*” means the restraint and confinement of a dog by use of a restraint device.

“*Torture*” or “*torment*” means every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted.

“*Trap-Neuter-Return/TNR*”, is a nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized and vaccinated, ear tipped, and then returned to the location where they were originally trapped.

“*Under control*” means an animal is securely confined in a fenced enclosure on the property of owner or keeper of the animal provided such an enclosure prevents the animal from leaving the property of the owner or keeper of the animal. An animal is also under control:

- (1) When the animal is located on the property of the owner or keeper of the animal and is secured by means of a leash or tether which prevents the animal from leaving the property of the owner or keeper of the animal.
- (2) When the animal is secured by means of a leash held by a person of suitable age and discretion.

“*Unsanitary conditions*” not sanitary; unhealthful or likely to cause disease

“*Weaned*” means an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five (5) days.

ARTICLE 2 - ANIMAL CONTROL SERVICES

Sec. 1. Montgomery County Animal Care and Control.

- (a) Montgomery County Animal Care and Control shall provide animal services

for Montgomery County.

- (b) These services shall include the following; but not limited to:
 - (1) Providing essential animal services to the residents of Montgomery County through the enforcement of animal-related codes as stated in the Tennessee Code and County Code; and/or county resolutions.
 - (2) Licensing of animals; if required herein;
 - (3) Animal safety and educational programs;
 - (4) An attempt to reach resolution of animal-related problems by education or advice;
 - (5) Shall promote (1) the reduction of euthanasia of animals for which medical treatment or adoption is possible; and (2) the utilization of trap, spay or neuter, and return practices as a means of controlling the feral cat population.
 - (6) Emergency and rescue services for animals;
 - (7) Cooperation with state, county and city agencies and assisting in the enforcement of the laws of the County and state with regard to companion animals and especially with regard to the vaccination of companion animals against rabies and the confinement or leashing of vicious animals;
 - (8) Investigation of cruelty, neglect or abuse of animals; and
 - (9) Maintaining an animal shelter in accordance with the provisions of this Chapter.

(c) Any Animal Control Officer or police officer of the City or County shall have the power and duty to protect the animals taken into custody, whether in transit or at the Montgomery County Animal Care and Control. Any Animal Control Officer or police officer shall have the authority and duty to rescue any animal that appears to be suffering from a serious medical emergency and/or appears to be unable to physically remove itself from a situation that restricts its movement. If a rescued animal is found to have reasonable proof of ownership such as an implanted microchip, tattoo or collar with identification, it shall be provided with immediate veterinary care if the officer deems such care to be necessary in an attempt to prevent, physical pain, suffering, disability or death of the animal. The animal's owner shall be responsible for all expenses incurred for the rescue and subsequent treatment of the animal. If the animal has no detectable identification or is found abandoned or not properly cared for, the Montgomery County

Animal Care and Control Director, or his or her designated employee/agent, a licensed veterinarian or two reputable employees/agents in the animal welfare field may be called to view the animal and give written certification of the animal's condition. If it is determined that the animal is diseased, significantly injured, suffering, neonatal, feral or highly aggressive, and due to such condition is an improbable candidate for adoption, the animal can be immediately euthanized. In no event shall the determination as to disposition of the animal be delayed beyond forty-eight (48) hours after it is determined that said animal should, for humane reasons, be immediately destroyed by humane euthanasia.

Sec. 2. Interference with enforcement of chapter.

It shall be unlawful for any person to interfere with, hinder or molest any Animal Control Officers, law enforcement officers, or veterinarians in the performance of any duty authorized by this Chapter or to seek to release any animal in the custody of the Montgomery County Animal Care and Control except as otherwise specifically provided herein.

Sec. 3. Animal Control Officer.

Upon written request by the Director of Montgomery County Animal Care and Control, the Mayor may commission special Animal Control Officers of the County to enforce the provisions of this Chapter. The holders of such commissions shall have, possess and exercise every power granted by such commissions but such special policemen shall not be regular police officers of the City or County nor shall they be entitled to any benefits afforded regular police officers or deputies.

Sec. 4. Setting humane animal traps and authority to receive trapped animals.

Montgomery County Animal Care and Control is authorized to place, upon request, live-capture animal traps on private property with the permission of the owner or public property to trap and remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person other than an Animal Control Officer or the officer's designee to remove any animal from the trap or to damage, destroy, move or tamper with the trap. Montgomery County Animal Care and Control is authorized to receive and impound animals that are trapped by other agencies or persons.

ARTICLE 3 - REGULATIONS

Sec. 1. Seizure of at-large animals upon return to property.

An Animal Control Officer or law enforcement officer may, upon viewing an animal at large and upon the animal's return to its legal property, impound such animal off its property for safe keeping if, in the opinion of the officer:

- (1) there is no way to ensure the animal's confinement to the property if the

officer would leave it there to await the owner's return,

- (2) it could present a danger to the public, traffic or other animals if left until the owner returns, or

A notice of impound shall be posted in a place that would be visible from the public right-of-way or the front door or entrance, and it shall state the procedure to redeem such animal. This section does not authorize the entry into any building on the property nor the removal, without a search warrant or owner's written permission, of any animal from any building on the property.

Sec. 2. Animals at large

(a) It shall be unlawful for any person to allow any unrestrained animal belonging to him or under his control or habitually found on premises occupied by him or immediately under his control to go unrestrained, or be allowed to run at large. Any animal found running at large in is violation of this section and is liable to seizure and disposal as provided in this Chapter.

(b) Any animal found at-large more than twice in any twelve (12) month period may be subject to seizure and/ or impoundment. Such animal may not be redeemed by any person until such animal is both microchipped, and spayed or neutered. The owner or keeper of such animal shall be responsible for the expense of such microchipping and spay/neuter. Spaying/neutering and microchipping requirement will be waived upon showing proof of microchip/spay/neuter from a licensed veterinarian or if the owner or keeper provides a written statement from a licensed veterinarian stating that the spay/neuter procedure would be harmful to the animal.

(c) Estrous period. During this period, the owner or person having possession of the animal must have the animal in a secure enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. Any such dog or cat not so confined may be seized and impounded. Such animal may not be redeemed by any person until such animal is microchipped, spayed or neutered if the female animal is in heat at the time of impound as is determined by a licensed veterinarian. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved, if the owner is found to be in possession of a current breeders permit.

Sec. 3. Animals in Public Places

It shall be unlawful for any person to permit his or her animal, or an animal in such person's care, in any public park or recreation area, including pedestrian walkways and bridges, if there is posted in such park or recreation area a sign prohibiting such animals. Any animal found in a park or recreation area in violation of this section is declared to be a nuisance as provided in this Chapter. **State law reference**-TCA. §§ 44-8-401, et seq.

Sec. 4. Animal causing unsanitary conditions; prohibited.

(a) It shall be unlawful for any person to allow an animal to cause unsanitary conditions within the County of Montgomery. This serves to require the proper disposal of pet solid waste in the County of Montgomery so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

(b) Any owner is required to immediately and properly dispose of a pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

(c) Any owner who requires the use of a service animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

(d) Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a mandatory fine of \$50.00

Sec. 5. Animal creating nuisance; prohibited.

It shall be unlawful for any owner or custodian to permit his or her animal, or an animal in his or her care, to create a public nuisance as defined herein. The owner must keep the animal that has been determined by Montgomery County Animal Care and Control to be creating a public nuisance on his or her own property at all times unless the animal is under physical restraint. If Montgomery County Animal Care and Control declares an animal to be a public nuisance under this section, then the Director/designee has the authority to instruct the animal's owner or custodian in writing to abate the nuisance. It shall be unlawful for the animal's owner to fail to comply with Montgomery County Animal Care and Control regulations.

Sec. 6. Keeping stray animals; failure to surrender stray animal.

It shall be unlawful for any person in the County to knowingly and intentionally harbor or keep in possession by confinement or otherwise any animal which does not belong to such person without permission of the owner. Any person within twenty-four (24) hours from the time such animal came into his or her possession must report or surrender the animal to Montgomery County Animal Care and Control. Upon surrendering, an Animal Control Officer shall take such animal and place it in Montgomery County Animal Care and Control for a required legal stray hold period of three (3) business days. If such animal is not reclaimed after three (3) business days, the public may apply through normal process and fees to become the adoptive owner of the animal. The expense of sheltering fees, license fee and rabies vaccination must be assumed by the owner if the animal is reclaimed prior to the end of the three (3) business days. No person harboring such an animal shall refuse to relinquish such animal to its legal owner prior to the expiration of said three (3) business days.

Sec. 7. Impounding, destruction of violating animals authorized.

(a) In addition to any other remedies provided in these Regulations, an Animal Control Officer or a law enforcement officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

- (i) Any animal at large;
- (ii) Any animal constituting a public nuisance or considered a danger to the public;
- (iii) Any animal that is in violation of any quarantine or confinement order;
- (iv) Any unattended animal that is ill, injured or otherwise in need of care;
- (v) Any animal that is reasonably believed to have been abused or neglected;
- (vi) Any animal that is reasonably suspected of having rabies;
- (vii) Any animal that is charged with being potentially dangerous, or dangerous where an animal control officer or a law enforcement officer determines that there is a threat to public health and safety;
- (viii) Any animal that a court of competent jurisdiction has ordered impounded;
- (ix) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

(b) An Animal Control Officer or law enforcement officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a civil monetary penalty of fifty (\$50.00) Dollars for the offense. The civil monetary penalties will be paid to Montgomery County Animal Care and Control Department within ten (10) days in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, the Animal Control Department shall have the right to proceed to collect unpaid civil monetary penalty as provided in the **Violations and Penalties** section of these Regulations. The third and subsequent offenses shall be prosecuted by misdemeanor citation when appropriate under state law, or impound the dog.

Sec. 8. Care while in custody.

Any animal care facility including any Animal Shelter shall provide clean, comfortable and sanitary quarters for all dogs and cats, keeping intact males and females and vicious dogs in separate kennels or cages and shall provide a liberal allowance of wholesome food and fresh, clean water and clean bedding.

Sec. 9. Notification of impounding.

Upon impounding an animal, Montgomery County Animal Care and Control or its designee shall give notice by phone, by posting the property to be visible by the right of way, or a letter sent certified by United States mail to the address of the owner, if known, within two (2) business days after the seizure of such animal. The notice or letter shall inform the owner of the conditions whereby the animal may be redeemed. Notification by mail shall not be required for animals which have been impounded pursuant to this Chapter if a citation has been issued to the owner or for owner-relinquished, abandoned or quarantined.

Sec. 10. Redemption of impounded animals by owner; fees/notice/disposition.

(a) The owner of a dog or cat may claim and redeem it upon payment:

Redemption's

Altered dogs and cats.....	\$30.00 plus board
Unaltered dogs and cats.....	\$50.00 plus board
Quarantined dogs and cats.....	\$50.00 plus board
Dangerous Dog.....	\$100.00 plus board
Rabies Voucher for dogs and cats (registration fee included).....	\$22.00
Boarding Fees.....	\$ 25.00 per day
Repeat impoundments.....	\$ 25.00 per offense

(b) All owners of livestock may claim and redeem such animal by paying Montgomery County Animal Care and Control an impound fee of \$50.00 and board for each day at the rate of \$25.00 per day plus the cost of any transportation of the animal to the Shelter. Such costs as well as all veterinary costs and or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full regardless of whether the animal is reclaimed or relinquished to Montgomery County Animal Care and Control.

Notice to Owner and Redemption:

(c) Any animal not wearing a rabies tag and not reclaimed by its owner within three (3) business days shall become the property of the County and shall be placed for adoption in a suitable home or euthanized in a humane manner. If an animal is wearing a rabies tag, the owner shall be notified by letter in accordance with Section 9 to the owner's last known address to appear within five (5) business days and redeem the animal by paying all required fees.

(d) Any owner failing to claim their animal under the provisions of TCA 68-8-107 within the first three business days, if they have no rabies tag, and within five business days if they have a rabies tag, shall be required to adopt said animal under the established policies and procedures of Montgomery County Animal Care and Control.

Disposition of unclaimed Companion Animals.

(e) Any currently licensed or microchipped companion animal impounded shall be kept for a period of five (5) days after being notified in accordance with Section 9, and if not redeemed within such period may be humanely euthanized or otherwise disposed of as provided by law.

(f) Any unlicensed or microchipped companion animal impounded with no detectible identification shall be kept for three (3) business days and if not claimed or redeemed shall be humanely euthanized or otherwise disposed of as provided by law.

Sec. 11. Detention when rabies is suspected.

Every animal determined by the Health Director, or designee, to pose a risk of rabies and every animal that has bitten a human and/or been exposed to rabies or is suspected of having rabies shall be, at the direction of the Director of Health, or designee, quarantined for a minimum period of ten (10) days at the owner's home or at Montgomery County Animal Care and Control or, at the option of the owner of such animal, shall be detained in a licensed veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the payment of the charges while such dog or cat is confined therein. During such confinement the dog or cat shall be under the observation and supervision of the Director of Health or his designee, and it shall be released or, if the animal is determined by a veterinarian or the Director of Health or his designee to have rabies, humanely euthanized by Montgomery County Animal Care and Control, or a licensed veterinarian, after the termination of the observation period according to instructions from the Health Director, or designee. The Health Director, or designee, may order Montgomery County Animal Care and Control or licensed veterinarian to euthanize such dog or cat at any time during the period of observation if evidence is such as to convince the director that the dog or cat has rabies. The owner of such dog or cat shall be liable for boarding fees in accordance with set fees if such dog or cat is confined at Montgomery County Animal Care and Control. Such costs as well as all veterinary costs and/or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full whether the animal is reclaimed or relinquished to Montgomery County Animal Care and Control. **State law reference-** TCA §§ 68-8-101—68-8-113.

Sec. 12. Procedure with respect to adoption of animals.

(a) No person shall adopt a dog or cat from an agency, including but not limited to Montgomery County Animal Care and Control, humane shelter or private organization operating a shelter from which animals are adopted unless:

- (1) the dog or cat has first been spayed or neutered; or
- (2) the new owner signs a written agreement with the agency stating that he or she will have the animal spayed/neutered within thirty (30) days after adoption. **State law reference TCA 44-17-502**

Fee Schedule

(a) Effective dates. The fee schedule set forth in this section is the schedule of fees which shall be effective on the first day of the month following the month in which this resolution is adopted. The Director of Montgomery County Animal Care and Control, or other unit of government to which Animal Control may be regulated may submit proposed amendments to this schedule to the Animal Care and Control Committee which may amend the fee schedule. Any new or revised fees will become effective on the first day of the month following the month in which the amended fee schedule is adopted.

(b) Exemption. No license or permit shall be required for any veterinary hospital, which does not advertise boarding services, municipal animal control facility, law enforcement certified dogs and university operated medical research facility or governmental operated zoological garden. *No license or fee is required of any certified physical assistance dog; documentation of the certification shall be supplied upon request.*

(c) Animal control and protection fee schedule.

Adoption Fees

Puppies, dogs.....	\$97.00 (includes spay/neuter)
Kittens, cats.....	\$97.00 (includes spay/neuter)
Adoption fee for spayed and neutered animals.....	\$25.00
Spay/Neuter Voucher (included).....	\$50.00
Rabies Voucher for dogs and cats (registration fee included).....	\$22.00

Sec. 13. General duties of keepers of animals.

(a) It shall be unlawful for any person to neglect an animal as herein;

(b) It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily and unreasonably expose any such animal in hot, stormy, cold or inclement weather. In temperatures in excess of 75 degrees, all animals must be afforded, in addition to shelter structure, one or more separate areas of shade large enough to contain all the animals at one time and protect them from direct rays of the sun.

(c) Breeding and reproduction of diseased animals prohibited. A person owning or having possession, charge, custody or control of an animal shall not breed, sell, give away or allow the reproduction of that animal with a disease contagious to other animals or human beings. Each offspring shall be considered a separate violation.

(d) Abandonment. It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to abandon that animal on a street, road, highway, public place, Montgomery County Animal Care and Control or private property. Each animal abandoned in violation of this section shall be considered a separate violation.

(e) Public Nuisance. It shall be unlawful for any person to allow any animal under his or her care or control to become a public nuisance as defined in this Chapter.

Sec. 14. Destruction of dangerous, diseased or injured animals.

(a) It shall be the duty of the Director of Montgomery County Animal Care and Control or designated representative to order the humane destruction of any animal lawfully taken into the custody of Montgomery County Animal Care and Control if it is deemed more humane to euthanize such animal than hold it for the required holding period due to sickness, disease, injury or danger to the safety of the community. If the animal to be euthanized under this section is microchipped, wearing an identification, rabies or license tag, the owner shall be notified before the animal is euthanized unless the animal is in critical condition and the owner cannot be reached within a reasonable period of time in which event a veterinarian may authorize euthanasia of the animal for humane reasons.

**ARTICLE 4. LICENSING, PERMITTING, AND
INOCULATION OF DOGS AND CATS**

Sec. 1. Rescue and breeder/kennel/cattery permits.

(a) Any person operating a rescue organization or shelter must register with Montgomery County Animal Care and Control and provide documents as proof of rescuer status, in order to fit within the exceptions to licensing and permitting in this chapter.

(b) Any person who owns or has control of a dog or cat and who intentionally and repeatedly allows the breeding of such dog or cat for financial gain shall obtain a breeder's permit.

(c) All animal-related permits will be valid one year from the date of purchase and will be required in addition to any other licenses or permits required by this chapter.

(d) Said permits shall be:

1. Breeder / Kennel / Cattery Permit / Animal Dealer: one hundred dollars (\$100) per year, except that such fee will no longer be required upon the spaying of all breeding animals on the premises; excluding licensed veterinarians.

2. Registered Rescue Organization: no permit fee is charged provided the rescue organization complies with the state law regarding sterilization of adoptable animals and complies with the requirements regarding standards of care and validation of registered rescue as required by this chapter and the Director of Animal Control.

(e) Facilities or quarters where animals are kept shall meet minimum standards based on the definitions regarding adequate care.

(f) Any of the above permit applicants will be subject to inspection by Animal Control Officers for compliance with this chapter and the permit's minimum standards.

(g) Such permits may be revoked if negligence in care or misconduct occurs that is detrimental to animal welfare or to the public. Revocation of such permit may only be reinstated after successfully passing an inspection of such facilities and paying the cost of such permit and any applicable fines and fees.

(h) Any advertisements for the sale or bartering of animals covered by these permits shall state the breeder or pet dealer permit number, if applicable, in such advertisement. Violations of this requirement shall be subject to a fine of \$50.00 per occurrence.

(i) It shall be unlawful to sell barter, trade or adopt any animal as a curbside sale within Montgomery County.

(j) If required to have an aforementioned permit under this section, anyone who sells, barter, adopts out or otherwise gives away a dog or cat shall keep a written record of the description of the animal and the name and address of the purchaser/ adoptee. Such records shall be kept for at least one year and will be provided to Montgomery County Animal Care and Control upon request.

(k) Any person or organization found in violation of this licensing ordinance would be subject to a \$50 fine per state law and a \$50 fine per county ordinance. The \$50 county fine would be payable to Montgomery County and held in a special revenue account for use by Montgomery County Animal Care and Control.

Sec. 2. Rabies inoculation required – County fee required

(a) Any person who owns, keeps, or harbors a dog or cat within the County shall have such dog or cat properly inoculated or immunized against rabies. Any person who obtains an uninoculated dog or cat shall at once have such dog or cat properly inoculated against rabies and have the first time inoculation repeated one (1) year thereafter; thereafter the duration of the rabies vaccination cannot exceed three (3) years and must be in accordance with manufacturer's recommendation provided that, dogs and cats need not be inoculated before reaching the age of three (3) months.

(b) No person shall bring a dog or cat into the County for sale, exchange, offer for adoption, or giving away from another state unless such dog or cat, being at least 3 months of age, has been inoculated by a veterinarian of the state in which the owner, caretaker or responsible person lives and the owner, caretaker or responsible person of such dog or cat has in his/her possession a certificate of the vaccination or inoculation.

(c) There shall be a \$5.00 per year County Registration fee (or \$15.00 for 3 years).

Sec. 3. Animal bite investigations and quarantine.

(a) Any animal which has bitten a person or animal, or shows symptoms of rabies shall be contained immediately by its owners, or by the person having charge of the animal, or by the person sheltering, feeding, harboring or taking care of the animal. Montgomery County Animal Care and Control shall be notified immediately. The animal shall be confined by the animal shelter, a veterinarian or in a place approved by the animal control representative for not less than ten days.

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

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

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

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

(f) A dog used by a law enforcement agency in the performance of functions or duties of the agency which has bitten a person, has received vaccinations against rabies and does not show the symptoms of rabies may continue to be utilized by the law enforcement agency; however, the dog shall be subject to observation by the health department representative.

ARTICLE 5 - CRUELTY

It shall be unlawful for any person to willfully or maliciously strike, beat, abuse or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away or defend against vicious or trespassing animals.

No person shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this Section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

Sec. 1. Failure to feed and water impounded animals.

It shall be unlawful for any person who impounds or causes to be impounded any animal in any shelter or other place in the County to fail to supply to such animal during such confinement adequate care.

Sec. 2. Transporting in inhumane manner.

It shall be unlawful for any person to carry or cause to be carried in or upon any vehicle or other conveyance any animal in a cruel or inhumane manner.

Sec. 3. Authority to prevent acts of cruelty; unlawful interference.

Any Animal Control Officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence, and it shall be unlawful for any person to interfere with or obstruct any such officer in the discharge of such duty.

Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Chapter or other applicable law, or whenever there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Chapter or other applicable law, an Animal Control Officer is hereby empowered to enter such property at any reasonable time and to inspect the property and perform any duty imposed by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or if the welfare of an animal observable off of the property is in question, as follows:

(1) If such property is occupied, the officer shall first present proper credentials to the occupant and request permission to enter, explaining his reasons therefore;

(2) If such property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the property, present proper credentials and request permission to enter, explaining his reasons therefore; and

(3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Animal Control Officer shall seek an Order of the General Session Court of Montgomery County for an inspection and impoundment if necessary.

Sec. 4. Tethering dogs and other animals.

(a) It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by an Animal Control Officer.

(b) The terms “unhealthy situation” and “potentially dangerous situation” shall include, but not be limited to the following:

- (1) Tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object for longer than 4 hours;
- (2) Tether any animal in such a manner as to permit the animal to leave the owner's property;
- (3) Tether any companion animal in a manner whereby the animal is subject to harassment and perpetual stings or bites that show evidence of injury from outdoor insects, or attacks by other animals;
- (4) Failure to remove waste from the tethered area on a daily basis;
- (5) Allow more than one animal to be tethered to each running cable or trolley line.
- (6) Use a tether that weighs more than one eighth (1/8) of the animal's body weight.
- (7) Use a running cable line or trolley system that is made of a substance which can be chewed by the animal;
- (8) Not allow the length of the tether from the running cable line or trolley system to the animal's collar and prohibit access to the maximum available exercise area and allow the animal free access to food, water, and shelter;
- (9) Not be attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification, and;
- (10) Not be tethered at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that could result in injury of strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal access to the fence.

(c) A person may do any of the following provided the dog does not become a nuisance to neighbors:

- (1) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke collar or pinch collar.
- (2) Tether, fasten, tie, or otherwise restrain a dog pursuant to the requirements of a recreational area.

- (3) Tether, fasten, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.
- (4) Tether, fasten, or tie a dog while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of Tennessee if the activity for which the license is issued is associated with the use or presence of a dog.

Sec. 5. Unattended Animals left in automobile.

(a) A person may not leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.

(b) A person may use reasonable force to remove from a motor vehicle an animal left in the vehicle in violation of the provisions of subsection (a) of this section if the person is:

- (1) a law enforcement officer;
- (2) a public safety employee of the State or of a local governing body;
- (3) an Animal Control Officer under the jurisdiction of the State or the County; or
- (4) a volunteer or professional of a fire and rescue service.
- (5) Good Samaritan under TCA 29-34-209

(c) A person described in this section may not be held liable for any damages directly resulting from actions taken under the provisions this section.

ARTICLE 6 - OWNERSHIP

Sec. 1. Livestock at large prohibited.

It shall be unlawful for any person owning or controlling any bovine, swine, ratites, cattle, horses, mules, sheep, or goats to allow such animals to run at large in the streets or on any privately owned land in the County without the permission of the owner of such land.

State law reference-T.C.A. § 44-8-401.

ARTICLE 7 - DANGEROUS DOGS

Sec. 1. Determination of a dangerous dog

(a) After an investigation, which must be initiated within three (3) days after the situation becomes known to the Montgomery County Animal Care and Control, the Animal Control Director is authorized to make a determination whether a dog is dangerous and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within ten (10) days after completing the investigation.

(b) Following notice to the owner, the owner may appeal the determination to a committee comprised of members of the Montgomery County Animal Control Committee by giving written notice of appeal within five (5) days to the Animal Control Director.

If upon a determination of a dangerous dog herein by the Director of Montgomery County Animal Care and Control that probable cause exists to believe a dog poses an immediate threat to public safety, then Montgomery County Animal Care and Control may immediately seize or impound the dog (if not already impounded) pending an appeal to be held pursuant to this article. If such surrender of the dog is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, or consents, the Animal Control Officer shall seek an Order of the General Session Court of Montgomery County for an inspection and impoundment of the dog pending the due process appeal, and the costs of the court shall be assessed against the owner.

Any Animal Control Officer may impound a 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 the dangerous dog shall surrender such a dog to any Animal Control Officer upon demand.

No dog that has been impounded may be released by Montgomery County Animal Care and Control until the owner has paid all fees and costs of redemption and boarding. If the owner fails to pay such fees and costs within ten (10) days, the dog shall be deemed abandoned and may be disposed of by Montgomery County Animal Care and Control. The owner of the dog shall be liable to this jurisdiction for the costs and expenses of keeping the dog if the dog is determined to be a dangerous dog. The dog will be considered dangerous pending the appeal. If the Montgomery County Animal Care and Control Committee overturn the designation of a dangerous dog, the owner will be refunded the difference in cost between the \$100.00 Dangerous Dog Redemption Fee and the Normal Redemption Fee.

(c) A decision by the committee overturning the Animal Control Director determination shall not affect the Animal Control Director's right to later declare a dog to be a dangerous dog or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

Sec. 2. Exceptions

No dog shall be declared dangerous if:

(a) The dog was used by a law enforcement official for legitimate law enforcement purposes;

(b) The threat, injury, or damage was sustained by a person:

(1) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;

(2) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

(3) Who was committing or attempting to commit a crime; or

(c) The dog was:

(1) Responding to pain or injury, or was protecting itself, its offspring; or

(2) Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

Sec. 3. Consequences of a dangerous dog determination

(a) If the Animal Control Director determines that a dog is a dangerous dog, the owner shall comply with the provisions of Section 4, 5, and 6 and any other special security or care requirements the Animal Control Director may establish.

(b) The Animal Control Director may require impoundment of the dog until the owner of the dog has satisfied all the requirements of section 4. The requirements must be met within thirty (30) days upon notification, or 30 days of denied appeal. If, after thirty (30) days, the owner has not satisfied all the requirements of the holding permit, the animal may be humanely euthanized on the thirty-first (31) day. If such surrender of the dog is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, or consents, the animal services officer shall seek an Order of the General Session Court of Montgomery County for an inspection and impoundment of the dog pending the due process appeal, and the costs of the court shall be assessed against the owner.

Sec. 4. Dangerous dog confinement and handling requirements

(a) The Montgomery County Animal Care and Control Director shall determine if the owner of a dangerous dog has established to the satisfaction of the Montgomery County Animal Care and Control that:

(1) The dog must be kept in a securely enclosed and locked secured enclosure suitable to prevent the entry of young children, under the age of 12 and designed to prevent the animal from escaping. A secured enclosure must be a minimum of six 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 feet deep. A secured enclosure must also be humane and provide protection from the elements for the animal. Such secured enclosure must be enclosed within an outer fence, and the outer perimeter of the secured enclosure must be no less than five feet from the outer fence.

(2) The owner must allow inspection of the dog and its enclosure by Montgomery County Animal Care and Control and must produce, upon demand, proof of compliance with such restrictions.

(3) In the event that the owner or custodian of the dog is a tenant on the 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 Montgomery County Animal Care and Control, to keep the dog on certain specified premises.

(4) 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. The Dangerous Dog signs will be provided to the owner by Montgomery County Animal Care and Control for a fee of \$5 per sign.

(5) A 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. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or animal.

(6) A 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.

(7) The owner of a 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.

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

(9) The dog must be spayed or neutered within 30 days of being deemed dangerous.

(10) Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to Montgomery County Animal Care and Control.

(11) Current rabies vaccination by licensed veterinarian.

(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 \$50,000 and to furnish a certificate of insurance to the animal control department, within ten (10) business days. The insurance shall include a provision whereby the insurer notifies Montgomery County Animal Care and Control not less than thirty (30) days prior to cancellation or lapse of coverage.

(13) Maintaining a record with Montgomery County Animal Care and Control 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 Montgomery County Animal Care and Control, until the dog is taken off the list.

(14) Samples taken from a licensed veterinarian for DNA identification and provided to Montgomery County Animal Care and Control within ten (10) days of the dog being deemed dangerous.

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

(b) The Animal Control Director shall determine if the owner of a dangerous dog has established the above criteria, and; if any dog previously determined to be a dangerous dog has not exhibited any of the dangerous dog behaviors within the eighteen (18) months since the date of the potentially dangerous dog determination, that dog is eligible for a review of the determination by the director and/or his/her designee with the potential for lifting the requirements of this section; provided, however, then that same dog may again be declared a dangerous dog if it again exhibits any of the specified behaviors.

Sec. 5. Dangerous dog owner responsibility

It shall be unlawful to:

(a) Permit a potentially dangerous dog to be outside a proper enclosure unless the dangerous dog is under the control of a responsible person.

(b) Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment or examination, the dangerous dog shall be caged or under the control of a responsible person as defined in §4, muzzled and restrained with a lead not exceeding four (4) feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(c) Fail to notify Montgomery County Animal Care and Control immediately when a dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being; and if the dangerous dog should die, the owner shall notify Montgomery County Animal Care and Control no later than twenty-four (24) hours thereafter and, upon request from Montgomery County Animal Care and Control shall produce the animal for verification or evidence of the dog's death that is satisfactory to Montgomery County Animal Care and Control.

(d) Fail to surrender a dangerous dog to the Animal Control Director for safe confinement pending a disposition of the case when there is a reason to believe that the dangerous dog poses an imminent threat to public safety; or

(e) Fail to comply with any special security or care requirements for a dangerous or potentially dangerous dog the Animal Control Director may have established pursuant to the finding that the dog was dangerous.

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

(a) The owner of a 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 Montgomery County Animal Care and Control in writing of the name, address and telephone number of the proposed new owner, the proposed new location of the dog, and the name and description of the dog.

(b) The owner shall, in addition to the above, notify any new owner or custodian of a 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 Montgomery County Animal Care and Control 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. Montgomery County Animal Care and Control may impose different or additional restrictions or conditions upon the new owner.

(c) The following persons must notify Montgomery County Animal Care and Control when relocating a dog to the county, even on a temporary basis:

(1) The owner of a dangerous dog that has been designated as such by another lawful body other than the county; and

(2) The owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than the county based upon the behavior of the dog.

No such designation as dangerous dog or any similar such designation by another lawful body, humane society or governmental entity shall be recognized by the county if such designation is based solely upon the breed of the dog. Any person relocating a dog to the county is subject to the restrictions set forth in this article.

Sec. 7. Second dangerous dog attack in an 18 month period

Should a dog that has been deemed dangerous by Montgomery County Animal Care and Control attack within its 18 month dangerous dog period, the dog will be seized immediately and euthanized by Montgomery County Animal Care and Control at the owners expense.

Sec. 8. Unlawful use of a dog.

It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the County. Upon a finding of violation, the court upon request shall order the dog forfeited and/or destroyed.

ARTICLE 8 - GUARD DOGS

Sec. 1. Restraint of Guard Dogs:

(a) Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure.

(b) The areas of confinement shall have all gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.

(c) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

ARTICLE 9 – MISCELLANEOUS

Sec. 1. Other Laws Not Affected.

Nothing in this chapter shall affect the authority of any law enforcement officer to respond appropriately to any situation in which there is an imminent threat by an animal to the safety of any person. This chapter shall not prohibit the seizure or impoundment of dogs as evidence as provided for under any other provision of law, nor shall any other laws, whether local or state, be affected by this chapter.

Sec. 2. Enforcement

Animal Control Officers or other designees of the County Mayor shall be the primary enforcement officials for these Regulations. These officials, along with law enforcement officers, shall have the authority to act on behalf of the County in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required enforcing the provisions of these Regulations. It shall be a violation of these Regulations to interfere with any Animal Control Officer or other enforcement official in the performance of his duties.

Sec. 3. Violations and Penalties:

(a) It shall be a violation of these Regulations to:

(i) Fail to comply with any provision of these Regulations;

(ii) Fail to comply with any lawful order of an animal control officer, or law enforcement officer unless such order is lawfully stayed or reversed; or,

(b) A violation of these Regulations shall result in a civil monetary penalty of fifty (\$50.00) dollars per violation.

(c) Each day that one or more violations of these Regulations exists or continues to exist shall constitute a separate violation.

(d) If civil monetary penalties remain unpaid more than ten (10) days after notice of violation, the County Attorney is authorized to take appropriate action through the General Sessions Court, and the costs of the court shall be assessed against the owner. pursuant to Tenn. Code Ann. § 5-1-123.

(e) All actions of Montgomery County Animal Care and Control personnel to act and enforce any and all portions of these regulations may be enforced by citation issued by the officers of the same, and enforced by the Montgomery County General Sessions Court and the Court will assess all costs, fees, and expenses of the same as the Court deems necessary as costs payable by the person (s) cited for the violations or failure to cooperate or to obstruct the execution of the regulations herein.

Sec. 4. Conflicting Regulations

All other Regulations of Montgomery County, Tennessee that are in conflict with these Regulations are hereby repealed to the extent of such conflict. Notwithstanding anything in these Regulations to the contrary, nothing contained herein shall be construed to prohibit Animal Control Officers or law enforcement officers of Montgomery County, Tennessee to take action consistent with these Regulations or any similar municipal ordinance or state law within the corporate limits of any incorporated municipality in Montgomery County, Tennessee if requested to do so by an appropriate representative of said municipality. Nor shall anything contained herein be construed as a

limitation on the authority of any law enforcement officer to enforce the criminal laws of Tennessee regarding the care, treatment, and responsibility for animals.

Sec. 5. Severability:

The provisions of these Regulations are declared to be severable. If any section, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of these Regulations, but they shall remain in effect; it being the legislative intent that these Regulations shall remain in effect notwithstanding the validity of any part.

Sec. 6. Trap, Neuter, Return provisions

1. TNR caregivers shall be permitted, and feral cat caregivers, organizations, and Montgomery County Animal Care and Control, are allowed to carry out TNR.
2. An ear tipped feral cat received by Montgomery County Animal Care and Control or local shelters will be returned to the location where trapped unless veterinary care is required. An ear-tipped cat trapped by Montgomery County Animal Care and Control will be released on-site unless veterinary care is required.
3. Feral cat caregivers are empowered to reclaim impounded feral cats without proof of ownership.
4. A feral cat caregiver who returns a feral cat in conjunction with TNR is not deemed to have abandoned the feral cat.

ARTICLE 10

JURISDICTION PROCURURES AND ADMINISTRATION

Pursuant to the Powers granted generally to Counties by statute and T.C.A. 5-1-120, 5-1-121, and 5-1-123, these rules and regulations will be enforced in the General Sessions Court for Montgomery County, Tennessee. Montgomery County Animal Control officers will issue citations for any violation hereunder and will contact all appropriate law enforcement agency with jurisdiction for charging criminal statutory violations of any applicable laws.

Official to designate special officers. The Animal Control Director may designate, certain of his or her employees to become special officers of the department for the purpose of issuance of citations of offenders in cases where they have jurisdiction.

When citations deemed lawful complaints for prosecution. When an employee is designated and authorized to issue citations, such citation will include information sworn to as required by the laws of the state, with respect to the alleged offenses and include any failure to surrender the animal as may be demanded within these regulations as a failure to surrender. In the absence of state requirements, the alleged offender must be given information relating to where he or she may pay his or her fine, where

he or she may go to set a court date in the event that date has not been set at the time of issuance, to have his or her case judicially reviewed, in addition to information as to the offense with which he or she has been charged.

Procedures applicable to summonses and animal citations. The following shall apply as to animal and fowl summonses and citations: A. Citations. Whenever any citation has been issued pursuant to this title, the citation shall provide for payment within fifteen (15) days from issuance. Any person receiving such citation may appear and pay the forfeiture set herein at the Animal Control administrative office on or before the end of the fifteen (15) day period. If no one appears to pay the citation by the end of such fifteen (15) days, a summons shall be issued as provided for in this title, and served either by personal service or certified or registered mail as provided by law indicating the date and time for such person to appear to answer the charge in such citation. The summons shall be set upon the docket specially established for such summons by the Montgomery County Sessions court judge. If such person fails to appear to answer summons before the court indicated and at the date and time provided for, the court, upon motion of the Animal Control department shall take a default judgment against the defendant in favor of Montgomery County. The amount of such default judgment shall be at least the amount of the forfeiture set for violation of such section and no more than fifty dollars (\$50.00) and cost for each violation. The summons shall be sworn to by the officer before a person designated as a County Magistrate for the purpose of taking oaths approved by the County. If the defendant contests the ownership of the animal or the violation of this title, he or she shall file a sworn pleading in advance of the hearing setting forth such defense or defenses so as to allow the County sufficient time to prepare for the trial.

Summons. Every summons issued shall provide for an appearance date and such date shall be not less than five nor more than fifteen (15) days after the issuance of a summons. The offender shall pay by mail or shall appear at the Animal Control Administrative Office 24 hours before the date set therein or at any time prior thereto and pay the forfeiture as set forth therein, or may request a trial on the date set therein. If any offender fails to appear on or before the appearance date, a docket shall be prepared, as soon as possible of all those persons failing to appear, to be called the default docket. The docket shall be presented to the court and the court shall, upon motion of the clerk, take a default judgment against the defendant in favor of the County in an amount not less than that specified by the schedule of forfeitures nor more than fifty dollars (\$50.00), plus costs, for each offense. The default docket shall be assigned in accordance with procedures established by the court rules.

Animal violation forfeiture schedule.

A. The Montgomery Animal control office is authorized to collect all fines, penalties, and reimbursable expenses for care, boarding and medical treatment for all actions taken under the regulations herein upon default or at trial as may be awarded.

Limitation on action for violations—When action deemed commenced—Service of summons.

A. No action shall be commenced by the County in any court for the purpose of enforcing any violation of animal violation sections of the code of the County after one year from the commission of the offense. For the purpose of this section a court action shall be deemed to be commenced: 1. Upon the issuance of a citation to the offender; 2. Upon the arrest of the offender by authorized law enforcement officers; or 3. Upon the issuance of an arrest or bench warrant for the offender by an authorized law enforcement officer.

B. A summons may be served by: 1. Personal service on the offender; or 2. Registered or certified mail, addressee only, return receipt requested, except as may otherwise be required by law.

Dismissal or entering a nolle prosequi of citation/summons not prohibited. Nothing herein shall prevent the County through the County Attorney or the District Attorney's office from dismissing or entering a nolle prosequi of any citation or summons in open court. Such summons or citation shall be dismissed if it shall be determined that the citation was issued to a nonresident and is deemed uncollectible; there is a lack of proof; or for such other valid reason as stated to the court.

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