

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

1. IN GENERAL.
2. PETS.
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4. REGULATING THE OUTDOOR DISTRIBUTION OF ANIMALS
5. IMPLEMENTING A PROGRAM TO CONTROL THE URBAN DEER HERD
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**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 enclosure 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 enclosure 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;

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 three strands of barbed wire, the high strand being placed four and one-half (4½) feet above the ground and the lowest stand being placed 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 enclosure 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 fifty dollars (\$50.00) plus court costs. (Ord. #1979-7, March 1979, modified)

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

- 10-201. Definitions.
- 10-202. Vaccination of pets against rabies, etc.
- 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.**<sup>1</sup> 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.

(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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<sup>1</sup>State law reference

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

**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)

**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 fifty dollars (\$50.00). 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 fifty dollars (\$50.00) for each violation. (Ord. #1980-3, March 1980, modified)



**CHAPTER 4****REGULATING THE OUTDOOR DISTRIBUTION OF ANIMALS****SECTION**

10-401. GENERAL.

10-402. EXCEPTIONS.

10-403. CONFLICT WITH OTHER ORDINANCES.

**10-401. General.** It is unlawful for any person to display in any outdoor public place within the City of Hendersonville, Tennessee, dogs, cats, or other domestic animals for the purpose of giving the animals away or selling the animals. For purposes of this ordinance, “outdoor public place” includes streets, road, highways, thoroughfares, intersections, sidewalks, public rights-of-way, and parking lots (whether publicly or privately owned).

**10-402. Exceptions.** The provisions of this section shall not apply to:

- (1) The animal control division of the department of health.
- (2) Licensed dealers under T.C.A. §44-17-101, et.seq., at their place of business.
- (3) Any legally recognized non-profit entity organized pursuant to Section 590(c) of the I.R.S. Code whose primary purpose is the care and adoption of animals.

**10.403. Conflict with other ordinances.** In the event of a conflict between the provisions of this ordinance and any other ordinance of the City of Hendersonville, Tennessee, expressly including the Zoning Ordinance, the more restrictive provisions will apply. (Ord. 2010-11, May, 2010)

## CHAPTER 5

### IMPLEMENTING A PROGRAM TO CONTROL THE CITY'S URBAN DEER HERD

#### SECTION

10-501. COORDINATION REGARDING SIGNS

10-502. COMMITTEE ESTABLISHED

10-503. DEER CONTROL PROGRAM

10-504. HARVESTED VENISON

10-505. APPROPRIATION

10-506. COMMITTEE DUTIES

**10-501. Coordination regarding signs.** The City's Public Works Department shall coordinate with appropriate agencies, including the Tennessee Department of Transportation and the City's Police Department, to construct and maintain Deer Warning or Deer Crossing signs in areas that have experienced a large number of traffic accidents involving deer.

**10-502. Committee established.** There shall be established a permanent City committee known as the Deer Monitoring and Control Committee. This committee shall consist of seven (7) members, with six (6) members selected by the Board of Mayor and Aldermen, by ward, and one (1) member appointed by the mayor, with all members serving terms of four (4) years.

**10-503. Deer control program.** The City's Public Works Department, with assistance from the City's Police Department and the Tennessee Wildlife Resource Agency, shall implement a deer control program with USDA-certified deer management personnel to remove deer through sharpshooting techniques designed to maximize safety, humaneness, discretion, and efficiency. Prior to implementation of the cull, there shall be a survey conducted of the herd, and a target number shall be set for removal. There shall be a second survey of the herd after the culling.

**10-504. Harvested venison.** The harvested venison shall be provided to Hendersonville food banks for distribution to people in need. If Hendersonville food banks have reached full capacity, venison may also be given to other area food banks that can use them. Carcasses may be given to area non-profit entities that can use them.

**10-505. Appropriation.** An amount not to exceed three thousand dollars (\$3,000.00) is hereby appropriated from the City's general fund to pay the expenses required to do an aerial survey. No cull shall take place unless and until the Board of Mayor and Aldermen deems it necessary and appropriates funding.

**10.506. Committee duties.** The Deer Monitoring and Control Committee shall collect and disseminate to the public information describing non-lethal options to repel or deter deer and describing the dangers of contact between deer and human beings. Further, this committee shall monitor and collect data with respect to the size of the City's deer herd, and recommend appropriate deer herd management as set forth in this code on an ongoing basis. (Ord. 2014-23, Jan. 2015)

**CHAPTER 6****INTENTIONAL DEER FEEDING****SECTION**

- 10-601. Purpose.
- 10-602. Prohibition.
- 10-603. Responsible authority.
- 10-604. Civil remedies.
- 10.605. Expiration

**10-601. Purpose.** The legislation is designed to protect, preserve, and promote the health, safety, and welfare of the citizens of the City through the prohibition of intentional feeding of deer within the City limits as part of a comprehensive strategy to eliminate the negative impacts experienced as a result of an increasing deer population in the City.

**10-602. Prohibition.** (1) No person shall place or permit to be placed on the ground or within five (5) feet above the ground surface any grain, fodder, salt or mineral licks, fruit vegetables, nuts, hay, or other edible materials, which may be reasonably expected to intentionally result in deer feeding, unless items are screened or protected in a manner that prevents deer from feeding on them. Living fruit trees and other live vegetation shall not be considered as intentional deer feeding.

(2) Exceptions to this prohibition:

(a) Veterinarians, animal control officers, county, state, or federal game officials who in the course of their duties have deer in custody or under their management;

(b) Persons authorized by the City of Hendersonville to implement the Deer Management Program approved by the Board of Mayor and Alderman;

(c) Any food placed upon property for the purposes of trapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the TWRA;

(d) Persons feeding birds using self-enclosed feeding devices or containers;

(e) The use of straw, hay, or straw-related materials for erosion control, mulching, gardening, or other landscape projects; and

(f) Adequately fenced-in animals determined to be captive and not free to roam outside of the enclosure.

**10-603. Responsible authority.** The Hendersonville Police Department or other department as designated by the Hendersonville Board of Mayor and Alderman shall be responsible for enforcing this legislation.

**10-604. Civil remedies.** A violation of this legislation shall be an offense punishable by a fine not to exceed Fifty Dollars (\$50.00), along with all applicable court costs. Additionally, enforcement may be by injunction, action for abatement, or other appropriate civil remedy to eliminate a public nuisance.

**10.605. Expiration.** This legislation shall take effect on July 1, 2016 and expire on December 31, 2017. (Ord. #2016-5, Feb. 2016)