TITLE 10

ANIMAL CONTROL

CHAPTER

CHAPTER 1

IN GENERAL

SECTION

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) "Abandonment" means an animal that has not been provided adequate conditions as defined in this chapter and whose owner failed to respond within 24 hours to an official notice left by animal services officers at the location where the dog is kept.

(2) "Adequate conditions" shall include, but not be limited to adequate care, food, shelter, general maintenance, and water as defined in this section.

(3) "Adequate food" means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily dietary requirements for the condition and size of the animal. Adequate food may be impacted by the environment in which the animal is kept and must be taken into account by the owner/custodian. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding is in

accordance with accepted agricultural or veterinarian practices. Food stored outside must be kept in sealed containers to prevent vermin from accessing it.
(4) "Adequate shelter" means a four-sided ventilated structure in good repair with an entrance on one side, a roof, and a solid floor and allows the dog to remain reasonably dry and maintain normal body temperature. The dimensions of the entrance and structure shall allow each dog present to enter, stand, turn around, and lie down in a natural manner, whether in the same structure or by providing multiple structures, and protect the dog from adverse weather and direct sunlight. During cold weather, the structure must contain bedding material that is sufficient to promote the retention of body heat and during summer months a separate natural or artificial or shaded area must be available outside the structure and accessible by the dog. "Adequate shelter" does not include the space under buildings, decks, steps, or open crates and carriers designed for temporary housing unless modified to meet the requirements of this section. The shelter shall be cleaned regularly enough so as not to force the animal to stand, sit or lie in bodily waste. The enclosure in which the structure is located must be of a square footage sufficient to allow the dog to defecate at one end and lie at least twice its length away at the other end of the enclosure.
(5) "Adequate water" means potable water provided continuously and changed out no less than once daily. The animal must have uninhibited access to the water. Adequate water may be impacted by environment in which the animal is kept and must be taken into account by the owner/custodian.
(6) "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.
(7) "Approval" means approval by the health officer pursuant to power granted to the health officer in this chapter.
(8) "Health officer" is the director of The Jackson Animal Care Center.
(9) "Keeper" refers to any person owning, keeping, having, using or maintaining any of the animals or fowls herein referred to.
(10) "Owner" means

i. any person, partnership, or corporation owning an animal,
ii. any person in charge of maintaining an animal; or
iii. any person who feeds, shelters, or harbors an animal or permits it to remain on such person's property; or
iv. if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian.

(11) "Rodent-proof" is a state or condition not conducive to entry, feeding or harboring of rodents.
(12) "Sanitary" means a condition of good order and cleanliness which precludes the probability of disease transmission.

10-102. Running at large prohibited.

It shall be unlawful for any person raising, owning and/or keeping any dog or other animal to 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. However, tethering of dogs in communal spaces of community housing locations, such as apartment complexes, hotels, motels, duplexes, or any multi-family dwelling is prohibited unless permitted by the property owner or landlord in writing.

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 or animal control officer of such disturbance and shall have refused for a period of twenty-four (24) hours to correct such disturbance and prevent its recurrence.

10-104. Cruelty to animals.

It shall be unlawful for any person to cruelly maltreat any 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. (1995 Code, § 10-104)

10-105. Abandonment of animals.

Non-livestock animals are not to be housed on properties without functioning utilities, properties that have been condemned, or vacant properties. Animals found in these conditions shall be considered abandoned after a period of twenty-four (24) hours from the posting of notice at the property by an animal control officer. Any animal reported to be abandoned may be considered as such once animal control officers have posted notice at the property and have failed to see the violation corrected or received contact from the animal's owner/keeper for a period of twenty-four (24) hours.

10-106. Animal identification and vaccination.

(a) All persons owning, keeping or harboring any dog or cat six (6) months of age or older shall have the animal vaccinated against rabies pursuant to TCA-68-8-103.

(b) Every dog owner shall attach a metal tag as evidence of rabies vaccination to a collar, which shall be worn at all times by the vaccinated dog; provided, that the collar may be removed in the case of hunting dogs while in chase or returning from the chase. Nothing in this section shall be construed as permitting the use or ownership of an unvaccinated dog for any purpose.

(c) Dogs and cats may be vaccinated as early as three (3) months of age but will be considered as noncompliant with this section if over six (6) months of age and unvaccinated.

(d) All rabies vaccinations of dogs and cats as required by this chapter shall be administered only by or under the supervision of a veterinarian.

(e) Evidence of rabies vaccination shall consist of a certificate that contains the owner's name and address, date of vaccination, date the dog or cat should be revaccinated, description and sex of the dog or cat vaccinated, number of the vaccination tag issued, when applicable, manufacturer and lot number of the vaccine administered, and the name and signature of the supervising veterinarian.

(f) If the rabies vaccination is given at an animal control facility or shelter, then the certificate shall contain the name and signature of the person administering the vaccine as well as that of the supervising veterinarian. The rabies certificate form and rabies tag shall be provided by the animal control facility or shelter.

10-107. Proper restraint and keeping of outside dogs.

(a) Dogs restrained by traditional fencing.

To prevent dogs from escaping, fencing must be in a good condition, must be maintained, must be of recognized construction methods, and must be of adequate size for the number and size of the dogs that are restrained within. Entry or exit gates must be properly secured by a latching or locking mechanism. Fences should be at least two and one-half (2 ½) times the height of the animal it is intended to restrain. The height of the dog is measured at the dog's shoulder when the dog is standing on four legs. If a dog should escape from a fence, either by climbing, digging, or unlatching the gate, additional fencing height, kennels or other restraint methods may be required. Fencing must be sufficient to make an in-heat female dog inaccessible to any male dog and prevent the female dog from running at- large.

(b) Dogs restrained by invisible fencing.

As an alternative to traditional fencing, tie-outs, or overhead cable runs, a dog may be restrained with invisible fencing properly set up and maintained.

(c) Dogs restrained by tethering.

As an alternative to fencing, dogs may be restrained by tether. No person shall allow any dog restrained by tether to remain outside and unattended unless all of the following conditions are satisfied:

(1) The tether is not unreasonably heavy in proportion to the weight of the dog.

(2) A swivel is located at both ends of the tether and the tether is free of tangles.

(3) All tethered dogs shall wear an appropriately fitted leather or nylon collar to which a swivel is attached. Chokers, prong collars, and pinch collars are not permitted on tethered dogs.

(4) The tether is not less than ten (10) feet in length.

(5) At all times, the animal has access to water, shelter, dry ground free of standing water and animal water, and access to adequate food.

(6) The animal is at least three months old and has a current rabies vaccination with its tag visibly displayed.

(7) The animal is not sick or injured.

(8) If used, pulley, running line, or trolley systems are installed according to manufacturer's instructions and do not pose a safety risk to the dog.

(9) If there are multiple animals, each animal must be tethered separately with proper spacing to prevent entanglement.

(10) The tethering device shall allow the tethered dog to lie down comfortably in all positions of tether.

(11) Dogs restrained by tethers, tie-outs, or overhead cable runs must be spayed or neutered. Dogs kept outside that are not spayed or neutered must be kept in traditional fencing as set forth in Section 10- 107(a).

(12) Tethers, tie-outs, or overhead cables, if used, shall prevent the dog from traversing upon another person's property, public sidewalks or public property, and from charging and harassing persons and pedestrians utilizing these properties.

(d) Dogs housed outside must be at least six months of age and have a current rabies vaccination

10-108. Prohibition of parking lot and roadside sales.

It shall be prohibited for any person to sell, trade, barter, lease, rent, give away, or display for any purpose a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, parking lot sale, or similar event.

This section does not apply to:

a. An agent of a business that is licensed by the Tennessee Department of Agriculture to operate a pet store or pet sales;

b. A tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, provided all the animals involved are spayed/neutered.

10-109. Resisting or interfering with an Animal Control Employee. It is prohibited for any person to resist or interfere with an animal control officer in the performance of his or her duties by acting in a violent and tumultuous manner toward any animal officer so that such officer is placed in fear for the safety of his or her life, limb or health.

10-110. Concealment of animals in violation. No person shall hide, conceal, or aid or assist in hiding or concealing any dog owned, kept, or harbored in violation of any of the provisions of Title 10.

CHAPTER 2

LIVESTOCK AND OTHER FARM ANIMALS

SECTION

10-201. Application of chapter. No owner, lessee, tenant, or sub-tenant, of any property, public or private, located within the corporate limits of the city shall keep, maintain, or cause to be kept any horses, mules, donkeys, cattle, swine, chickens, turkeys, ducks, geese, goats, sheep, hares, or similar animals or fowls either domesticated or nondomesticated except under conditions hereinafter set forth in the provisions of this chapter. (1995 Code, § 10-201)

10-202. Where animals to be kept. No animals, fowls or poultry described in § 10-201, shall be kept within a distance of one thousand (1,000) linear feet of any adjacent residence, place of business, industry or establishment within the city, without a permit issued by the health officer. The health officer shall permit the keeping of animals, poultry, and fowls on public and private premises under the terms of this Chapter and when the keeping of such animals, poultry, and fowls will not injuriously affect the public health and welfare. In no case will the health officer approve the keeping of chickens within one hundred (100') linear feet of any property line of a residence, place of business, industry or establishment, except that this restriction shall not prohibit approval by the health officer of the keeping of water fowls on public or community development lakes, such as Campbell Lake. This section shall not apply to small animal hospitals under the direct personal supervision of a licensed veterinarian. (1995 Code, § 10-202, as amended by Ord. #2012-012, Sept. 2012)

10-203. Approval required by health officer to keep animals. The health officer is hereby authorized to prohibit the keeping of animals, poultry, and fowls described in § 10-201 within the corporate limits of the city when it has been determined that the keeping of such animals and fowls is not in

compliance with the provisions included in this Chapter or when the keeping of such animals, poultry, and fowls may prove detrimental to the public health by creating or causing situations conducive to the breeding and attractivity of flies and other injurious and obnoxious insects, the breeding, feeding and harboring of rats, and which may give rise to offensive smells and odors. Owners and keepers of such animals, poultry, and fowls, when specifically notified to dispose of them by the health officer shall comply within twenty (20) days with such notice, or correct all deficiencies in keeping with the standards herein prescribed. (1995 Code, § 10-203)

10-204. Temporary permit for show animals. Persons bringing show animals into the city for the purpose of exhibiting or showing shall apply for a temporary permit to the health officer. The health officer shall have authority to grant such temporary waivers as will, in the opinion of the health officer, not adversely offset the health of the community. No waiver may be granted for more than twenty (20) days. (1995 Code, § 10-204)

10-205. Pen, stables, etc., to be clean. (1) No animals or fowls described in § 10-201 shall be kept in any place in which manure or liquid discharges from such animals or fowls is allowed to collect or accumulate to any degree of offensiveness. Further, all such manure and liquids shall be at once removed to some proper place of disposal and/or effectively stored between periods of removal in closed containers, which shall provide for the maximum practical fly, rodent and order control.

(2) Stalls, stables, pens, yards and appurtenances in which such animals and fowls are kept shall at all times be maintained in a clean and wholesome condition, so that no offensive odor shall be allowed to escape therefrom, and no rodent, flies or other insects will be able to breed therein or become attracted thereto.

(3) Buildings, pens, yards, and appurtenances constructed for the purpose of housing and impounding animals and fowls shall be located with adequate drainage and constructed so as to facilitate routine cleaning.

(4) This section shall also apply to dogs. (1995 Code, § 10-205)

10-206. Orders and notices by health officer. It shall be the duty of the health officer or his/her authorized representative to issue orders requiring the removal of animals and fowls from within the corporate limits of the city when the keeping of such animals and fowls is in violation of this chapter and at all times when the keeping of such animals or fowls may constitute a hazard to the public health. The health officer or his/her authorized representative may issue orders requiring the owners of animals, poultry, and fowls, or owners, tenants, and lessees of properties where such animals, poultry, and fowls are quartered, to routinely clean stalls, stables, pens, and yards and to maintain such appurtenances in a clean and sanitary condition. Failure to maintain premises in a satisfactory condition at any and all times following the receipt of such orders from the health officer will be considered as justification to cause

the removal of such animals, poultry, or fowls from within the corporate limits. (1995 Code, § 10-206)

10-207. How feed is to be kept. Every keeper of such animals, poultry, or fowls shall cause feed provided therefor, to be stored and kept in a ratproof, fly-tight building, box or receptacle. (1995 Code, § 10-207)

10-208. General care of animals. No keeper of any pound, kennel, coop, pen, veterinary hospital, or other such places where animals or fowls may be kept or impounded shall allow the same, or any animal therein by reason of want of care, food, ventilation, or cleanliness or otherwise, to be or to become dangerous or detrimental to human life, health or welfare. (1995 Code, § 10-208)

10-209. Right of entry by health officer. It shall be the duty and authority of the health officer or his/her authorized representative to enter onto any premises, public or private, at any reasonable hour of the day to make inspections for the purpose of carrying out the provisions of this chapter. (1995 Code, § 10-209)

10-210. Failure to comply constitutes nuisance; abatement; misdemeanor. Failure to comply with any of the provisions of this chapter or with the lawful orders of the health officer shall constitute a nuisance. The city shall have the authority to order immediate abatement of such nuisance. and failure to comply immediately therewith shall constitute a misdemeanor.

The city shall have authority, after giving due notice, to enter onto the premises of any person allowing such a nuisance to exist on his/her premises and to remove and correct the nuisance. The cost of such removal or correction shall be charged against the person owning the property and shall constitute a lien on such premises in favor of the city until all such charges are paid. (1995 Code, § 10-210)

10-211. Keeping of Domesticated Poultry/Chickens.

(1) Purpose. The purpose of this Section is to provide standards for the keeping of poultry/chickens so that these animals do not adversely impact the surrounding neighborhood. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis, while limiting the potential adverse effects on the surrounding neighborhood. The City recognizes that there may be an adverse impact on the neighborhood resulting from the keeping of domesticated chickens due to the noise, odor, unsanitary living conditions, unsanitary waste storage and removal, attraction of predators, rodents, insects, or parasites, and the possibility of non-confined chickens leaving the owner's property.

(2) Number and Type of Chickens Allowed.

(a) Up to six (6) domesticated chickens may be allowed on single family properties

with privately-owned, individual yards. Multi-family residences with shared outdoor spaces and community property are prohibited from housing chickens. This prohibition includes apartment complexes and housing converted from one unit into multiple units.

(b) Only domesticated female chickens, (hereinafter "hens"), are allowed. There is no restriction on domestic chicken breeds.

(3) Non-commercial use only. Hens shall be kept for personal use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is also prohibited.

(4) Fenced Enclosures and Henhouses.

(a) Hens must be kept in a fenced enclosure at all times. The fenced enclosure must be either: (i) covered, or (ii) be at least forty-two (42) inches high. Hens shall be secured within the henhouse during non-daylight hours.

(b) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse.

(c) A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per hen for fenced enclosures.

(d) Fenced enclosures and henhouses must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring properties due to noise, odor, or other adverse impact.

(e) The henhouse and fenced enclosure must provide adequate ventilation, sun, and shade and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.

(f) Henhouses shall be enclosed on all sides and shall have a roof and a door. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator-resistant and bird-resistant wire of less than one (1) inch openings.

(g) The materials used in making the henhouse and fence shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The henhouse shall be well-maintained.

(h) Neither the henhouse nor the fenced enclosure may be located less than one hundred linear feet (100') from any abutting property line.

(i) Henhouses and fenced enclosures shall not be permitted in front yards.

(5) Food Storage and Removal. All stored food for the hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.

(6) Waste storage and Removal. Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile that does not allow for runoff into

stormwater drainage. All other manure not used for composting or fertilizing shall be bagged and disposed of with regular household waste. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings.

CHAPTER 3

VICIOUS DOGS

SECTION

10-301. Definition of terms. As used in this chapter:

(1) "Keeper" means a person, firm or corporation keeping, possessing, harboring or having the care or custody of a dog.

(2) "Owner" means (a) any person, partnership or corporation, owning an animal; (b) any person in charge of maintaining any animal; or (c) any person who feeds, shelters, or harbors an animal or permits it to remain on such person's property; or (d) if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian.

(3) "Vicious dog" means: any dog, that according to the records of the appropriate authority has:

(a) Aggressively bitten, attacked, or has otherwise inflicted injury on a human being on public or private property;

(b) Severely injured or killed a human being. A severe injury would be any physical injury that results in broken bones, multiple punctures, or disfiguring lacerations, requiring sutures or cosmetic surgery;

(c) Been used primarily, or in part, for the purpose of dog fighting or any other aggressive activity; or

(d) Aggressively and unprovoked, while off its owners' property, attacked another domestic animal causing serious injury or death.

(4) "Unprovoked attack" means an attack in which an animal without provocation attacks or bites a human being who has been conducting himself or herself peacefully and lawfully and has not teased, threatened, or otherwise provoked the attacking animal.

(5) "Competent person" means any person eighteen (18) years of age or older, who is able to comprehend and understand the nature of his or her responsibility, and has sufficient ability, mentally and physically, to handle any particular animal he or she may take charge of, or have in his or her control.

10-302. Determination of vicious dog.

(1) If an animal control officer or a law enforcement officer has investigated and determined that there is probable cause to believe that a dog is vicious, a citation shall be issued for the owner and/or keeper to appear in City Court for the purpose of determining whether or not the dog in question should be designated as vicious. Except by agreement of the respondent and counsel for the city and with the approval of the judge, the hearing shall be held not less than five (5) nor more than fifteen (15) days after service of citation upon the owner of the dog. If the owner cannot be located, the dog may be immediately impounded and notice of such given by certified mail or by a posting on the owner's address.

(2) The City Court shall designate a dog as vicious if the Court finds, upon a preponderance of the evidence, that the dog meets the definition of "vicious dog"

10-303. Declaring a dog vicious. The City Court's determination of whether a dog is vicious is subject to the following provisions:

(1) No dog may be declared vicious for injury or damage sustained by a person who was committing a willful trespass, or other tort, upon the premises of the dog's owner.

(2) No dog may be declared vicious for injury or damage sustained by a person who was teasing, tormenting, abusing, or assaulting the dog. (1995 Code, § 10-303)

10-304. Notice of vicious dog declaration. Within ten (10) days of the hearing declaring a dog vicious, the owner of the dog, if absent from the hearing, shall be notified by the City Court in writing of the decision of the Court and of any restrictions imposed upon the respondent, either personally through an animal control officer or by certified mail. If the owner cannot be located, the dog may be immediately impounded, and notice of such shall be posted on the owner's property or sent by certified mail to the owner's last known address. (1995 Code, § 10-304)

10-305. No transfer of ownership of vicious dog.

(a) It shall be unlawful for any person who has been served with a citation to appear in City Court for the purpose of determining whether such person's dog should be designated as a vicious dog to transfer ownership of such dog until after the City Court has issued a ruling on such citation.

(b) It shall also be unlawful for any person whose dog has been declared a vicious dog to transfer ownership of such dog to another person without having advised such other person in writing of the declaration and restrictions placed upon such dog and notified the Director of the Animal Care Center in writing at least fifteen (15) days prior to such transfer of the name, address, and phone number of the proposed new owner or custodian, the proposed new location of the dog, and the name and description of the dog.

10-306. Requirements for keeping a vicious dog. The owner of a vicious dog shall be a competent person and shall be subject to the following requirements:

(1) Confinement. All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five feet (5') by ten feet (10') and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet (2'). All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the dog from the elements.

(2) Leash and muzzle. The owner of a vicious dog shall not allow the dog to go outside its kennel, pen or structure unless the dog is muzzled, restrained by a chain or leash not more than four feet (4') in length, and under the physical control of a person. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal.

(3) Signs. The owner of a vicious dog shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a vicious dog on the premises. The sign must be readable from the public highway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Similar signs shall be posted on the dog's kennel, pen or structure. All said signs shall be no less than twelve inches (12") by twelve inches (12") in size.

(4) Insurance. The owner of a vicious dog must provide proof to the Animal Care Center that the owner has procured public liability insurance of at least one hundred thousand dollars ($100,000.00), insuring the owner for any damage or personal injury which may be caused by his or her vicious dog. In the event said liability insurance is canceled, lapsed, or for any reason becomes non-enforceable, said owner shall be in violation of the provisions of this chapter and subject to the penalties provided herein. (1995 Code, § 10-306)

10-307. Impoundment and destruction. The health officer or his/her authorized representative may order the impoundment of a dog; and the City Court may order the destruction of a dog where:

(1) The dog has attacked, bitten, or injured a human being or animal;

(2) The dog is a vicious dog as defined in § 10-301 and the owner has failed to comply with the requirements and conditions for keeping a vicious dog as defined in § 10-306. (1995 Code, § 10-307)

10-308. Notice of impoundment. Within ten (10) days of an impoundment, the health officer or his/her authorized representative shall notify the dog's owner in writing of the impoundment, either by posting notice on the owner's property or by certified mail. (1995 Code, § 10-308)

10-309. Hearing on impoundment/destruction.

(1) Request for hearing. The owner of an impounded dog shall have the right to file within ten (10) days after receiving notice, a written request for a hearing in City Court to contest the impoundment.

(2) The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(3) Decision. The City Court shall issue a decision within ten(10) days after the close of the hearing and shall notify the owner in writing of the decision.

(4) Order of destruction or release. After considering all relevant evidence, the City Court may order the destruction of the impounded dog or may release the dog to its owner conditional on the owner complying with the requirements for keeping a vicious dog as set forth in § 10-306, or complying with any other requirements necessary to protect the public health and safety.

(5) Consequence of failure of owner to appear. If the owner of impounded dog fails to appear at a hearing or fails to request a hearing, the dog shall be destroyed.

(6) Expenses of impoundment. Any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter. (1995 Code, § 10-309)

10-310. Exemption. This chapter shall not apply to dogs used by a police department or law enforcement agency. (1995 Code, § 10-310)

10-311. Change of status. The owner of a vicious dog shall notify the health officer or his authorized representative with twenty-four (24) hours, if the vicious dog is unconfined and on the loose, or has attacked a human being or animal. (1995 Code, § 10-311)

10-312. Dog fighting. No person shall possess, harbor, or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals. (1995 Code, § 10-312)

10-313. Penalties. Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined fifty dollars ($50.00) and each day of violation shall be deemed a separate violation. (1995 Code, § 10-314)

10-314. Right of entry by health officer. It shall be the duty and authority of the health officer or his/her authorized representative to enter onto any premises, public or private, at any reasonable hour of day to make inspection for the purpose of carrying out the provisions of this chapter. (1995 Code, § 10-315)