

ORDINANCE NO. 20230214

AN ORDINANCE AMENDING TITLE 10, OF THE BRIGHTON MUNICIPAL CODE ENTITLED ANIMAL CONTROL.

WHEREAS, certain portions of Title 10 of the Brighton Municipal Code are outdated; and

WHEREAS, the Brighton Town Council wishes to replace Title 10 of their Municipal Code.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF BRIGHTON, TENNESSEE, AS FOLLOWS:

1. **Repeal of Title 10 of the Brighton Municipal Code.** Title 10 of the Brighton Municipal Code is hereby repealed in its entirety.

2. **New Title 10 of the Brighton Municipal Code adopted.** A new Title 10 of the Brighton Municipal Code is hereby created reading as follows:

Title 10

Animal Control

CHAPTER

1. IN GENERAL.

2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

3-101. Running at large prohibited.

3-102. Keeping near a residence or business restricted.

- 3-103. Pen or enclosure to be kept clean.
- 3-104. Adequate food, water, and shelter, etc., to be provided.
- 3-105. Keeping in such manner as to become a nuisance prohibited.
- 3-106. Cruel treatment prohibited.
- 3-107. County enforcement of animal control ordinances.
- 3-108. Animal waste to be removed.

3-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, 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.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

3-102. Keeping near a residence or business restricted.

(1) Swine are prohibited within the corporate limits.

(2) Backyard hens are permitted on property zoned for single-family residential use within the corporate limits subject to the following restrictions.

(a) It shall be unlawful for any person to engage in any form of commercial poultry or egg business within the corporate limits of the Town of Brighton.

(b) It shall be unlawful for any household to keep at any time more than three (3) hens per permanent household member or a total of twelve (12) hens, whichever is less. Roosters are not permitted.

(c) No coop or other yard structure where hens are kept shall be maintained closer than fifty feet (50') to any house, or residence other than that occupied by the owner or occupant of the premises upon which said hens are kept.

(d) It shall be unlawful to violate any other section of this chapter in the keeping of backyard hens within the corporate limits of the Town of Brighton.

(3) Except as permitted in § 3-102(2), no person shall keep or allow any other animal or fowl enumerated in § 10-101 to come within one thousand feet (1,000') of any residence, place of business, or public street, as measured in a straight line

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.

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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

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.

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any animal or fowl.

10-101. County enforcement of animal control ordinances. The Animal Control Department of Tipton County shall have the authority to enforce the preceding ordinances within the corporate limits of the Town of Brighton

10-102. Animal waste to be removed. It shall be unlawful for the owner of any animal to allow such animal to leave a deposit of excreta on any public walks, recreation areas, public parks, other public property, or private property without removing such excreta.

(1) Violation. The owner of any animal shall remove any excreta deposited by such animal on public walks, recreation areas, public parks, or private property other than the premises of the owner(s) of the animal(s).

(2) Proper removal. The removal and disposal of excreta shall be done in a safe and healthful manner. The means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such excreta, unexposed to such person or the public. Disposal shall be accomplished by transporting such excreta to a place suitable and regularly reserved for the disposal of human excreta, specifically reserved for the disposal of human excreta, specifically reserved for the disposal of animal excreta, or as otherwise designated as appropriate by the health department.

(3) Possession of means of removal. No person who owns, possesses, or controls any animal shall appear with such animal on any public walks, recreation areas, public parks, other public property, or private property, neither owned nor occupied by such person, without the means of removal of any excreta left by such animal(s).

(4) Exemptions. The requirements for removing animal excreta under this section shall not apply to:

(a) Private property where the owner(s) of an animal(s) own, inhabit, or otherwise exercise control over.

(b) Private property where the owner(s) of an animal(s) have permission of the property owner(s) to leave the excreta.

(c) Where attendants are employed for the purpose of removing the deposits, such as would be the case in a parade, organized animal show (dog show, horse show, etc.), a private animal boarding facility, a riding stable, or other such establishment(s) or event(s).

(d) Any handicapped person, who, by reason of the handicap, is physically unable to comply with the requirements of this section.

(5) Enforcement. Violation of this section shall be enforced(able) in accordance with law by the Brighton Police Department, Brighton Code Enforcement Department, Tipton County Animal Control, Tipton County Health Department, or any other designee of the Mayor.

(6) Penalties. Violators will be subject to a fifty dollar (\$50.00) fine for each occurrence.

CHAPTER 2

DOGS

SECTION

10-201. Rabies vaccination and registration required.

10-202. Running at large prohibited.

10-203. Vicious dogs to be securely restrained.

10-204. Noisy dogs prohibited.

10-205. Confinement of dogs suspected of being rabid.

10-206. County enforcement of ordinances.

10-207. Destruction of vicious or infected dogs running at large.

10-208. Number of dogs, acreage restrictions.

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" (Tennessee Code Annotated, sections 68-8-101 through 68-8-114) or other applicable law.

10-202. Running at large prohibited. ①It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

10-203. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons.

10-204. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood.

10-205. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid.

①State law reference Tennessee Code Annotated, sections 68-8-108 and 68-8-109.

10-206. County enforcement of ordinances. The Animal Control Department of Tipton County shall have the power to enforce all ordinances appearing within this chapter. Seizure and disposition of all dogs seized pursuant to this chapter shall be in accordance with the policies of the Health Department of Tipton County. (as amended by Ord. #11-02-01, Feb. 2011)

10-207. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.

10-208. Number of dogs, acreage restrictions. (1) The following prescribes the total number of dogs allowed per specified acreage restrictions:

(a) Less than one and one-half (1.5) acres - Up to four (4) dogs.

(b) Between one and one-half (1.5) and five (5) acres - Up to ten

(10) dogs.

(c) More than five (5) acres - No restriction on the total number of dogs

(2) For the purpose of this section, references to dogs shall only refer to dogs older than four (4) months. There are no restrictions on the number of dogs younger than four (4) months old that can be on the property.

(3) This section shall not apply to licensed and permitted veterinarian clinics, kennels, boarding facilities, pet shops or pet dealers authorized to do business in the town.


① State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).


1. Effective date. This Ordinance shall take effect from and after its final passage, the public welfare requiring it.

First Reading January 10, 2023

Second Reading February 14, 2023


Mayor, Stephanie Chapman Washam

Attest:


Town Recorder, Tammy McKinney