

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE FOR THE
CITY OF JACKSON, TENNESSEE**

SECTION 1. Be it ordained by that the Council of the City of Jackson, Tennessee amend the text of the official Animal Control Ordinance, Title 10, Chapter 1 by adding Sections 10-105 through 10.111 to the existing Animal Control ordinance as indicated by the underlined sections below:

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. LIVESTOCK AND OTHER FARM ANIMALS.
3. VICIOUS DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Definitions.
10-102. Running at large prohibited.
10-103. Noise prohibited.
10-104. Cruelty to animals.

10-101. Definitions. Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section.

(1) "Animals and fowls" as specifically named by whatever name they might be called, and includes every age and sex of each of the herein named species of animals and fowls.

(2) "Approval" means approval by the health officer pursuant to power granted to him in this chapter.

(3) "Health officer" is the director of health and sanitation of the city.

(4) "Keeper" refers to any person owning, keeping, having, using or maintaining any of the animals or fowls herein referred to.

(5) "Rodent-proof" is a state or condition not conducive to entry, feeding or harboring of rodents.

(6) "Sanitary" means a condition of good order and cleanliness which precludes the probability of disease transmission. (1972 Code, § 6-1)

10-102. Running at large prohibited. It shall be unlawful for any person raising, owning and/or keeping any dog or other animal to willfully suffer or permit any such creature to run at large upon the public streets, avenues, alleys, parks or other public property of the city, or to willfully suffer or permit any dog or other animal to run at large or to go upon the premises owned or in possession of or under the control of any other person in the city. (1972 Code, § 6-38)

10-103. Noise prohibited. No person shall willfully or knowingly keep or harbor on his premises any dog or other animal that makes or creates loud and obnoxious noises by whatever

method created, thereby disturbing the peace of the neighborhood or disturbing the occupant of adjacent premises or people living in the vicinity of such loud and obnoxious noise.

A person shall be deemed to have willfully and knowingly violated the terms of this section if such person shall have been notified by any police officer of such disturbance and shall have refused for a period of twenty-four (24) hours to correct such disturbance and prevent its recurrence. (1972 Code, § 6-39)

10-104. Cruelty to animals. It shall be unlawful for any person to cruelly maltreat any dumb animal in the city; or to willfully and wantonly kill, maim, wound, poison or disfigure any horse, ass, mule, cattle, sheep, goat, swine, dog or other domesticated animal, bird or beast of any kind; or to mutilate, cruelly kill, over-drive, over-ride or over-load, or unnecessarily confine, or in any manner oppress the same; or to unnecessarily fail to provide the same with proper food, drink or shelter; or to drive, work or use the same when such animal is maimed, wounded, sick, lame or otherwise unfit for labor; or to willfully abandon the same to die; or to carry or to cause the same to be carried, hauled or forced along in a cruel or inhumane manner; or to leave any animal tied up or confined anywhere, day or night, for more than six (6) hours at a time without properly feeding, watering and caring for the same. This section shall not be construed to prevent policemen or other persons from destroying dogs or other animals when lawfully entitled to do so. (1972 Code, § 6-7)

10-105. Number of animals.

(a) **No more than a combined total of 6 adult dogs or adult cats are allowed per residence.**

(b) References to dogs and cats only refer to dogs and cats older than six (6) months. There are no restrictions on the number of dogs and cats younger than six (6) months old that can be on the premises.

(c) If it is determined that a person is in violation of this section, such person shall be allowed thirty (30) days from the notice of violation to cure same.

(d) Any person who wishes to exceed the maximum combined number of six (6) dogs or cats must apply to the City Revenue Office for a special "Animal Lodging" permit.

10-106. Animal Lodging Permits.

(1) No person shall have over a combined total of six (6) adult dogs or cats per residence without first obtaining an operational permit (hereinafter, "permit") issued by the City of Jackson Revenue Office.

(2) A permit shall be issued only after the City of Jackson Animal Control Office completes an inspection and determines that the minimum requirements and standards, as set forth herein have been met. After approval, a permit shall be issued upon payment of the applicable fee. The permit shall be prominently displayed on the premises where animals are located. **The cost of a permit and other related fees should be \$50.00.**

~~(3)~~ **The permit is valid for a period of one (1) year from the date of issue,** unless otherwise stated or revoked. The permit shall be renewed annually. Said permit is not transferable, assignable or refundable. Renewal applications for permits shall be made within thirty (30) days prior to the expiration date.

(4) A new establishment shall use its initial permit issue date as the anniversary date for the purposes of permit expiration and renewal.

(5) Each separate property shall be required to have a permit.

(6) It shall be a condition of the issuance of any permit that the City of Jackson Animal Control Office shall be allowed, at any reasonable time, to inspect without notice, all domestic animals and all premises where animals are kept.

(7) Failure to apply for a permit shall constitute a violation.

(8) References to dogs and cats only refer to dogs and cats older than six (6) months. There are no restrictions on the number of dogs and cats younger than six (6) months old that can be on the premises.

(9) If it is determined that a person is in violation of this section, such person shall be allowed thirty (30) days from the notice of violation to cure same.

(10) Rescue organizations are exempt from this section.

10-107. Restraint & Confinement to Property. Dogs or cats shall not be chained, tied, fastened to dog houses, trees, fences, or other stationary objects as a means of confinement to property. Dogs may be restrained by means of a fence, pen or a trolley system, which is a tether attached to a pulley on a cable run, if the following conditions are met:

(1) Only one dog may be tethered to each cable run.

(2) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.

(3) There must be a swivel on at least one end of the tether to minimize tangling of the tether.

(4) The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the Animal Control officer, considering the age, size and health of the dog.

(5) The cable run must be at least (20) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.

(6) The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over and object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming tangled with other objects or animals.

(7) When a dog is confined outside by means of an enclosure or an electronic containment device, the area must be of size for adequate movement of the dog and cleaning.

(8) No person shall transport any animal in an open truck without adequate physical restraint, which will prevent the animal from exiting the vehicle or hanging itself.

10-108. Enforcement.

(1) The provisions of this section shall be enforceable by any law enforcement, animal control, or code enforcement officer within their jurisdiction.

(2) This section is enforceable by all means provided by law. The maximum fine is \$50 per day per violation. Additionally, the City may choose to enforce this section by seeking injunctive relief in the Environmental Court. In addition to the enforcement procedures provided herein, this section may be enforced by any other means provided by law, by actions at law and in equity, and if the City prevails in such action, the City shall be entitled to its costs and reasonable attorney's fees incurred in such action.

10-109. Unaltered Animals. **Anyone with an unaltered cat or dog over the age of 6 months, if unaltered for any other reason than medical purposes, is required to pay an annual fee for a breeding license in the amount of \$200.00 per owner.** The fee will be collected by the City of Jackson Revenue Office. It is the legislative intent that the provision of this section shall not apply to the training or use of hunting dogs for sport nor shall it apply to the training and use of dogs for law enforcement purposes, nor shall it apply to the use of dogs in competitive shows or dogs that service those with disabilities.

10-110. Removal of animals. The city Animal Control Officer or any humane officer or police officer may initiate before a city judge a search warrant for any premises upon a showing of probable cause to believe that a violation of any provision of this section is occurring or has occurred within a reasonable time thereon; and take charge of and impound the animals or fowl involved in such violations. The matter of disposition of any such animal shall be determined by a city judge.

10-111. Use of Fees Collected. One half of the funds collected from these fees will be deposited in the General Fund of the City of Jackson. One-half of the funds will be utilized for a low cost spay and neuter program, for which the City will contract with a local animal rescue group that is designated by the Internal Revenue Service as a 501 (c) (3) non-profit organization . The contracting non-profit agency will be required to provide an annual report to the City accounting for use of the funds. One quarter of the funds will be used by the Health and Sanitation Department to fund a certified humane officer's expenses to investigate animal abuse cases.

SECTION 2. That this ordinance becomes effective within two months of its adoption, the public welfare requiring it.

MAYOR

INTRODUCED: _____

ADOPTED: _____