



OFFICE OF PLANNING AND ZONING

## MEMORANDUM

Regarding the Resolution by Hamblen County, Tennessee to Regulate the Ownership, Control, Care, and Treatment of Dogs, Cats, and Stray Animals in Hamblen County, Tennessee:

The Hamblen County Codes Enforcement Office **DOES NOT enforce** these regulations. For questions regarding these regulations, or to report an incident that is in violation of the regulations, please contact Greg Winstead with Animal Control at 423-438-7981. You may also email him at [greg.winstead@co.hamblen.tn.us](mailto:greg.winstead@co.hamblen.tn.us)

**Hamblen County Planning Commission**  
511 West Second North Street •Morristown, TN. 37814  
Office: 423-581-1373•Fax: 423-587-7089  
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698

0102 1 2 NEW

**RESOLUTION FOR CARE AND TREATMENT OF ANIMALS**

Motion by Tom Massey, seconded by Louis Jarvis to approve the resolution regulating the ownership, control, care, and treatment of animals.

<b>Chair S. Ford</b>	<b>YES</b>	<b>T. Massey</b>	<b>(M) YES</b>	Roll Call
<b>V-C G. Collins</b>	<b>YES</b>	<b>D. Alvis</b>	<b>YES</b>	Discussion
<b>L. Baker</b>	<b>YES</b>	<b>N. Phillips</b>	<b>Absent</b>	Voting...
<b>R. Bruce</b>	<b>Absent</b>	<b>R. Sexton</b>	<b>YES</b>	Results
<b>D. Fullington</b>	<b>YES</b>	<b>J. Spooone</b>	<b>YES</b>	Agenda
<b>H. Harville</b>	<b>YES</b>	<b>D. Wampler</b>	<b>YES</b>	Setup
<b>P. LeBel</b>	<b>YES</b>	<b>L. Jarvis</b>	<b>(2) YES</b>	Options

4.a.1

Passed (12 YES - 0 NO - 0 ABS - 2 Absent)

Majority Vote >

**RESOLUTION BY HAMBLLEN COUNTY, TENNESSEE  
TO REGULATE THE OWNERSHIP, CONTROL, CARE AND TREATMENT  
OF DOGS, CATS AND STRAY ANIMALS IN HAMBLLEN COUNTY, TENNESSEE**

WHEREAS, *Tennessee Code Annotated* § 5-1-120, enacted by the General Assembly of the State of Tennessee during its 1995 session, grants to counties the authority to license and regulate dogs, cats and stray animals, establish and operate shelters and other animal control facilities, and regulate, capture, impound and dispose of stray dogs, stray cats and other stray animals; and

WHEREAS, the Hamblen County Legislative Body enacted regulations to regulate the ownership, control, care and treatment of stray animals in Hamblen County, Tennessee at its meeting held on February 22, 1996; and

WHEREAS, the Morristown Hamblen Humane Society, Inc. requested certain amendments for the purpose of augmenting and enhancing its ability to carry out its mission in regulating stray animals in Hamblen County, Tennessee which amendments were adopted on May 22, 2008; and

WHEREAS, it is the desire of the Hamblen County Legislative Body to adopt further amendments and restate its regulations regarding the ownership, control, care and treatment of dogs, cats and stray animals in Hamblen County, Tennessee;

NOW, THEREFORE, BE IT RESOLVED that the Hamblen County Board of Commissioners meeting in regular session on the 21<sup>st</sup> day of June, 2010, hereby adopts the following amended regulations with regard to the ownership, control, care and treatment of dogs, cats and stray animals in Hamblen County, Tennessee:

**REGULATION OF DOGS, CATS AND STRAY ANIMALS  
IN HAMBLLEN COUNTY, TENNESSEE**

**SECTION**

- 1-101. Definitions.
- 1-102. Running at Large.
- 1-103. Female Dogs in Heat.
- 1-104. Impoundment.
- 1-105. Animal Care.
- 1-106. Dangerous Animals.
- 1-107. Actions to be Taken Against Owners of Dangerous Animals.
- 1-108. Restrictions on Keeping Animals in Hamblen County, Tennessee.
- 1-109. Rabies Vaccination, Certificates, Tags and Confinement.
- 1-110. Inspection of Kennels and Pet Stores.
- 1-111. Keeping of Wild Animals.

- 1-112. Performing Animal Exhibitions.
- 1-113. Animal Waste.
- 1-114. Investigations.
- 1-115. Enforcement.
- 1-116. Severability.

SECTION 1-101. Definitions.

- (1) Animal: Any cat or dog or any stray domestic animal.
- (2) Domestic Animal: Any animal considered a pet and all animals other than livestock.
- (3) Animal Nuisance: Any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of an animal.
- (4) Animal Shelter: Any facility operated by the Morristown-Hamblen Humane Society, Inc. (MHHS) for the purpose of caring for all animals held under the authority of these regulations or State law. The term shall also include any private facility authorized by the County Mayor or his designee to impound, confine, care for or destroy an animal.
- (5) At-Large: Any animal shall be deemed to be at-large when it is off the property of its owner and not under the control of a competent person.
- (6) Euthanize: To give a painless death.
- (7) Humane Society Agent: Any properly designated officer of the MHHS.
- (8) Control Officer/Humane Officer: The person(s) employed by the MHHS as its enforcement officer(s) and deputized by the Hamblen County Sheriff.
- (9) Humane Society: Morristown-Hamblen Humane Society, Inc.
- (10) Impound: To confiscate or seize and hold.
- (11) Owner: Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having rights to, any animal covered by these regulations. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more, or allowed to stay on property unreported as a stray.
- (12) County: All of Hamblen County, Tennessee, lying outside the boundaries of the incorporated City of Morristown.
- (13) Animal Control Authority (ACA): The agency or department empowered to enforce these regulations.
- (14) Dangerous Animal:
  - (a) Any animal which, according to the records of the Morristown-Hamblen Humane Society (MHHS) and/or the Morristown Police Department (MPD) and/or the Hamblen County Health Department (HCHD) and/or the Hamblen County Sheriff's Department, has inflicted severe injury on a human being without provocation on public or private property; or

- (b) Any animal which, according to the records of the appropriate authority listed above, has killed a domestic animal without provocation while off the owner's property; or
  - (c) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or
  - (d) Any animal not owned by a governmental or law enforcement unit used primarily to guard public or private property; or
  - (e) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or another domestic animal.
  - (f) Exemptions for animals that are provoked. No animal may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.
- (15) Severe Injury: Any physical injury caused by an animal that results in a broken bone or lacerations requiring sutures or cosmetic surgery.
- (16) Public Nuisance Animal: Any domestic 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 the enjoyment of life or property. This term "Public Nuisance Animal" shall include but not be limited to:
- (a) Any domestic animal that is repeatedly found running at large;
  - (b) Any dog or cat in any section of a park or public recreation area unless the dog or cat is under the control of the owner or an adult person;
  - (c) Any domestic animal that damages, soils defiles or defecates on any property other than that of its owner;
  - (d) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
  - (e) Any domestic 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 the public right of way;
  - (f) Any domestic animal that chases motor vehicles in the public right of way;
  - (g) Any domestic animal that attacks domestic animals;

- (h) Any domestic animal that causes unsanitary conditions in the enclosure or surroundings where the animal is kept or harbored;
  - (i) Excluding any non-profit animal care or rescue facilities in existence as of June 24, 2010, any domestic animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities; and
  - (j) Any domestic animal which causes frequent or long continued noise or shall disturb the comfort or repose of any person in the vicinity during the hours from 11:00 p.m. through the hour of 7:00 a.m. For purposes of this subsection "frequent or long continued noise" shall mean continuously for periods of ten minutes or intermittently for one-half hour or more; however, there is excluded from this subsection "alert barking" which is defined as dog barking caused by the presence of some person on the owner's premises.
- (17) Sanitary: A condition of good order and cleanliness to minimize the possibility of disease transmission.
- (18) Under Control: An animal that is under the control of a person physically capable of restraining the animal and one that is obedient to that person's commands or securely enclosed within the real property limits of the owner.

**SECTION 1-102. Running at Large.**

It shall be unlawful for any person to allow any animal belonging to or under the control of such person, or that may be habitually found on premises occupied by the person, or immediately under the control of such person, to go upon the premises of another or upon a highway or upon a public road or street or to allow such animal to run at large within Hamblen County, Tennessee; provided, that this section shall not apply to a dog on a hunt or chase, or on the way to or from a hunt or chase, nor to a dog guarding or driving stock, or on the way for that purpose, nor to a dog being moved from one place to another, by a person owning or controlling a dog; provided further, however, that the foregoing exemptions shall not apply unless all damages done by the dogs therein exempted, to the person or property of another shall be paid or tendered to the person so damaged, or to the person's agent within thirty (30) days after the damage is done. A dog allowed to come and go at will while its owner or owners are away from home will constitute a dog running at large within the meaning of this section. With regard to a dog, "running at large" means a dog goes uncontrolled by the dog's owner upon the premises of another without the consent of the owner of the premises, or other person authorized to give consent, or goes uncontrolled by the owner upon a highway, public road, street or any other place open to the public generally. The provisions of Tennessee

Code Annotated §§ 44-8-401 through 44-8-412 are incorporated herein in their entirety ("Running at Large").

Any animal control officer or other designated person on call who removes a large animal such as horse, cattle, mule or any other animal not accepted by any animal hospital or other shelter shall be authorized to call a person or company which shall convey the animal to a farm or the appropriate facility that has an agreement with the County to accept such animal. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same matter as though the animal were confined in an animal hospital or shelter.

**SECTION 1-103. Female Dogs in Heat.**

An animal in heat must be confined in a suitable building or other enclosure (suitability to be determined by the Humane Officer) in such a manner that such female dog cannot come into contact with another animal except for planned breeding, for the entire heat period (usually 24 days). Female dogs found in violation of this section and impounded will not be released from the animal shelter until said animal has been spayed, at the expense of the owner, and until the other fees have been paid as set out in Section 1-104(4). If a female dog in heat cannot be caught, she may be killed by the Humane Officer or other law enforcement officer who may not be held liable for damages as provided in *Tennessee Code Annotated* § 44-8-411.

**SECTION 1-104. Impoundment.**

- (1) All animals found in violation of any section(s) of these regulations may be impounded by the Humane Officer or any law enforcement officer of the County and kept at the Animal Shelter in a humane manner.
- (2) Impounded animals may be kept for not less than 72 hours (3 days). Any animal not reclaimed by its owner within this time shall become the property of the Humane Society, and shall be made available for adoption, or euthanized.
- (3) The Humane Officer, upon impoundment of any animal, shall make a reasonable effort to notify the owner.
- (4) To reclaim an animal, an owner or any person in charge of such animal must pay the cost of a rabies vaccination if no certificate of vaccination is presented, and the cost of impounding and maintaining such animal.
- (5) No person shall, without proper authority, release any animal impounded.
- (6) No impounded, live animal shall be sold or given to any one to be used for experimentation purposes in a school, university or any research facility.
- (7) In all cases, an owner reclaiming an impounded animal shall pay a Ten (\$10.00) Dollar boarding fee for each day the animal has been impounded in addition to any civil monetary penalty owing. If the

animal is picked up after hours, a Twenty-Five (\$25.00) Dollar pick up fee will be charged. If the animal has already been neutered or spayed, a Fifteen (\$15.00) Dollar pick up fee shall be charged. Rabies fees shall be collected in all cases unless the current status can be verified. As an alternative, owners of animals which have not been altered or spayed, may adopt their animal for a fee of Sixty (\$60.00) Dollars which fee shall include the costs of the alteration and a rabies certificate, but not the daily boarding fee. The daily rate charged for any subsequent impoundment occurring within twelve (12) months shall be double that which was charged for each day of confinement during the first impoundment.

**SECTION 1-105. Animal Care.**

- (1) No owner(s) shall fail to provide his animal(s) with sufficient, good and wholesome food and water, proper permanent shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. The opinion of the Humane Officer as to inadequate treatment shall be prima facie evidence of mistreatment to the animal.
- (2) Any person who, as the operator of a motor vehicle, strikes an animal shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained or located, such operator shall at once report the accident to the MHHS or to the appropriate law enforcement agency.
- (3) No person shall expose any animal to any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be consumed by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
- (4) Sections 39-14-201 through 39-14-212 of *Tennessee Code Annotated* ("Animals") are incorporated by reference as if set out in full as such statutes are applicable to animals as defined herein.

**SECTION 1-106. Dangerous Animals.**

- (1) No person shall keep any animal known to be vicious or dangerous.
- (2) An animal may be determined to be dangerous and a threat to the public by the Humane Officer from his knowledge or an experience with said animal, and by the definitions listed in Section 1-101.
- (3) Owner's/Keeper's Responsibilities of a Dangerous Animal. The following actions are required of owners of animals that have been designated as "dangerous" by the procedures described above:
  - (a) The owner or keeper shall notify the Animal Control Authority and 911 immediately if a "dangerous animal" is loose, unconfined, has attacked another animal or has attacked a human being.
  - (b) While on the owner's property, a "dangerous animal" must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young



children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. The enclosure must have a concrete floor with the sides sunk into the floor to prevent the animal from digging out. The enclosure must also provide protection from the elements for the animal.

- (c) The owner or keeper shall display a sign on his or her premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from the public street or thoroughfare. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.
- (d) A dangerous animal may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the control of a responsible adult person. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.
- (e) If the owner or keeper of a dangerous animal is a minor, the parent or guardian of that minor shall be responsible for compliance with the specifications and requirements of this regulation for the care and housing of the animal and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the animal.
- (f) A dangerous animal may not be sold or given away without approval of an animal officer or other law enforcement officer.
- (g) If the animal is involved in any altercation, however small, or the owner violates any of these restrictions, the animal will be forfeited to animal control officers and humanely euthanized.

**SECTION 1-107. Actions to be Taken Against Owners of Dangerous Animals.**

- (a) Any dangerous animal shall be immediately confiscated by the Animal Control authority if the:
  - (1) Animal is not maintained in the proper enclosure; or
  - (2) Animal is outside the dwelling of the owner, or outside of the proper enclosure and not under the physical restraint of the owner. The owner shall pay a fee of \$100.00 to the MHHS in addition to all other expenses incurred.
- (b) If a dangerous animal of an owner with a prior conviction under these regulations attacks or bites a person or another domestic animal, the dangerous animal shall be immediately confiscated by the Animal Control Authority, placed in

quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

- (c) The owner of any animal that aggressively attacks and causes severe injury or death to any human, whether or not the animal has previously been declared dangerous, shall notify the Animal Control Authority immediately after learning of such injury or death. The animal shall be immediately confiscated by the Animal Control Authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

**SECTION 1-108. Restrictions on Keeping Animals in Hamblen County, Tennessee.**

When any animals are kept within Hamblen County, the building, structure, corral, pen, or other enclosures in which they are kept shall be at all times maintained in a clean and sanitary condition and free from excessive odor. The structure must provide protection from the elements of weather. When any animal is confined by the use of a chain, the chain must be a minimum of 15 feet in length, and must be attached to the animal by an appropriate collar or harness, and must remain free from possible entanglement.

Hamblen County hereby declares it to be a NUISANCE for any person to keep an animal on any property located within the areas of Hamblen County, Tennessee, outside the boundaries of the city of Morristown when the keeping of such animal constitutes a public nuisance or is contrary to the public health and safety.

**SECTION 1-109. Rabies Vaccination, Certificates, Tags, and Confinement.**

- (1) No person shall own, keep, or harbor any dog or cat which has not been vaccinated against rabies, as required by *Tennessee Code Annotated* §§ 68-8-101 et seq. All such vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medicine Examiners to practice veterinary medicine in the State.
- (2) Evidence of the rabies vaccination shall consist of a certificate of vaccination and a rabies tag which must be worn by the animal on a collar at all times.
- (3) No person, without property authority, shall remove the collar or rabies tag from any animal.
- (4) Whenever an animal has bitten any person or is for any reason suspected of being infected with rabies, the Hamblen County Health Department shall cause such animal to be confined or isolated at a veterinary hospital, the animal shelter, or other place as approved by the Hamblen County Health Department for such time as the health department deems it necessary to protect the safety of the people and/or property. When an animal has bitten a person, it shall not be killed while under confinement. If such animal should die within

the period, the Hamblen County Health Department shall send its head to the state laboratory for examination.

The Humane Society shall be authorized to impose a reasonable charge for the housing and maintenance of said animals.

**SECTION 1-110. Inspection of Kennels and Pet Stores.**

It shall be the duty of the Humane Society to make regular inspections of kennels and stores in which animals are sold, as well as rescue shelters, and authorized personnel of the society may make such inspections at all reasonable times and places.

**SECTION 1-111. Keeping of Wild Animals.**

No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes whether gratuitously or for a fee. This shall not be construed to apply to zoological parks performing animal exhibitions or circuses.

**SECTION 1-112. Performing Animal Exhibitions.**

- (1) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will, or is likely to cause, physical injury or suffering.
- (2) All equipment used on a performing animal shall fit properly and be in good working condition.

**SECTION 1-113. Animal Waste.**

The owner of every animal shall be responsible for the removal of any excretions deposited by his animal(s) on public walks, recreation areas, or private property.

**SECTION 1-114. Investigations.**

For the purpose of discharging the duties imposed by these regulations and to enforce its provisions, any Animal Control Officer or the Hamblen County Sheriff or any of his deputies is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal of the rabies vaccination certificate for such animal. It is further provided that any agent of the Humane Society may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when it requires humane treatment.

**SECTION 1-115. Enforcement.**

- (1) The civil and criminal provisions of these regulations shall be enforced by an Animal Control Officer as defined herein. It shall be a violation of these regulations to interfere with an Animal Control Officer in the performance of his or her duties.
- (2) (a) The Animal Control Officer will issue a citation for each violation of these regulations, which citation shall be civil and remedial in nature and shall be punishable by a civil penalty of not less than \$50.00 nor more than \$500.00. Each day that any regulation set out herein is violated shall constitute a separate punishable offense. Any Animal Control Officer may also seek restraining orders for any public nuisance as defined herein. In addition, any Animal Control Officer may issue a criminal citation as allowed by law, for violation of any Tennessee statute dealing with the care, maintenance, upkeep and/or control of animals within this state. Any such violation shall be punishable as provided by statutes.  
  
(b) The Hamblen County General Sessions Court shall have jurisdiction over violations of these regulations.  
  
(c) Any person issued an animal control regulation citation may be deemed to be charged with a civil violation and shall comply with the directives on the citation unless otherwise charged with a violation of state law.  
  
(d) If a person fails to appear in the General Sessions Court, such person shall be deemed to have waived their right to contest the citation and in such case a default judgment may be entered and the judge shall impose a civil penalty at that time. An Order to Show Cause may be issued. The clerk of the Hamblen County General Sessions Court is authorized, in addition to any civil penalty imposed under these regulations, to charge the usual fees and costs allowed by law.
- (3) (a) For purposes of enforcing the provisions of Section 1-101(16) (j) as it pertains to barking dogs, the Animal Control Officer called to the scene will attempt to talk with both the complainant and the animal owner and explain the Pet Safe Program to each. The Animal Control Officer will offer to provide the animal owner with a barking collar designed to prevent all barking with the exception of "alert barking." The barking collar shall be used by the animal owner for a period of seven (7) days. If at the end of this period, the barking collar has been successful in muting the barking of the animal complained of, the dog owner will return the barking collar to the Animal Control Officer and shall be required to purchase his own barking collar from the Humane Society or some other source. Proof of purchase shall be required upon request of any Animal Control Office. If the animal owner refuses to use the barking collar, the Animal Control Officer may issue a citation to the

owner. Should the barking collar fail to mute the barking dog after a period of seven (7) days, or if the barking collar is successful after a period of seven (7) days and the animal owner refuses to purchase his own barking collar, then the animal owner shall be subject to a civil citation under Section 1-101(16) (j). Any animal owner who is found by the General Sessions Court to have violated the provisions of Section 1-101(16) (j) shall incur a civil penalty in the amount of \$150.00 for each violation.

(b) The Humane Society shall, on a monthly basis, submit a written report to the Hamblen County Commission's Public Services Committee listing all calls and incidents requiring response relating to the enforcement of these regulations, the result of such response and the actions taken by MHHS. Such monthly reports shall be made a part of the minutes of the regular monthly meeting of the Hamblen County Board of Commissioners.

**SECTION 1-116. Severability Clause.** If any part of this Resolution shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these regulations.

**WHEREFORE,** it was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that this Resolution be adopted.

Voting Aye: \_\_\_\_\_

Voting Nay: \_\_\_\_\_

Pass: \_\_\_\_\_

The Chair declared the Resolution adopted this \_\_\_\_ of June, 2010.

Hamblen County Board of Commissioners

By:   
Stencil Ford, Chairman

ATTEST:

By:   
Linda Wilder, Hamblen County Clerk

APPROVED.

  
David W. Purkey,  
Hamblen County Mayor