

TITLE 10**ANIMAL CONTROL****CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Keeping in such manner as to become a nuisance prohibited.
- 10-102. Cruel treatment prohibited.
- 10-103. Rabies control for dogs.
- 10-104. Dogs to wear tags.
- 10-105. Running at large prohibited.
- 10-106. Property owner may impound.
- 10-107. Person designated to take possession.
- 10-108. Owner to pick up.
- 10-109. Officer may impound.
- 10-110. Disposition of small animals.
- 10-111. Disposition of large animals.
- 10-112. Inspections of premises.

10-101. 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 noise, odor, contagious disease, or other reason. (2004 Code, § 10-101)

10-102. Cruel treatment prohibited. It shall be unlawful for any person to abuse or injure any dumb animal or fowl. (2004 Code, § 10-102)

10-103. Rabies control for dogs. 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 to 68-8-114, or other applicable law. (2004 Code, § 10-103)

10-104. 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. (2004 Code, § 10-104)

10-105. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any animal owned by him or under his control to run at large within the corporate limits to the injury or annoyance of others, and it shall be unlawful for such animals to be permitted at large upon the streets or other public ways of the city. Such action is declared to be a nuisance and dangerous to the public health and safety. (2004 Code, § 10-105)

10-106. Property owner may impound. Any person finding any animal upon his property to his injury or annoyance may take up same and remove it to an animal shelter. In the case of an animal displaying threatening or dangerous behavior, such person may hold the animal in his own possession, and as soon as possible notify the police department or the Rutherford County Animal Control officials of this custody, giving a description of the animal and the name of the owner if known. (2004 Code, § 10-106)

10-107. Person designated to take possession. The police department as soon as possible after receiving notice will dispatch a person to the premises and to take a report of the incident. The police department shall also contact the Rutherford County Animal Control Department and shall provide a copy of the incident report to the Rutherford County Animal Control Department within ten (10) days of the incident. (2004 Code, § 10-107)

10-108. Owner to pick up. If the person dispatched has or with reasonable dispatch can obtain the name of the owner or custodian of the animal, he will return the animal to the owner's or custodian's address. If there is no one at the address, he will leave a notice where the owner or custodian may reclaim the property. He will then proceed to the animal shelter approved by the city. In either case, he will then secure or cause to be secured and serve or have served a warrant on the owner or custodian for permitting the animal to run at large. (2004 Code, § 10-108)

10-109. Officer may impound. Any police officer or other person dispatched by the city for such purpose is authorized to capture and impound any animal found at large. Impounding is to be in accordance with the procedure authorized by this chapter. In the event capture cannot be effected promptly, the officer or person is authorized to destroy the animal. (2004 Code, § 10-109)

10-110. Disposition of small animals. Any dog or cat found running at large or otherwise being kept in violation of this chapter seized by any police officer or other properly designated official may be impounded in a pound

¹State law reference

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

designated by the city council. For the pound in Rutherford County, any dog or cat impounded that has a current vaccination tag will be kept for a period of five (5) business days and, if not redeemed within such period, may be placed up for adoption or humanely destroyed or otherwise disposed of. Any dog or cat without a current vaccination tag shall be kept for three (3) business days and, if not claimed or redeemed may be placed up for adoption, humanely destroyed or otherwise disposed of.

10-111. Disposition of large animals. Should any officer or designated person upon call or upon his own initiative pick up a large animal such as a horse, cow, mule, or any other animal not acceptable by any animal shelter, he is authorized to call a trucking firm or company. The firm or company will convey the animal outside the corporate limits to one of the farms which has a working agreement with the city to handle such cases. The disposition of the animal in this case shall be handled in the same manner as previously described for small animals. (2004 Code, § 10-110)

10-112. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, 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. (2004 Code, § 10-111)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs.
- 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.
- 10-209. Violations and penalty.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat 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 to 68-8-113) or other applicable law.

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.

10-203. Running at large prohibited.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.

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.

10-204. Vicious dogs.² (1) Definition of terms:

¹State law reference

Tennessee Code Annotated, § 68-8-107.

²See cases stating the state's authority to regulate vicious dogs: State of Tennessee v. Denver Hartly, 15 TAM 23-2 (Tenn. S. Ct. 1990), and Darnell v. Shappard, 3 S.W.2d 661 (1928).

(a) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.

(b) "Vicious dog" means:

(i) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(ii) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or

(iii) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting;

(v) Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

(c) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(2) Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

(3) Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(4) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a

vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(5) Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(6) Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of this section provide proof to the city/town clerk of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog.

(7) Penalties. Whoever violates any provision of this section shall be guilty of a gross misdemeanor and may be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00). The conviction of any owner of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall require a confiscation and forfeiture of that animal based on the danger and incorrigibility of owner and animal. Failure to abide by a lawful order of forfeiture is punishable by contempt.

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.

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.

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 city council. If the dog is wearing a tag or found to be implanted with a microchip, the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the city council, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within two (2) days. 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.

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.¹ (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.²

10-209. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

¹State law reference

Tennessee Code Annotated, § 44-17-501, et seq., "The Tennessee Spay/Neuter Law," prohibits persons from adopting a dog or cat from an agency (pound, animal shelter, etc.) operated by a municipality unless the dog or cat was already spayed or neutered, was spayed or neutered while in the custody of the agency, or the new owner signs a written agreement to have the animal spayed or neutered within 30 days of the adoption if the animal is sexually mature, or within 30 days after the animal reaches six (6) months of age if it is not sexually mature.

Before an agency may release an animal which has not been spayed or neutered it must collect a twenty-five dollar (\$25.00) deposit from the new owner to ensure compliance with the law. If the new owner does not comply with the law, the deposit is forfeited and the agency may file a petition in court to force the new owner to either comply with the law or return the animal.

An agency may not spay or neuter a dog or cat that is returned to its original owner within seven (7) days of its being taken into custody by the agency.

²State law reference

Tennessee Code Annotated, § 44-17-301, et seq.