

## TITLE 10

ANIMAL CONTROL

## 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. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Birds not to be trapped, hunted, or shot, etc.
- 10-108. Seizure and disposition 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, 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)

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line. (1988 Code, § 3-102)

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. (1988 Code, § 3-103)

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. (1988 Code, § 3-104)

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. (1988 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1988 Code, § 3-106)

10-107. Birds not to be trapped, hunted, or shot, etc. It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl, or to rob birds' nests or wild fowls' nests. If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the City of Dayton, then the health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club, or Humane Society, or as many of these clubs as there are in the City of Dayton. If, as a result of the meeting, no satisfactory alternative is found to abate the nuisance, the birds may be destroyed in such numbers and in such manner as deemed advisable by the health authority under the supervision of the Chief of Police of the City of Dayton. (1988 Code, § 3-107)

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 seized any police officer or other properly designated officer or official and confined in a pound provided or designated by the mayor and Dayton City Council or other properly designated officer or official. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. The notice shall state that the impounded animal or fowl must be claimed within five (5) 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 city council.

The pound keeper shall collect fees from each person claiming an impounded dog in accordance with the schedule set forth in title 10, Animal Control, chapter 2, Dogs, § 3-206, Seizure and Disposition of Dogs. (1988 Code, § 3-108, as amended by Ord. #421, July 2001)

## 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. Seizure and disposition of dogs.
- 10-207. Dogs suspected of being rabid.

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.<sup>1</sup> 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. (1988 Code, § 3-203)

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, annoys, or disturbs the peace and quiet of any neighborhood. (1988 Code, § 3-205)

10-206. Seizure and disposition of dogs. (1) Any dog found running at large may be seized by any police officer or any other properly designated officer or official and placed in a pound provided or designated by the mayor and

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<sup>1</sup>State law reference

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

Dayton City Council. If said 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 within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the mayor and Dayton City Council, or the dog will be humanely destroyed. If said dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within five (5) days. 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.

(2) The pound keeper shall collect fees from each person claiming an impounded dog in accordance with the following schedule:

(a) The fee for impounding a dog found running at large shall be twelve dollars (\$12.00).

(b) The fee for vaccination of any dog shall be ten dollars (\$10.00).

(c) The pound keeper shall collect an additional fee of three dollars (\$3.00) per day for which the dog has been kept.

(d) Additionally, there shall be a pick up fee of ten dollars (\$10.00) collected for any dog impounded.

(e) The fee for adopting a dog shall be twenty dollars (\$20.00). Additionally, the dog must receive a rabies vaccination prior to adoption. The adoptee shall be responsible for the vaccination fee of ten dollars (\$10.00). Furthermore, the City of Dayton accepts no liability and makes no guarantee regarding the acceptability, suitability or health of such animals, fowl, or dogs as may be adopted. (1988 Code, § 3-206, as amended by Ord. #421, July 2001).

10-207. 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, § 3-207)