

TITLE 10**ANIMAL CONTROL****CHAPTER**

1. IN GENERAL.
2. PETS.
3. BIRD SANCTUARY.

CHAPTER 1**IN GENERAL****SECTION**

10-101. Livestock to be confined by a fence.

10-101. Livestock to be confined by a fence. (1) All owners and custodians of livestock within the City of Hendersonville shall ensure that the livestock are confined within a sufficient and lawful fence.

(2) All fences held to be lawful and sufficient by Tennessee Code Annotated, title 44, chapter 8 shall be deemed to be lawful and sufficient for the purposes of this chapter.

(3) The following fences shall be deemed sufficient and lawful:

(a) Wire. Any inclosure made by nailing fast two (2) sound planks, each not less than six (6) inches wide, to posts set firmly in the ground not more than eight (8) feet apart, the bottom plank to be not more than three (3) inches from the ground, and the second plank from the ground not more than four (4) inches from the first; and then by stretching not less than four (4) strands of barbed wire tightly between said posts above the planks, the topmost wire to be not less than four and a half (4½) feet from the ground, and the bottom wire to be four (4) inches from the topmost plank; the next wire from the bottom one to be nine (9) inches from the topmost plank, and the third from the bottom to be twenty-one (21) inches from the topmost plank, the above distance as nearly as practicable.

(b) Wire. Any inclosure made by nine (9) smooth, horizontal wires, the bottom and top or first and ninth of which are to be standard number nine (9), and the other seven (7) standard number eleven (11) wires; the first wire to be placed upon or very near the ground; the

second three and one-half (3½) inches from the first; the third three and one-half (3½) inches from the second;

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the fourth four (4) inches from the third; the fifth four (4) inches from the fourth; and sixth six (6) inches from the fifth; the seventh eight (8) inches from the sixth; the eighth ten (10) inches from the seventh; the ninth ten (10) inches from the eighth. The vertical stays or pickets are to be two (2) feet apart between the first or ground wire and the fifth, and from the fifth to the top or ninth wire four (4) feet apart. The posts to be one (1) rod apart and well stayed at the ends of the fence, so as to keep the fence from sagging.

(c) Paling and wire fence lawful. The paling and wire fence is made one (1) of the lawful fences; provided, the same be built upon good-sized, substantial posts, set firmly in the ground, not more than twelve (12) feet apart; provided, further, there be firmly fastened upon these posts two (2) sets double-strand wire, one (1) near the top, the other near the bottom, into which there is woven substantial sawed or split palings, not less than three (3) feet long, with one (1) barbed wire one (1) foot above the paling, or four (4) feet without the wire, are not more than three (3) inches apart;

(d) Three wire, plank, or slat fence a lawful fence. In addition, the following shall also be a lawful fence, to wit: A fence built on good-sized, substantial posts, set firmly in the ground not more than nine (9) feet apart. Said fence shall consist of three (3) barbed wires, or three (3) planks, or three (3) slats running horizontally and fastened firmly to said posts, the first to be eighteen (18) inches from the ground, and the second and third eighteen (18) inches from the first and second respectively, counting from the center of each. Said fence may consist entirely of wire strands, or of planks or of slats; or it may be composed of a wire, plank, and slat.

(4) For cattle the following shall be sufficient and be deemed a lawful fence:

Cattle sufficiently fenced - The following shall be sufficient and be deemed a lawful fence only as to cattle: Any inclosure made by stretching not less than five (5) strands of barbed wire tightly between posts firmly set in the ground, or between growing trees and posts firmly set in the ground, and not more than twenty (20) feet apart; the topmost wire not less than four and a half (4½) feet from the ground, the bottom wire not less than six (6) inches, and the next to the bottom wire not less than fifteen (15) inches from the ground.

(5) For horses and mules the following shall be sufficient and be deemed a lawful fence:

Horses and mules sufficiently fenced - The following shall be sufficient and be deemed a lawful fence only as to horses and mules: A fence constructed of three strands of barbed wire, the high strand being placed four and one-half (4½) feet above the ground and the lowest strand being placed

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one (1) foot above the ground with the intermediate strand placed half-way in between affixed to posts or trees not more than twenty (20) feet apart.

(6) The owner and custodian of any livestock found stray on public ways or on private property without the permission of the owner of the property shall be deemed to be in violation of this chapter regardless of the type of fence surrounding the inclosure from which the animals escaped.

(7) The owner and custodian of any livestock not adequately fenced or found on the public ways or stray shall be guilty of a misdemeanor and shall be fined by an amount to be set by the City Judge for the City of Hendersonville not to exceed five hundred dollars (\$500.00) plus court costs. (Ord. #1979-7, March 1979, modified)

CHAPTER 2**PETS****SECTION**

- 10-201. Definitions.
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- 10-203. Pets running at large.
- 10-204. Impoundment.
- 10-205. Redemption by owner.
- 10-206. Disposition of unclaimed pets.
- 10-207. Animals suspected of having rabies, etc.
- 10-208. Confinement of female pets in season.
- 10-209. Concealment of pets.
- 10-210. Authority to enforce this chapter.
- 10-211. Interfering with police officers or public works department officials.
- 10-212. Vicious pets to be securely restrained.
- 10-213. Warrants.
- 10-214. Compliant.
- 10-215. Noisy pets prohibited.
- 10-216. Humane care.
- 10-217. Penalties.

10-201. Definitions. When used in this chapter, the following definitions shall apply:

- (1) "Pet:" All members of the dog and cat families.
- (2) "Owner:" Any person or persons, firm, association or corporation having a right of property in any pet, or who keeps or harbors a pet, or who has a pet in his care, or acts as its custodian, or who permits a pet to remain on or about any premises.
- (3) "At large:" A pet is considered to be running "At Large" when the pet is off of the premises of the owner and not on a leash.
- (4) "Vaccination:" The process whereby an animal is immunized against rabies using a vaccine and a technique approved by the Tennessee State Board of Veterinary Medical Examiners.
- (5) "License:" A pet or its owner possessing the "tag" and a valid certificate of vaccination, shall be deemed to be a licensed pet.
- (6) "Officer:" The term "officer" as used herein shall include employees of any animal control agency, of any governmental entity (such as Sumner County Animal Control Department) any employee of the City of Hendersonville, any person employed by any governmental entity for the purpose of enforcing laws, and elected official of the City of Hendersonville. (Ord. #1979-2, Feb. 1979)

10-202. Vaccination of pets against rabies, etc. It shall be unlawful for any owner or person to keep, harbor, or permit to remain in the City of Hendersonville, any pet over three months of age which has not been vaccinated against rabies, as required by Tennessee Code Annotated, §§ 68-8-101 through §§ 68-8-114. The certificate evidencing vaccination shall be issued by a licensed veterinarian and the certificate shall be kept by the person who owns, keeps, harbors the pet. The certificate shall be subject to inspection by any officer authorized to administer or enforce this chapter. (Ord. #1979-2, Feb. 1979)

10-203. Pets running at large.¹ It shall be unlawful for any owner or person harboring a pet to allow the animal to run at large.

Any pet found running at large may be seized and impounded by any person or officer. A pet is considered to be running at large when the pet is off of the premises of the owner and not on a leash (Ord. #1979-2, Feb. 1979)

10-204. Impoundment. If the owner of an impounded animal can be ascertained from tags or identification carried by the animal the owner shall be notified by a postcard mailed to the owner's last known address. (Ord. #1979-2, Feb. 1979)

10-205. Redemption by owner. Any impounded vaccinated pet not suspected of carrying rabies or not so vicious as to be a danger to the community shall be released to the owner upon payment of an impoundment fee and a boarding fee established by the governmental entity operating the pound but the impoundment fee shall not be less than ten dollars (\$10.00) and the boarding fee shall not be less than five dollars (\$5.00) per day. Unvaccinated pets may be vaccinated in the pound at the expense of the owner. Impoundment fees and boarding fees shall be considered service fees and not fines and do not relieve the owner from the penalties provided herein. Impoundment and boarding fees shall be utilized for animal control. (Ord. #1979-2, Feb. 1979)

10-206. Disposition of unclaimed pets. It shall be the duty of the impounding officer and the operator of the pound to keep all unclaimed animals for seven days following the mailing of notice to the owner if notice is mailed. At the expiration of the holding period animals shall be disposed of as follows:

- (1) As the city judge may direct.

¹State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

(2) Individuals may purchase unclaimed pets at a price to be set by the mayor. Prior to the release of any purchased pet the pet must be vaccinated and spayed or neutered at the expense of the purchaser by a licensed veterinarian.

(3) Unclaimed and unpurchased animals shall be destroyed in a humane manner. (Ord. #1979-2, Feb. 1979, modified)

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10-207. Animals suspected of having rabies, etc. If any animal has bitten any person, or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, any officer may cause the animal to be confined or isolated for such time as it is deemed necessary by a licensed veterinarian, to protect the safety of the people and of property. Confinement or isolation shall be at a place designated by the mayor. (Ord. #1979-2, Feb. 1979, modified)

10-208. Confinement of female pets in season. Every owner of a female pet shall confine his pet in a weather tight structure during the time the pet is in "heat". (Ord. #1979-2, Feb. 1979)

10-209. Concealment of pets. Any person who shall hide, conceal or aid or assist in hiding, concealing, any pet owned, or harbored, when the pet is in violation of this chapter, shall be in violation of this chapter. (Ord. #1979-2, Feb. 1979)

10-210. Authority to enforce this chapter. (1) All officers, as defined herein, shall have the right to impound any animal found in violation of this chapter and to issue complaints requiring the owner to appear in court. An officer may enter the owners premises to impound an animal which has been off the owner's premises.

(2) Only police officers shall arrest violators of this chapter and then only for violations committed in their presence or pursuant to a warrant issued by the city judge.

(3) Any individual may impound any animal found in his property in violation of this chapter. Such animals shall be turned over to an officer as soon as practical. (Ord. #1979-2, Feb. 1979)

10-211. Interfering with police officers or public works department officials. It shall be unlawful for any person to interfere with any person or officer enforcing this chapter. (Ord. #1979-2, Feb. 1979)

10-212. Vicious pets to be securely restrained. It shall be unlawful for any person to own or keep any pet known to be vicious or dangerous unless such pet is so restrained as to protect other animals and persons and property. Whenever a vicious pet running at large has caused serious injury to any person the City Judge shall have the authority to order the pet to be immediately impounded; in the event of such impoundment, the City Judge shall schedule a hearing to determine the

length of such impoundment, with the hearing to be conducted within ten (10) business days of the impoundment. (Ord. #1979-2, Feb. 1979, as amended by Ord. 1997-14, May, 1997)

10-213. Warrants. Warrants for the violation of this chapter shall be issued by the city judge or city court clerk. (Ord. #1979-2, Feb. 1979)

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10-214. Complaint. (1) Any officer may issue a complaint to any person believed to have violated this chapter requiring the person to appear in city court and show cause why a warrant should not be issued for his arrest for violation of this chapter.

(2) A complaint may issue regardless of whether an animal has been impounded.

(3) A person receiving a complaint to appear may admit guilty in writing and pay a fine of fifteen dollars (\$15.00) on the first offense or twenty-five dollars (\$25.00) for a second offense without appearing in court.

(4) The city judge may refuse the guilty plea to a complaint and issue a warrant if he so desires. (Ord. #1979-2, Feb. 1979)

10-215. Noisy pets prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (Ord. #1979-2, Feb. 1979)

10-216. Humane care. All owners of animals shall provide a clean and sanitary place for animals to live and shall provide adequate shelter and food to maintain the health and comfort of the animal. Animals shall not be crowded together so as to create an odor or endanger their health. (Ord. #1979-2, Feb. 1979)

10-217. Penalties. All persons found in violation of any of the provisions of this chapter shall be subject to a fine of not more than five hundred dollars (\$500.00). Fines imposed and costs assessed for violations of this chapter which are not paid within thirty (30) days of the judgment shall be collected in the same manner and with the same fees as judgments of the General Sessions Courts of Tennessee, including, but not limited to, garnishment of wages and attachment of bank accounts.

Further, upon conviction of a pet owner of a third separate offense of allowing the same animal to run at large, the City Judge shall have the authority to order the animal impounded. In the event of such impoundment, the owner must request a hearing before the City Judge within thirty (30) days of impoundment to determine whether the pet should be returned to the owner. If no hearing is requested, or if at the hearing the owner fails to convince the City Judge of future compliance with this

chapter, the impounded pet may become available for adoption. (Ord. #1979-2, Feb. 1979, modified, as amended by Ord. 1997-14, May 1997)

CHAPTER 3

BIRD SANCTUARY

SECTION

10-301. Designated.

10-302. Unlawful to trap, shoot or molest birds.

10-303. Birds creating nuisance.

10-304. Right to eradicate bird by city.

10-305. Violation and penalties.

10-301. Designated. The entire area embraced within the corporate limits of the City of Hendersonville, Tennessee is hereby designated as a Bird Sanctuary. (Ord. #1980-3, March 1980)

10-302. Unlawful to trap, shoot or molest birds. It shall be unlawful to trap, shoot or molest in any manner any bird or wildfowl or to rob bird nests or wildfowl nests. (Ord. #1980-3, March 1980)

10-303. Birds creating nuisance. If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the health authorities of the City of Hendersonville, or Sumner County, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by said health authorities under the supervision of the Chief of Police of the City of Hendersonville. (Ord. #1980-3, March 1980)

10-304. Right to eradicate bird by city. The City of Hendersonville reserves the right to eradicate any bird or waterfowl which has become an immediate threat to the safety of Hendersonville residents. (Ord. #1980-3, March 1980)

10-305. Violation and penalties. Anyone violating the provisions of this chapter shall be punishable by a fine of not more than five hundred dollars (\$500.00) for each violation. (Ord. #1980-3, March 1980, modified)