

ORDINANCE NO. 10 - 189

AN ORDINANCE OF THE TOWN OF UNICOI FOR REGULATION OF BARKING AND AT LARGE DOGS

WHEREAS, it is appropriate for the Town of Unicoi Board of Mayor and Aldermen to provide for regulations to promote the public health, safety and general welfare of the citizens of the Town of Unicoi, Tennessee and to ensure the humane treatment of animals within the Town by regulating the circumstances of said animals;

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Unicoi, Tennessee that Sections 1 through 9 read as follows:

Section 1: It shall be unlawful for any person to own, keep or harbor any dog that regularly or habitually makes disturbing noises, including continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

“In close proximity” shall be defined as an area sufficiently close to the premises where the dog is kept such that the disturbing noise can be heard on a regular basis.

Section 2: It shall be unlawful for the owner of any dog to fail to keep such animal(s) under restraint or to permit such animal to run at large upon the streets and public ways of the Town or upon the property of others without the consent of the property owner.

“At large” means that a dog is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the dog.

Section 3: Animal control officers, the City Recorder, or other designees of the Town Mayor and/or any public law enforcement officer are all empowered to enforce this ordinance. These officials and officers shall have the authority to act in their official capacity in investigating complaints, impounding, issuing citations, and taking other lawful actions as required to the enforcement of these regulations.

Section 4: It is a violation of this ordinance for any person to interfere with any animal control officer or other enforcement official in the performance of his duties in the enforcement of this ordinance.

Section 5: Violation of this ordinance shall constitute a Class C Misdemeanor and may, in the discretion of the enforcement officer or official, result in a citation to Municipal Court. The penalty for each violation and/or continuing day of violation of the ordinance upon conviction shall be a Fifty (\$50.00) Dollar fine plus Court Costs.

Section 6: Each day that one or more violations of this ordinance exists or continues to exist shall constitute a separate violation.

Section 7: In addition to other remedies provided herein the enforcing officers and officials set forth above shall have the authority to seize, impound and humanely

confine any dog that is kept in such a manner as to repeatedly violate the provisions of this ordinance. Redemption and disposition of any dog so impounded and confined shall be in accordance with the procedures of the Unicoi County Animal Shelter.

Section 8: Any animal control officer or other enforcement official may also, or in lieu of impoundment, or initial citation, issue to the owner a notice of violation. Such notice shall impose upon the owner a civil monetary penalty of Fifty (\$50.00) Dollars which shall be paid to the City Recorder within 10 days after the notice in full satisfaction of the assessed penalty. Appeal of such notice of violation shall be to the Municipal Court.

Failure to pay this notice of violation without just cause and a successful appeal thereof shall constitute a violation of this ordinance. In the event that such penalty is not paid within the time period prescribed, a citation shall issue for appearance before the Municipal Court for violation of the ordinance.

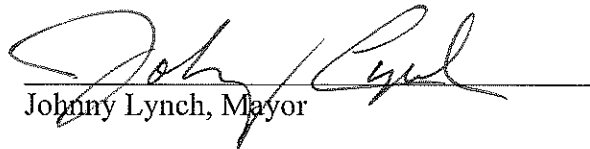
Section 9: This ordinance shall take effect after final passage, the public welfare requiring it.

Voting by the Board, as follows, First Reading on March 15, 2010:

	<u>Aye</u>	<u>No</u>
Alderman Ken Kisiel	<u>X</u>	___
Alderman Mark Ramsey	<u>X</u>	___
Alderman Dwight Bennett	<u>X</u>	___
Vice-Mayor Doug Hopson	<u>X</u>	___
Mayor Johnny Lynch	<u>X</u>	___

Voting by the Board, as follows, Second Reading on April 19, 2010:

	<u>Aye</u>	<u>No</u>
Alderman Ken Kisiel	<u>X</u>	___
Alderman Mark Ramsey	<u>X</u>	___
Alderman Dwight Bennett	<u>X</u>	___
Vice-Mayor Doug Hopson	<u>X</u>	___
Mayor Johnny Lynch	<u>X</u>	___


Johnny Lynch, Mayor


Larry B. Rea, City Recorder