

TITLE 10

ANIMAL CONTROL¹

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Application for permit.
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- 10-105. Enforcement, violations and penalty.
- 10-106. Keeping in such manner as to become a nuisance prohibited.
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- 10-108. Seizure and disposition of animals.
- 10-109. Inspection of premises.

10-101. 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. (1988 Code, § 3-101, as replaced by Ord. #2017-03, May 2017 *Ch2_03-07-22*)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within eight hundred feet (800') of any residence, place of business, public street, or place of public gathering without a permit from the health officer that is duly appointed by the board of mayor and aldermen for this purpose, with the health officer

¹Municipal code reference

Anti-noise regulations: § 11-402.

Dead animals: § 13-104.

having expertise, training, and familiarity with domesticated animals and ordinary livestock that may be governed by this section.

The health officer shall make inquiry into the landowner's application filed under § 10-103 of this chapter and report on whether the keeping of such animal on a landowner's property within the corporate limits of the City of Dresden, as outlined on the landowner's application for a permit to keep such animal or animals, will not injuriously impact the public health. This shall apply to the keeping of any animal enumerated or contemplated in this section, regardless of whether the keeping of the animal or animals is for a personal use, recreational use, or commercial use, including commercial keeping of animals for sale and/or processing for slaughter or other consumption by the general public.

The health officer shall further evaluate all applications under this section to ensure that the landowner complies with any requirements imposed by this Section for the keeping and care of the animal sought to be permitted by the landowner, including any requirements imposed for feeding, watering, sheltering, and cleanliness under this section.

After evaluation of the landowner's application, the health officer shall forward the landowner's application to the board of mayor and aldermen, along with a recommendation for acting on the application under § 10-103 of this chapter. (1988 Code, § 3-102, as replaced by Ord. #2017-03, May 2017 *Ch2_03-07-22*)

10-103. Application for permit. (1) A landowner seeking to keep an animal or animals under this section shall submit a written application to the health officer, on a form to be provided by the City of Dresden, that specifies the type and number of animals to be kept on the landowner's property, along with the landowner's proposed arrangements for feeding, watering, sheltering, and waste disposal for the animals. There shall be a twenty-five dollar (\$25.00) fee charged at the time the application is submitted to the health officer through the City of Dresden.

The board of mayor and aldermen shall delegate the preparation of the application to the city recorder and the health officer for promulgation to the public.

The health officer shall investigate the landowner's application within ten (10) business days after the date in which the application is received and make recommendation to the board of mayor and aldermen on one (1) of the following actions on the application:

- (a) Approve the permit based on the application as presented and without modifications;
- (b) Approve the permit with any requirements added to the permit under this section based on the recommendation of the health officer for the keeping and maintenance of the animal or animals within the requirement of this section or any other applicable law or ordinance;

(c) Deny the application for permit as presented.

In making a decision on the application, the board of mayor and aldermen shall take into account any other factors in addition to the recommendation of the health officer, when permitting an animal, that are deemed necessary by this section, including any relevant rezoning for the subject property, and either the approval or denial of the application for permit shall be indicated on the face of the application at the time a decision is made by the board of mayor and aldermen.

(2) At the time of issuance of a permit governed by this section, the health officer shall communicate to the applicant requirements in writing in the following areas that are necessary for the care and well-being of the animal or animals at issue and the welfare of the general public at large if the same are not sufficiently covered in the application for permit submitted by the landowner, including but not limited to the following areas:

(a) Requirements for shelter for the animal or animals sought for permitting by the applicant, including requirements for a building, structure, corral, pen, or other enclosure for the animal or animals being permitted, including requirements for space, ventilation, access points, and other areas of a same or similar nature, provided that no permanent structure shall be built on the landowner's property for the sheltering the animal or animals that are permitted until sixty (60) calendar days after the issuance of such permit by the health officer;

(b) Requirements for the maintenance and keeping in a sanitary condition any shelter, structure, or building required for the animals sought for permitting by the applicant, including any specific provisions imposed by the health officer for the regulation, control, and regular disposal of animal waste products so as to prevent the same from becoming a nuisance or injurious to the public health;

(c) Requirements for the provision of adequate food and water for the animal or animals sought for permitting by the applicant, including provisions dealing with the cleanliness, storage, and provision of food and water for the animal or animals sought for permitting by the applicant;

(d) Any other requirements deemed necessary and appropriate for the animal or animals sought for permitting by the applicant.

The health officer shall also be required to communicate to the landowner that they are subject to all other applicable laws and ordinances that may otherwise prohibit with the keeping of an animal or animals by a landowner, including any applicable zoning classifications or regulations that would make the keeping of the animal impractical, unsuitable, or impossible.

In the event that the board of mayor and aldermen approve the issuance of a permit pursuant to this section, the city recorder, or their designee, shall send notification to all landowners who are immediately adjacent to the landowner receiving the permit under this section by First Class United States

Mail. For purposes of this section, immediate adjacency shall mean those property owners that share a common boundary line with the landowner receiving the permit. (1988 Code, § 3-103, as replaced by Ord. #2017-03, May 2017 *Ch2_03-07-22*)

10-104. Appealing permit decision. Any landowner who is aggrieved by a decision of the board of mayor and aldermen on an application for a permit, or adjacent landowner as set forth in § 10-103, that is aggrieved by a decision of the board of mayor and aldermen on an application for a permit shall be entitled to file a notice of appeal with the city recorder within sixty (60) business days and petition review of either the issuance or denial of the permit to the city court, with the city recorder to docket the same at the pleasure of the city court judge for hearing.

After hearing by the city court, a party that is aggrieved by the outcome may file suit in chancery court for a review of the ruling of the city court within thirty (30) days of the ruling issuance by the city court. Otherwise, the decision shall be final for a period of one (1) year from the date of denial of the application, at which time a landowner may repeat this same process again.

It is the express, legislative intent of the board of mayor and aldermen that a landowner shall not be permitted to apply more than one (1) time for the keeping of an animal or animals in the corporate limits of Dresden, Tennessee within any twelve (12) month period if the same has been previously denied by the health officer in this same time period notwithstanding the number of parcels owned by the landowner. (1988 Code, § 3-104, as replaced by Ord. #2017-03, May 2017 *Ch2_03-07-22*)

10-105. Enforcement, violations and penalty. The health officer, or any law enforcement officer employed by the City of Dresden shall be empowered to investigate and enforce the provisions of this title by the issuance of a citation citing such person or persons violating any provision thereof into city court.

In addition to any other action the city may take to enforce the provisions of this title, such violation shall be triable in city court and punishable by fine up to fifty dollars (\$50.00) per offense and the assessment of court costs for each violation, or in a manner as such other general penalties of this municipal code of ordinances. Nothing in this section shall prevent a party that is aggrieved by the decision of the city court under this section from having a right of appeal to a court having appellate jurisdiction over the city court for further proceedings on the matter in accordance with other applicable Tennessee law. (1988 Code, § 3-105, as replaced by Ord. #2017-03, May 2017 *Ch2_03-07-22*)

10-106. Keeping in such manner as to become a nuisance prohibited. No person that keeps an animal within the corporate limits of Dresden, Tennessee shall keep their animals or animals in a manner as to

become a nuisance to adjoining landowners, including nuisances arising out of the animal's waste and/or waste disposal, nuisances arising out of the animal's feeding, watering, or shelter needs, or any other nuisance is prohibited by applicable and controlling law. No animal shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason.

The health officer shall be empowered to set reasonable setbacks for fences, shelters, and buildings used to shelter animals that are governed by this chapter in order to protect the health, safety, and welfare of adjacent property owners in accordance with this section and all other sections of this chapter. In no event shall any animals enumerated under § 10-101 of this chapter shall be permitted to be kept within one hundred feet (100') of any residence or business structure that is intended to be occupied by humans. (1988 Code, § 3-106, as replaced by Ord. #2017-03, May 2017 *Ch2_03-07-22*)

10-107. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl, and the same shall be governed according to state law regulating animal abuse and cruelty and enforced by law enforcement having jurisdiction for the City of Dresden. (1988 Code, § 3-107, as replaced by Ord. #2017-03, May 2017 *Ch2_03-07-22*)

10-108. Seizure and disposition of animals. Any animal found running at large, regardless of whether the animal or animals were properly permitted under this section, or any animal otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official of the City of Dresden, including the health officer empowered by the board of mayor and aldermen under this section, and confined in a pound provided or designated by the board of mayor and aldermen.

If the owner is known he shall be given notice in person, by telephone, or by certified letter addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits.

In either case the notice shall state that the impounded animal or fowl must be claimed within fourteen (14) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen. The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1988 Code, § 3-108, as replaced by Ord. #2017-03, May 2017 *Ch2_03-07-22*)

10-109. Inspection of premises. For the purpose of making inspections to ensure compliance with the provisions of this chapter, the health officer, their authorized representative, shall be authorized to enter, at any reasonable time, any premises where they have reasonable cause to believe an animal or fowl is being kept in violation of this chapter or in violation of this chapter, or upon any premises where animals are kept and a permit has been previously issued by the City of Dresden. (Ord. #2013-10, June 2013, as replaced by Ord. #2017-03, May 2017 *Ch2_03-07-22*)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.

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, §§ 68-8-101 through 68-8-114) or other applicable law. (1988 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1988 Code, § 3-202)

10-203. Running at large prohibited.¹ 1. It 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.

2. A dog shall be deemed to be running at large when:

a. Not on the premises of the owner, possessor, or keeper thereof and not controlled through use of a leash, cord, or chain held by the dog's owner, possessor or keeper or an agent, servant, or member of the immediate family thereof; or

b. On the premises of the owner, possessor, or keeper, but confined in such a way as to allow the dog to have access to the public rights-of-way.

3. 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. (1988 Code, § 3-203, modified)

¹State law reference

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

10-204. 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. (1988 Code, § 3-204)

10-205. 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. (1988 Code, § 3-205)

10-206. 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. (1988 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear in no less than the time required by state law and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be humanely sold or destroyed. If said dog is not wearing a tag it shall be humanely sold or destroyed unless legally claimed by the owner in no less than the time required by state law. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar. (1988 Code, § 3-207, modified)

10-208. 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.¹ (1988 Code, § 3-208)

¹State 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 (1928).