

TITLE 10
ANIMAL CONTROL¹

CHAPTER

1. In General
2. Dogs
3. Park Property

CHAPTER 1
IN GENERAL

SECTION

- 10-101 Running at large prohibited
- 10-102 Keeping near a residence or business restricted
- 10-103 Pen or enclosure to be kept clean
- 10-104 Adequate food, water, and shelter, etc., to be provided
- 10-105 Keeping in such a manner as to become a nuisance prohibited
- 10-106 Cruel treatment prohibited
- 10-107 Hogs prohibited
- 10-108 Seizure and disposition of animals
- 10-109 Inspections of premises
- 10-110 Sale or gifting of animals

10-101 Running at large prohibited.

It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, animal, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1968 code, §3-101, as replaced by Ord. 97-1608, June 1997, and amended by 09-3627, Jan 2010)

10-102 Keeping near a residence or business restricted.

No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street without a permit from the director of codes enforcement, except that swine, hogs, or pigs shall be governed by § 10-107 below. The director of codes enforcement shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1968 code §3-102, modified, as replaced by Ord. 97-1608, June 1997)

10-103 Pen or enclosure to be kept clean.

When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1968 code §3-103 replaced by 97-1608, June 1997)

¹Charter reference Article II, Section 1(19) and (33)

10-104 Adequate food, water, and shelter, etc, to be provided.

No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended.

All feed shall be stored and kept in rat-proof and fly-tight building, box, or receptacle. (1968 code §3-104 as replaced by Ord.97-1608, June 1997)

10-105 Keeping in such manner as to become a nuisance prohibited.

No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1968 code §3-105 as replaced by Ord.97-1608, June 1997)

10-106 Cruel treatment prohibited.

It shall be unlawful for any person unnecessarily to beat or otherwise abuse or injure any dumb animal or fowl. (1968 code §3-106 as replaced by Ord.97-1608, June 1997)

10-107 Hogs prohibited.

It shall be unlawful for any person to keep swine, hogs, or pigs within the corporate limits of Lebanon, Tennessee. (1968 code §3-107 as replaced by Ord.97-1608, June 1997)

10-108 Seizure and disposition of animals.

Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be impounded by any officer of the City of Lebanon animal control or police department and placed in the City of Lebanon animal control facility. All animals or fowl shall be held for a minimum of ten (10) calendar days and, if not redeemed after the tenth day, the non-aggressive animals or fowl will be placed for adoption. Lebanon Animal Control will work hard towards finding the animal or fowl a home. If identified, the owner shall be notified in person, by telephone, or by a post card addressed to their last-known address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be placed on the City of Lebanon, Animal Control Social Media site, and other sites for lost and found pets for the community. In either case, the notice shall state that the impounded animal or fowl must be claimed within ten (10) days or the animal or fowl will be placed for adoption. No animal or fowl shall be released in any event from the pound until the pound fee of \$50.00 and the daily boarding fees of \$10.00 per day have been paid.

When, because of its viciousness or apparent infection with rabies or other similar dangerous disease, an animal or fowl found running at large cannot be safely impounded, it may be summarily destroyed by or at the direction of any officer of the City of Lebanon animal control or police department.

In the event the owner of an animal is taken into custody with an animal in their possession, officers shall allow the owner an opportunity to find placement for the animal. If placement cannot be found, officers shall inform the owner that the animal will be turned over to animal control. The animal will be held by animal control until it can be redeemed by the owner or for five (5) days. The owner will also be given the option to sign the animal over to animal control. If not redeemed by the owner after five (5) days, the animal may be fostered to a home. If not redeemed after ten (10) days from pickup, the animal may be fully adopted. The owner of the animal is responsible

for the \$50.00 pound fee and daily \$10 boarding fee, and may redeem the animal once the fees have been paid.

(1968 code §3-108 as replaced by Ord.97-1608, June 1997 and replaced by Ord.16- 5318 October 2016, last paragraph of this section added by Ord. 23-6873, Nov. 2023)

10-109 Inspections of premises.

For the purpose of making inspections to ensure compliance with the provisions of this chapter, the director of codes enforcement, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1968 code §3-109 as replaced by Ord.97-1608, June 1997)

10-110 Sale or gifting of animals.

It shall be unlawful for any person to display in public places within the city limits cats, dogs, or other domestic animals for the purpose of giving them away or selling them. Public places shall include, but not be limited to, shopping centers, storefronts, street corners, and sidewalks. This provision shall not apply to licensed dealers under Tenn. Code Ann. § 44-17-101, *et seq.*, at their place of business, or to New Leash on Life, formerly known as Humane Association of Wilson County, Lebanon Animal Control offering animals for adoption in compliance with Tennessee law, or any other legally recognized non-profit entity organized pursuant to IRS Code 501(c)(3) whose primary purpose is the caring of and adoption of animals. Nothing in this section shall prevent a person from selling or giving away cats, dogs, or other domestic animals owned by that person from their own residence or place of business. (created by Ord.09-3523, May 2009)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Confinement of dogs suspected of being rabid.
- 10-203. Dogs to wear tags.
- 10-204. Running at large prohibited.
- 10-205. Acceptable restriction of a dog.
- 10-206. Noisy dogs prohibited.
- 10-207. Foul odors prohibited.
- 10-208. Seizure and disposition of dogs.
- 10-209. Enforcing officer.
- 10-210. Vicious dogs.
- 10-211. Cruelty to dogs prohibited.
- 10-212. Penalty.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Sections 68-8-101 to 68-8-114, Tennessee Code Annotated) or other applicable law. (1968 Code, § 3-201; Ord. 97-1608, June 20, 1997; Ord. 10-3744, Oct. 21, 2010)

10-202. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person, and is for any reason suspected of being infected with rabies, the City of Lebanon animal control may cause the dog to be confined or isolated for such time as deemed reasonably necessary to determine if the dog is rabid.

Confinement may take place at the Animal Control Facility or the owner's home at the discretion of the Animal Control Supervisor. The Animal Control Supervisor shall be responsible for monitoring the animal during confinement.¹

(Ord. 10-3744, October 21, 2010; last paragraph of this section added by Ord. 23-6873, Nov. 7, 2023)

10-203. Dogs to wear tags. It shall be unlawful for any person to allow a dog belonging to him or under his control, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or that may be habitually found on premises occupied by him, to allow such dog to not wear a tag evidencing the vaccination and registration required by this chapter. (1968 Code, §3-202; Ord. 97-1608, June 20, 1997; Ord. 10-3744, Oct. 21, 2010)

¹ State law reference: Tenn. Code Ann. §68-8-109(d).

10-204. Running at large prohibited.

A. Any dog found running at large may be seized by any officer of the City of Lebanon animal control or police department. A dog is considered to be running at large when such dog is off the premises of the owner and not under the control of the owner, either by leash, cord, chain or otherwise; provided, that a dog shall not be considered running at large when the dog is off the premises of the owner if such dog shall be accompanied by the owner and the owner shall have full command of such dog or the dog is a hunting dog and is lawfully chasing or in training and accompanied by a responsible person.

B. It is unlawful for any person to allow a dog belonging to him or under his control, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or that may be habitually found on premises occupied by him, to run at large, and any such person whose dog is found to be running at large shall be guilty of violating this section and subject to a fifty dollar (\$50.00) fine per dog, plus court costs on each charge.

C. When any person is charged with a violation of this section, any officer of the City of Lebanon animal control or police department is authorized to issue citations for such violations. (1968 Code §3-203; amended by Ord. 90-796; replaced by Ord. 97-1608, June 20 1997; Ord. 10-3744, Oct. 21, 2010)

10-205. Acceptable restriction of a dog.**A. *Tethering***

No owner, keeper, harbinger, or maintainer of a dog may tether, fasten, chain or tie a dog, or allow his/her dog to be tethered, fastened, chained or tied to any permanent or temporary structure, any post attached to the ground or any permanent or temporary structure, or to any weight designed to restrict the dog's freedom of movement to a limited area of space, except where:

The tethering, fastening, chaining or tying of the dog to any structure, post or weight is temporary, and the tethering, fastening, chaining, or tying of the dog to any structure, post weight is under the supervision of the owner, keeper, harbinger, or maintainer or a responsible person to whom the task of supervision is delegated. The tethering, fastening, chaining, or tying of a dog to any structure or post shall be considered temporary only if the time the dog is tethered, fastened, chained or tied to any structure, post or weight is:

1. No more than one half (1/2) of an hour at any one time, and
2. No more than a total of three (3) hours within a twenty-four (24) hour period.

B. *Zip line, run, trolley systems*

1. A running cable line or trolley system must be free of tangles, have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal.
2. The running cable line or trolley system must be at least fifteen feet (15') in length and mounted at least four feet (4') and no more than seven feet (7') above ground level.
3. The length of the tether from the running cable line or trolley system to the animal's collar should allow access to the maximum available exercise area and allow the animal free access to food, water, shelter, and dry ground at all times.

4. The tethering device shall allow the tethered dog to lie down comfortably at all positions of tether.
5. The tether is not unreasonably heavy in proportion to the weight of the animal.
6. The collar or harness on the animal to which the swivel is attached is properly fitted and is a collar or harness that is commonly recognized as a pet collar or harness (choke and pinch collars are not permitted).
7. The animal is not outside during a period of extreme weather, including without limitation a heat index of ninety-five degrees Fahrenheit (95° F) or above as determined by the National Weather Service, freezing temperatures, thunderstorms, or tornados.
8. The animal is at least six months of age and has a current rabies vaccination.
9. The animal is not sick, injured, or in heat (estrus).
10. If there are multiple animals, each animal shall be tethered separately.

C. Pen enclosures

For the purposes of this section, "outdoor pen enclosure" means an enclosure (excluding fenced-in yards) used as the primary living area, or an area used regularly for an animal or animals to eat, sleep, drink, and eliminate. The configuration of the enclosure must be such that the dog can easily move about.

Outdoor pen enclosures shall meet the following minimum requirements:

1. Outdoor pen enclosures shall meet the square footage requirements as follows, based upon the number and size of dogs in the enclosure, provided that puppies less than three months in age shall not be counted for purposes of determining the minimum size of the enclosure

Minimum square footage of unoccupied area (excluding doghouse) based on largest dog

<u>Number of Dogs</u>	<u>Up to 25 Pounds</u>	<u>25 to 50 Pounds</u>	<u>Over 50 Pounds</u>	<u>Over 100 Pounds</u>
1	20	50	80	100
2	50	80	100	150
3	80	100	150	200
4	100	150	200	250

2. The required amount of unoccupied space does not include that required for shelter, but shall include adequate shade for all dogs in enclosure.
3. The pen or secure enclosure shall be constructed with chain link or other similar fencing material with all sides enclosed.
4. The floors of pens shall be constructed of such material or otherwise arranged so that there is no accumulation of standing water.
5. All pens shall be kept clean and sanitary and shall not be kept in a manner that creates a nuisance for the neighbors or neighborhood; nor filthy or dirty confinement conditions, including but not limited to exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or

kill the dog upon contact, or other circumstances that could cause harm to the dog's health.

6. The pen shall be sufficient height as to prevent the dog from escaping and, if a top is used, it must be at least twelve inches above the head of the tallest dog.

D. *Fenced-in yard*

Fenced-in yard, above the ground and/or invisible, is an acceptable method of restricting dogs provided that:

1. The yard shall be kept clean and sanitary and shall not be kept in a manner that creates a nuisance for the neighbors or neighborhood; nor filthy or dirty confinement conditions, including but not limited to exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill the dog upon contact, or other circumstances that could cause harm to the dog's health.
2. The fence, whether above ground or invisible, shall be of sufficient strength to prevent the dog from escaping. (added by Ord. 15-5054, Oct. 22, 2015)

10-206. Noisy dogs prohibited.

A. It is unlawful for any person to allow a dog belonging to him or under his control, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, to allow the dog to engage in frequent or loud continued noise, including barking, howling, or whining, such that the noise disturbs the comfort or repose of any person in the vicinity.

B. It shall be considered probable cause for the issuance of a citation by any officer of the City of Lebanon animal control or police department if such investigating officer shall hear the noise from any location other than on the private property of such person described in part A of this section.

C. If such investigating officer responds to a report of a noisy dog by any person, but does not hear the dog during such investigation, the officer shall assist the person by issuing a citation to the person described in part A of this section, but the person reporting the incident shall sign the citation as a private prosecutor. The burden of proof shall be on the reporting person to prove a violation of this section by a preponderance of the evidence in the Lebanon City Court.

D. A violation of this provision shall be subject to a fifty dollar (\$50.00) fine, plus court costs, in the Lebanon City Court, for each day the person is found to be in violation of this section.

E. In addition to any fines rendered by the Lebanon City Court, any violations of this section shall be declared to be a public nuisance, which violations may be enjoined by any court of competent jurisdiction by the City of Lebanon. (1968 Code, § 3-205; replaced by Ord. 10-3744 Oct. 2010; renumbered by Ord.15-5054, Oct. 22, 2015)

10-207. Foul odors prohibited.

A. It is unlawful for any person to allow a dog belonging to him or under his control, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, to allow odors attributed to the dog to emanate from the property of such person, such that the odor disturbs the comfort or repose of any person in the vicinity.

B. It shall be considered probable cause for the issuance of a citation by any officer of the City of Lebanon animal control or police department if such investigating officer shall observe the odor from any location other than the private property of such person described in part A of this section.

C. If such investigating officer responds to a report of foul odors of a dog by any person, but does not observe the odor during such investigation, the officer shall assist the person by issuing a citation to such person described in part A of this section, but the person reporting the incident shall sign the citation as a private prosecutor. The burden of proof shall be on the reporting person to prove a violation of this section by a preponderance of the evidence in the Lebanon City Court.

D. A violation of this provision shall be subject to a fifty dollar (\$50.00) fine, plus court costs, in the Lebanon City Court, for each day the person is found to be in violation of this section.

E. In addition to any fines rendered by the Lebanon City Court, any violations of this section shall be declared to be a public nuisance, which violations may be enjoined by any court of competent jurisdiction by the City of Lebanon. (1968 code, §5-207, as amended by ord. 77-44, § 1, as replaced by ord. 90-769; renumbered by Ord.15-5054, Oct. 22, 2015)

10-208. Seizure and disposition of dogs.

1. Any dog found running at large may be impounded by any officer of the City of Lebanon animal control or police department and placed in the City of Lebanon animal control facility. All dogs shall be held for five (5) days and, if not redeemed the animal may be fostered to a home. If not redeemed after the tenth (10) day, the non-aggressive dogs will be placed for adoption. Lebanon Animal Control will work hard towards finding the dog a home. If identified, the owner shall be notified in person, by telephone, or by a post card addressed to their last-known address. If the owner is not known or cannot be located, a notice describing the impounded dog will be placed on the City of Lebanon, Animal Control Social Media site, and other sites for lost and found pets for our community. In either case, the notice shall state that the impounded dog must be claimed within ten (10) days or the dog will be placed for adoption. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and has a tag evidencing such vaccination placed on its collar.² Any new owner adopting a dog that has not been spayed or neutered must pay a twenty-five dollar (\$25.00) deposit before a dog may be released, as required by the Tennessee Spay/Neuter Law.³ No dog shall be released in any event from the pound until the pound fee of \$50.00 and the daily boarding fee of \$10.00 per day have been paid.

2. When, because of its viciousness or apparent infection with rabies or other similar dangerous disease, a dog found running at large cannot be safely impounded, it may be summarily destroyed by or at the direction of any officer of the City of Lebanon animal control or police department or other properly designated officer.⁴

3. In the event the owner of an animal is taken into custody with an animal in their possession, officers shall allow the owner an opportunity to find placement for the animal. If placement cannot be found, officers shall inform the owner that the animal will be turned over to animal control. The animal will be held by animal control until it can be redeemed by the owner or for five (5) days. The owner will also be given the option to sign the animal over to

² State law reference: Tenn. Code Ann. §68-8-101 *et seq.*, the "Tennessee Anti-Rabies Law".

³ State law reference: Tenn. Code Ann. §44-17-501 *et seq.*, "The Tennessee Spay/Neuter Law".

⁴ State law reference: Tenn. Code Ann. §44-17-301 *et seq.*, the "Non-livestock Animal Humane Death Act".

animal control. If not redeemed by the owner after five (5) days, the animal may be fostered to a home. If not redeemed after ten (10) days from pickup, the animal may be fully adopted. The owner of the animal is responsible for the \$50.00 pound fee and the daily boarding fee of \$10 per day, and may redeem the animal once the fees have been paid. (1968 Code, §5-207, as amended by Ord. 77-443, §1, as replaced by Ord. 90-769; as replaced by Ord. 97-1608, June 1997; as amended by Ord.13-4341, April 2013; renumbered by Ord.15-5054, Oct. 22, 2015; replaced by Ord.16-5318, Oct. 18, 2016; replaced by Ord. 23-6873, Nov. 7, 2023)

10-209. Enforcing Officer.

The provisions of Chapters 1 and 2 of this Title shall be administered and enforced by the animal control division of the Lebanon Police Department, who shall be appointed as the rabies control officers by the Lebanon Chief of Police. In the event the animal control division is unavailable when the need arises for the enforcement of any provision of this Title, the Lebanon Police Department shall respond to enforce any provision hereunder.

Any enforcement of any provision hereunder shall, in addition to any paperwork, citations, reports, or any other related documentation required for an enforcement action, be documented in a separate file to be kept at the Animal Control Division with both the animal's owner's name and, if different, the property owner's name where the enforcement action occurred. The purpose of this additional documentation is to track habitual and repeat offenders for the purpose of stricter enforcement of these provisions and to give any court exercising jurisdiction over any violation hereunder better information with which to render a decision. Any calls for enforcement of any violations of this Title shall be cross referenced for previous violations by such persons utilizing such file and such information shall be supplied to any court exercising jurisdiction over any violations hereunder. (Created by Ord. 77-443 § 2, Aug. 1997; Ord. 97-1608, June 1997; Ord. 10-3744 Oct. 21, 2010; renumbered by Ord.15-5054, Oct. 22, 2015)

10-210. Vicious dogs.

A. It shall be unlawful for any person to keep or harbor a vicious dog within the area of the city limits of the City of Lebanon unless said dog is confined.

B. For purposes of this chapter, "vicious dog" means any dog that attacks and bites a person or animal on any public or private property without provocation; any dog previously declared vicious in a court of law; or any dog owned or harbored primarily or in part for the purpose of dog fighting.

C. For purposes of this chapter, "confined" means securely confined indoors, or confined outdoors in a securely enclosed locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides, a secure top and provide for appropriate shading. The size of the pen must be of sufficient size to house and shelter the dog comfortably, but shall not be smaller than ten feet by ten feet (10 ft x 10 ft).

D. 1. If any dog attacks and bites a human within the provisions of this chapter, the incident shall be investigated by either the City of Lebanon animal control or police department. If such investigating officer finds probable cause that the dog or its owner is in violation of any provision of this chapter, the dog shall be seized by the City of Lebanon animal control or police department and impounded at the Lebanon animal control. The owner shall be charged with violating the provisions of this chapter in the Lebanon City Court, and if the dog is subsequently declared to be vicious by the Lebanon Municipal Judge, the Lebanon Police, Emergency Services, or Animal Control officer prosecuting the case in the Lebanon Municipal Court shall make a formal request with the Wilson County District Attorney's Office to proceed under the provisions of Tenn. Code Ann. § 44-17-120 for the dog's humane destruction. The dog shall remain in the custody and control of the Lebanon Animal Control until a formal disposition by a court of competent jurisdiction is rendered, and, in addition to any other fines, fees, or costs of any other court, the owner

shall be subject to a fifty dollar (\$50.00) fine, plus court costs, in the Lebanon City Court, and shall be responsible for the impoundment fee set forth in § 10-208 above.

2. In the event the Wilson County District Attorney's Office declines to seek an order for the humane destruction of a dog previously declared vicious by the Lebanon Municipal Court, such dog shall be released to its owner. Within three (3) days after the dog has been released, the owner shall provide proof that a proper enclosure to adequately confine said vicious dog, as defined in § 10-210(C), has been built, subject to an inspection by the City of Lebanon animal control or police department. Failure to comply with this section shall subject the owner to a fifty dollar (\$50.00) fine, plus court costs, in the Lebanon City Court, for each day the owner is out of compliance.

(Section 10-210(D) was replaced by Ord.15-4954, June 16, 2015)

E. If any dog attacks another animal within the provisions of this chapter, the incident shall be investigated by either the City of Lebanon animal control or police department. If such investigating officer finds probable cause that the dog or its owner is in violation of any provision of this chapter, the dog shall be seized by the City of Lebanon animal control or police department and impounded at the Lebanon animal control. The owner shall be charged with violating the provisions of this chapter in the Lebanon City Court, and if the dog is subsequently declared to be vicious by the Lebanon Municipal Judge, the court may order any or all of the following:

1. That the City of Lebanon seek an injunction through a court of competent jurisdiction that would preclude the owner of the dog from owning, harboring, or having custody or control of companion animals for a period of time that the court deems reasonable.

2. That the dog be released from impoundment, provided the owner shall within three (3) days after the dog has been declared vicious, provide proof that a proper enclosure to adequately confine said vicious dog, as defined in § 10-210(C), has been built, subject to an inspection by the City of Lebanon animal control or police department.

3. That the owner of the dog be subject to a fifty dollar (\$50.00) fine, plus court costs, in the Lebanon City Court, and shall be responsible for the impoundment fee set forth in § 10- 208.

F. It is unlawful for any person to interfere with or hinder any officer of the City of Lebanon animal control or police department in the discharge or apparent discharge of his/her duty in the enforcement of the provisions of this chapter. A violation of this provision shall be subject to a fifty dollar (\$50.00) fine, plus court costs, in the Lebanon City Court.

(1968 Code, § 3-204; Ord. 97-1608, June 20, 1997; replaced and renumbered by Ord. 10-3744, Oct. 21, 2010; renumbered by Ord.15-5054, Oct. 22, 2015)

10-211. Cruelty to dogs prohibited.

A. No person shall intentionally or willfully or knowingly mistreat, kill, maim, torture, torment, grossly overwork, overload or train for fighting any dog within the city limits of the City of Lebanon.

B. It is unlawful for any person to allow a dog belonging to him or under his control, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or that may

be habitually found on premises occupied by him, to fail to provide adequate food, water, care, or shelter to any dog(s) in the person's custody or to abandon any dog(s) in the person's custody. For the purposes of this section, "shelter" shall mean a structure or enclosure which provides the dog(s) with protection from the elements (weather), which structure or enclosure must have a roof, floor and three sides, and be of sufficient size as to allow each dog to stand up, lie down, and turn around in a natural position.

C. Adequate shelter for animals shall be defined as: provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species.

During hot weather, is properly shaded and does not readily conduct heat. During cold weather, shelter has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.

Shelters with wire, grid, or slat floors permitting the animal's feet to pass through the openings, sag under the animal's weight, or otherwise do not protect the animal's feet or toes from injury, are not adequate shelter under this chapter.

D. A violation of this section shall be subject to a fifty dollar (\$50.00) fine, plus court costs, in the Lebanon City Court, per dog, for each day the person is found to be in violation of this section. (C was relabeled as D by Ord.19-5955, Dec. 3, 2019)

E. In addition to any fines rendered by the Lebanon City Court, any violations of this section shall be declared to be a public nuisance, which violations may be enjoined by any court of competent jurisdiction by the City of Lebanon. (D was relabeled as E by Ord.19-5955 December 2019)

(Ord. 10-3744, Oct. 21, 2010; renumbered by Ord. 15-5054, Oct.22, 2015; a new 10-211(C) was created by Ord.19-5955, Dec. 3, 2019 and relabeled remaining sections)

10-212. Penalty.

Any person, firm, or corporation violating any section of chapters 1 and 2 of this title shall be guilty of a misdemeanor and subject to a fine of fifty dollars (\$50), plus court costs, in the Lebanon City Court. (Created by Ord. 77-443, Aug. 1977; Ord. 97-1608, June 20, 1997; replaced and renumbered by Ord.15-5054, Oct. 22, 2015)

CHAPTER 3

PARK PROPERTY

SECTION

10-301. Animal control - ballparks and community park.

10-302. Animal control - Don Fox Community Park.

10-303. Cedar City Trail.

10-304. Animal waste disposal.

10-305. Exception -disabled persons.

10-306. Penalty.

10-301. Animal control - ballparks and community park. It shall be unlawful for any person owning or being in charge of any dog, cat, or other pet to bring or allow the subject animal to occupy the ball field premises, bleachers, or parking lots of the ball field property owned and operated by the City of Lebanon, including but not limited to the property located at Baird Park and Hobbs Field, or any other community park property, including but not limited to the property known as the Don Fox Community Park. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)

10-302. Animal control - Don Fox Community Park. It shall be unlawful for any person owning or being in charge of any dog, cat or other pet to allow said animal to enter into or about the premises of the Don Fox Community Park. Any dog, cat or other pet occupying or going onto the premises known as the Don Fox Community Park shall be deemed to be a violation of this prohibition and the owner or person in control of said pet shall be subject to the penalty of a fine as defined herein. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)

10-303. Cedar City Trail. It shall be lawful for the owner or person in control of a dog, cat or other pet to walk along and on the portion of the Cedar City Trail from the eastern boundary of the Don Fox Community Park to the eastern limit of the Cedar City Trail, so long as said pet is on a leash. However, any dog, cat or other pet occupying or going onto the premises known as the Cedar City Trail, shall be at all times under the control of the owner or person in charge of the subject animal, and any animals which have a propensity to biting activity shall be muzzled while on the premises known as the Cedar City Trail. It shall be unlawful for any person owning or being in charge of any dog, cat or other pet to allow said animal to walk along the paved or walking trail located in the Don Fox Community Park, except a person coming or going to and from the parking lot of the Community Park to the Cedar Trail may come upon the grounds of the Don Fox Community Park for the express purpose of gaining

access to and from the Cedar City Trail. Nothing under this provision concerning access to the Cedar City Trail shall be construed to allow a pet owner to bring his or her pet onto the walking trail which circles the Community Park. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)

10-304. Animal waste disposal. It shall be unlawful for any person owning or being in charge of any dog, cat or other domestic pet to allow the subject pet to deposit animal waste on any park property or other public property, and any person in control of a pet or animal occupying said premises shall be responsible for promptly cleaning and removing any animal waste from the subject premises or be subject to penalty under the provisions of this chapter. Any pet owners traveling along the Cedar City Trail which extends from the eastern edge of the Don Fox Community Park to the eastern portion of the City of Lebanon, shall comply with the provisions of animal waste disposal stated herein. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)

10-305. Exception - disabled persons. Notwithstanding any other provisions of this law to the contrary, nothing in this title and section shall be construed to prevent a person protected under the provisions of the Americans with Disabilities Act (ADA) from using a service animal as defined by the ADA. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995; and amended by Ord. #05-2839, Jan. 2006)

10-306. Penalty. Any person, firm or corporation violating any section of chapter 3 of this title shall be guilty of a misdemeanor and shall be subject to a fine of fifty dollars (\$50.00) for each violation thereof. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)