

**Bethany Springs Condominium
Homeowners Association, Inc.**

RULE 3

Pets in Bethany Springs

WHEREAS, the Master Deed of the Bethany Springs Condominiums establishes that the property shall be administered by an Association of Homeowners known as The Bethany Springs Condominiums Homeowners Association, Inc. and referred to as the Association.

WHEREAS, the Association shall have, perform, and fulfill the powers, duties and responsibilities required under the Master Deed, and the By-Laws (of the Association) and the Tennessee Horizontal Property Act.

WHEREAS, the Association shall elect pursuant to the By-Laws, an Administrative Board to serve as the governing body of the Association and to adopt rules and regulations pursuant to Article IX of the By-Laws.

WHEREAS, the policies, procedures, and definitions addressing pets are contained in Knox County Code, Chapter 6, Articles I and II and the Master Deed of Bethany Springs Condominiums.

AND WHEREAS, the applicable portions of the governing materials were consolidated into a single document by the Board and titled **Pets in Bethany Springs**. In some cases the term *common elements* or *limited common elements* have replaced property descriptions contained in the Knox County in the Code. This document was distributed to members on May 17, 2007 and again in June, 2007.

NOW, THEREFORE, BE IT RESOLVED THAT the policies pertaining to pets in Bethany Springs, previously contained in the document above, are now contained in this document and are ratified by the Association as Rule 3, Pets in Bethany Springs.

These policies will be strictly enforced within the community to ensure the safety and well being of all owners, guests, workers, and the pets. Please remember that ALL green areas within the community are common elements and owners are responsible for collection and sanitary disposal of their pet's body waste.

Important definitions:

Animal means every living dumb creature, including but not limited to dogs, cats, warm blooded mammals, birds, reptiles, and fish.

Animal control division means the animal control division of the county health department.

Animal control officer shall mean any person employed by the county health department animal control division who is authorized to implement and enforce this article and applicable state statutes.

Animal shelter means any animal shelter owned by, controlled by or under contract with the county

Direct control means immediate and continuous physical control of an animal (excluding police dogs) at all times by means of a leash, cord, or chain of sufficient strength to restrain the animal.

Owner means any person possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal or livestock covered by this article. An owner shall be responsible for collection and sanitary disposal of their pet's body waste.

Person means any natural person, individual, firm, society, corporation, partnership, association, trust, estate or other legal entity. If the person is a minor as defined by statute, said minor's parent(s) or legal guardian shall be the owner for the purposes of this article.

Quarantine is the strict confinement, isolation and observation of an animal suspected of rabies.

Running at Large shall mean any animal which is not confined to its owner's condo or under direct control of the owner.

Vaccination means a rabies vaccine administered by a licensed veterinarian and approved by the county health department or the state department of health and administered to such animal on an annual basis.

Rules

Animals at large.

- (a) No person owning or having possession, charge, care, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any general common elements or limited common elements of another unit owner.
- (b) Every person owning or having possession, charge, care, custody or control of any animal shall keep such animal exclusively upon his own limited common elements; provided, however, that such animal may be off such premises if it is under the direct control of a competent person and that person collects and disposes of any body waste the animal may deposit.

Animals creating a nuisance

- (a) The owner having control or custody of any animal which:
 - (1) Habitually barks, whines, meows, squawks or causes other objectionable noise resulting in a nuisance to a neighboring resident, shall be deemed to be committing an act in violation of this article. For purposes of this article, habitually shall mean continuously for a periods of ten minutes, or intermittently for one-half hour or more.
 - (2) Disturbs the peace by destroying, desecrating or soiling common elements or limited common elements, chasing of persons, livestock, cars, or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of association property, shall be deemed to be committing an act in violation of the County Ordinance.
- (b) The owner having control or custody of a female dog or cat in heat (estrus) shall humanely confine such dog or cat in their unit so as to be inaccessible to any male dog or cat.

Wild or exotic animals.

~~No person shall have, sell, keep or maintain any wild, exotic, dangerous, or non-domesticated animal within the Knox County.~~

Sale or giving away of animals on public property (or common elements of this community).

It shall be unlawful for any person to sell or to give away dogs, cats, puppies, and kittens on roads, streets, sidewalks, outdoor commercial areas, including parking lots, or public property within the county. Accordingly, such activity is not permitted on common or limited common elements within this community.

Injured animals; action required.

It shall be unlawful for any person injuring an animal by any means to fail to notify immediately the owner of such animal, or immediately seek medical care for the animal from a licensed veterinarian; or immediately notify the county animal control division; or immediately notify the county humane society; or immediately notify the county sheriff's department. Compliance with this section shall not constitute an admission of financial liability for veterinary care of such injured animal.

Rabies vaccinations.

- (a) Every person who is the owner of any dog or cat over the age of three months within the county shall have such animal vaccinated against rabies with a vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian. The vaccination schedule shall be the following:

- Dogs:
- (1) Within 30 days after a dog reaches the age of three months, and **annually thereafter;**
 - (2) Within 30 days of acquiring the dog if there is no documented vaccination history, or

- (3) Within 30 days after entering the jurisdiction of this article if the owner cannot provide documented vaccination history.

- Cats:
- (1) Within 30 days after a cat reaches the age of three months a primary or first vaccine dose must be given and is valid for only one year. The second and Subsequent vaccine doses can be a "three year vaccine", certified by the veterinarian and will be valid for three years. If an approved "three year vaccine is not used, then the cat must be vaccinated annually.
 - (2) Within 30 days of acquiring the cat if there is no documented vaccination history; or
 - (3) Within 30 days after entering the jurisdiction of this article if the owner cannot provide documented vaccination history.
- (b) Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog or cat shall be revaccinated, description and sex of the dog or cat vaccinated, type and lot number of vaccine administered and the name of the veterinarian administering the vaccine.

Rabies tags.

Every dog owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the dog vaccinated.

Animal bite investigations and quarantine.

- (a) Any animal which has bitten a person or shows symptoms of rabies shall be penned up immediately by its owners, or by the person having charge of the animal, or by the person sheltering, feeding, harboring or taking care of the animal, and the county health department animal control division shall be notified immediately. The animal shall be confined by the animal shelter, a veterinarian, or in a place approved by the health department representative for not less than ten (10) days.
- (b) If the animal which has bitten a person is running at large and/or is not current on rabies vaccination at the time the bite occurs, it must be quarantined at a veterinary hospital within the County or at the animal shelter.
- (c) If the animal which has bitten a person is not running at large and/or is not current on its rabies vaccination at the time the bite occurs, the health department representative has the option of requiring the animal be taken to a licensed boarding facility or to quarantine the animal at the residence if adequate facilities are available. The animal shall be subject to observation by the health department representative at all times during the quarantined period.
- (d) If rabies does not develop during the quarantine period, then the animal shall be released to the owner after current rabies vaccination and payment of all applicable fees, but if rabies does develop, the animal shall be destroyed by a veterinarian and the animal head submitted for rabies testing.
- (e) The owner will be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during the quarantine period.

- (f) A dog used by a law enforcement agency in the performance of functions or duties of the agency which has bitten a person, and has received vaccinations against rabies, and does not show the symptoms of rabies, may continue to be utilized by the law enforcement agency, however, the dog shall be subject to observation by the health department representative.

Animal care and manner of keeping.

- (a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:
 - (1) Clean, sanitary, and humane conditions;
 - (2) Sufficient quantities of food and clean fresh water daily;
 - (3) Proper air ventilation and circulation;
 - (4) Sufficient shelter and protection from the elements and environment
 - (5) Medical attention and/or necessary veterinary care when it is sick, diseased or injured, and
 - (6) Annual inoculations, as recommended by a veterinarian, against disease infectious to humans or animals.
- (b) It shall be unlawful for any person to tease or molest any animal.

Interference with enforcement.

- (a) It shall be unlawful for any person to knowingly hinder, resist or oppose any officer or employee of the animal control division in the performance of his duties.
- (b) It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by the animal control division or to molest or release any animal caught therein.

Violations; civil infractions; civil penalties.

- (a) Any violation of this article is a civil infraction.
- (b) Any person who has committed an act in violation of this article may receive a citation from the animal control division by an animal control officer or law enforcement officer who has probable cause to believe that the person has committed a civil infraction in violation of this article.
- (c) The county environmental court shall have jurisdiction over all violations of this article
- (d) Any violation of this article may be punishable by a civil penalty of not less than \$50.00 nor shall be more than \$500.00. Each day that any section of this article is violated shall constitute a separate punishable offense.
- (e) Any person issued an animal control ordinance citation may be deemed to be charged with a civil violation and shall comply with the directives on the citation.
- (f) If a person fails to appear in court, such person shall be deemed to have waived their right to contest the citation and in such a case a default judgment may be entered and the judge shall impose a civil penalty at that time. An order to show cause may be issued. If the civil penalty is paid, the case shall be dismissed. If the civil penalty is not paid, judgment may be entered up to the maximum civil penalty.

Dangerous or Vicious Dogs

Any dog classified as a *Level 1-Potentially dangerous dog*, *Level 2- Dangerous dog*, or *Level 3-Vicious dog* by the authorities under the Knox County Code is NOT welcome on Association property nor housed in the units of Association members. The Board will take appropriate action with the pet owner for removal of any such dog from the community.

Update provisions

Portions of this Rule may be changed, on an interim basis, by the Board to comply with changes to the Knox County Code. Such changes will be distributed to all residents and remain in force until the rule can be amended by a vote of the general membership.

Bethany Springs Condominium Homeowners Association, Inc. (BSCHOA)

Rule 3: Pets in Bethany Springs

Enacted : April 3, 2008 during the General Membership Meeting

Effective: April 3, 2008