

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

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

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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 or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1970 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl, with the exception of chickens, enumerated in the preceding section within one thousand feet (1,000') of any residence, place of business, or public street, without a permit from the governing body. The governing body shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1970 Code, § 3-102, as replaced by Ord. #12-02, May 2012)

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. (1970 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.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1970 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. (1970 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1970 Code, § 3-106)

10-107. 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 by the health officer or by any police officer and confined in the City of Greenbrier Animal Shelter.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl reasonable fee, as determined by the governing body, to cover the costs of impoundment and maintenance. (1970 Code, § 3-107, modified, as amended by Ord. #12-02, May 2012)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or such other persons as may be authorized by the governing body, 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. (1970 Code, § 3-108)

10-109. Animal control fees. The animal control fee schedule is as follows:

Capture and delivery	First offense - no charge
	Second offense - \$50.00 fee
	Third offense - \$50.00 fee and cited to court.

Shelter boarding	\$20.00 per day (not including day of capture)
Litter (when necessary)	\$ 3.00 per animal/per day
Adoption fee	\$40.00 per dog \$25.00 per cat
Spaying/neuter deposit (as added by Ord. #07-19, Dec. 2007, and replaced by Ord. # 16-08, Dec. 2016 <i>Ch7_12-2-19</i>)	\$25.00 (refunded upon spay/neuter of animal)

10-110. Keeping of chickens. No person shall keep chickens within the city limits in such a manner that a nuisance is created.

(1) "Domesticated hens" means female chickens that may, where permitted, be kept and maintained for the non-commercial production of eggs, education, companionship, or recreation. Other types of fowl and poultry shall not be considered domesticated hens.

(2) Only hens allowed; roosters are expressly prohibited. There is no restriction on domestic hen breeds.

(3) Food storage and removal. All stored food for the domesticated hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.

(4) Enclosure. (a) All domesticated hens shall be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be a covered henhouse, and a portion of which must be a fenced area.

(b) A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per bird for fenced enclosures.

(c) Fenced enclosures and henhouses must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(5) Location. All domesticated hens shall be kept in the rear yards of a residential property subject to the setback standards contained in this subsection. No domesticated hens shall be kept in the front yard. Neither the hens nor the covered henhouse shall be visible from any public right-of-way. Rather, the hens and henhouses shall be entirely screened from view of the public right-of-way using opaque fencing and/or landscaping.

(6) Setbacks. An enclosure shall be located fifty feet (50') away from any residential structure (other than the permit holder's residence) located in a residential zone district and ten feet (10') from any property line.

(7) Sanitation, nuisance, and humane treatment. (a) Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composing or fertilizing shall

be removed. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings.

(b) Disposal of waste must be in a sanitary landfill. All disposals must be in compliance with the state mandate stormwater regulation.

(c) No perceptible odor from the hens or the hen enclosure shall be present at any property line.

(d) No slaughtering of domesticated hens may occur on the property.

(e) No breeding of chickens shall occur on the property.

(f) No domesticated hens shall be used or trained for the purpose of fighting for amusement, sport, or financial gain.

(8) Regulations. These regulations do not supersede or override subdivision restrictions already in place for a particular area. It is the responsibility of the homeowner to research the restrictions prior to obtaining any domesticated hens.

Any owner not following the above mentioned rules will be subjected to fees as outlined in § 10-109 "Animal control fees" in this chapter. (as added by Ord. #12-02, May 2012)

10-111. Animal waste. The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public walks, recreation areas, public parks, or private property. Violators will be subject to fifty dollar (\$50.00) fine for each violation. (as added by Ord. #14-13, Nov. 2014)

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. Keeping in such a manner as to become a nuisance prohibited.
- 10-208. Seizure and disposition of dogs.

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. (1970 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. (1970 Code, § 3-202)

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. (1970 Code, § 3-203, modified)

10-204. Vicious dogs to be securely restrained. (1) This section shall be construed as a strict liability section, and knowledge on the part of the owner that the owner's animal is in violation of the section is specifically not an element of the offense in the section.

(2) 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 reasonably provide for the protection of other animals and persons. (1970 Code, § 3-204, as amended by Ord. #02-11, Oct. 2002)

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. (1970 Code, § 3-205)

¹State law reference

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

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 health officer or chief of police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1970 Code, § 3-206)

10-207. Keeping in such a manner as to become a nuisance prohibited. It shall be unlawful for any person to own, keep, or harbor any dog in such a manner as to become a nuisance either because of noise, order, contagious disease, or other reason. (1970 Code, § 3-207)

10-208. Seizure and disposition of dogs. Any dog found running at large or in violation of any section of this chapter, may be seized by the health officer or any police officer and placed in a pound provided or designated by the governing body. 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, to be fixed by the governing body, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold 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 had a tag evidencing such vaccination placed on its collar.

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 the health officer or any policeman.¹ (1970 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).

CHAPTER 3**DOGS AND CATS RUNNING AT LARGE****SECTION**

10-301. Prohibited.

10-302. Enforcement procedures.

10-301. Prohibited. It shall be unlawful for any person to allow a dog or cat belonging to him or under his control or that may be habitually found on premises occupied by him, or immediately under his control, to go upon the premises of another, or upon a highway or upon a public road or street. (Ord. #89-1, April 1989)

10-302. Enforcement procedures. Any dog or cat allowed to run at large upon the premises of another or upon a highway or upon a public road or street shall be picked up by the animal control officer or any employee so authorized by the municipal governing body and such dog or cat shall be confined. A fee of fifty dollars (\$50.00) shall be charged to recover the animal. (Ord. #89-1, April 1989, as amended by Ord. #14-10, Aug. 2014)

CHAPTER 4

PIT BULLS

SECTION

10-401. Definitions.

10-402. Restrictions.

10-403. Standard and requirements.

10-404. Sale or trade of ownership prohibited.

10-405. Animals born of registered dogs.

10-406. Rebuttal presumptions.

10-407. Violations and penalties.

10-401. Definitions. The word pit bull used in this chapter shall have the following meanings:

- (1) The bull terrier breed of dog; and
- (2) Staffordshire Bull Terrier of dog; and
- (3) The American Pit Bull Terrier of dog; and
- (4) The American Staffordshire of dog, all of the above breeds to be identified and described by the American Kennel Club and United Kennel Club; and
- (5) Dogs of mixed breed or of other breeds than listed above which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; and
- (6) Any dogs which have the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier and any other breed commonly known as pit bulls, pit bull dogs, or pit bull terriers; or a combination of any of these breeds. (as added by Ord. #01-12, May 2001)

10-402. Restrictions. It shall be unlawful to keep, harbour, own in any way poses a pit bull dog within the corporate limits of Greenbrier, Tennessee, except as provided in this chapter. (as added by Ord. #01-12, May 2001)

10-403. Standard and requirements. The following standards and requirements apply to pit bulls located within the corporate limits.

(1) **Registration.** Each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the chief of police or his designee.

(2) **Leash and muzzle.** No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed no longer than four (4) feet in length person shall permit a bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings or structures. In addition, a

muzzling device sufficient to prevent such dog from biting persons or other animals shall muzzle all pit bulls on a leash outside of the animal's kennel.

(3) Confinement. All pit bulls shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs shall comply with all zoning and building ordinances and regulates of the City of Greenbrier and shall be adequately lighted and ventilated and must be kept in a clean and satisfactory condition.

(4) Confinement indoors. No pit bull dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit said building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows are the only obstacles preventing the dog from exiting the structure.

(5) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "BEWARE OF DOG." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(6) Insurance. All owners, keepers, harborers, or possessors of pit bull dogs shall provide proof to the city recorder of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damages to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the city recorder.

(7) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the city recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(8) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs shall within ten (10) days of the incident report the following information in writing to the city recorder as required hereinafter:

- (a) The removal from the city or death of a pit bull dog or
- (b) The birth of offspring of a pit bull dog; or
- (c) The new address of a pit bull dog owner should the move within the corporate limits of the city. (as added by Ord. #01-12, May 2001, and amended by Ord. #07-23, Dec. 2007, and Ord. #08-08, June 2008)

10-404. Sale or trade of ownership prohibited. No person shall sell, barter, or in any way transfer possession of a pit bull dog to any person within the City of Greenbrier unless the recipient registers the pit bull dog with the city recorder at the time of the transfer. The owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of Greenbrier. (as added by Ord. #01-12, May 2001)

10-405. Animals born of registered dogs. All offspring born of pit bull dogs born within the City of Greenbrier shall be registered within six (6) weeks of the birth of such animal. (as added by Ord. #01-12, May 2001)

10-406. Rebuttal presumptions. It shall be unlawful for the owner, keeper, harbinger or possessor of a pit bull dog within the City of Greenbrier to fail to comply with the provisions of this chapter. Any dog found to be subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of Greenbrier. (as added by Ord. #01-12, May 2001)

10-407. Violations and penalties. Any persons violating or permitting the violation of any provisions of this chapter shall, upon conviction, be subject to the fine prescribed in the general penalty clause of the Greenbrier Municipal Code. Each day that such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the City of Greenbrier. Should the defendant refuse to remove the dog from the City of Greenbrier, the city judge shall find the defendant in contempt and order the immediate confiscation and impoundment of the animal. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the person's failure to abide by the provisions of this code. (as added by Ord. #01-12, May 2001)

CHAPTER 5

VICIOUS DOGS

SECTION

10-501. Definitions.

10-502. Vicious dogs prohibited.

10-503. Impoundment; proceedings against owner.

10-501. Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Confined" shall mean securely confined indoors within an automobile or other vehicle, or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two (2) feet.

(2) "Vicious dog" shall mean any dog which attacks or bites a person or a domestic animal on any public or private property without provocation or any dog owned or harbored primarily or in part for the purpose of fighting. (as added by Ord. #01-12, May 2001)

10-502. Vicious dogs prohibited. It shall be unlawful for any person to keep or harbor a vicious dog within the City of Greenbrier unless the vicious dog is confined. (as added by Ord. #01-12, May 2001)

10-503. Impoundment; proceedings against owner.

(1) Impoundment. Any vicious dog may be taken into custody by the appropriate authorities of the Greenbrier Police Department and impounded. The fees imposed shall be imposed upon and paid by the owner of such vicious dog so impounded to cover the costs of the City of Greenbrier in impounding the dog.

(2) Court proceedings against the owner. If any vicious dog/cat is impounded, the appropriate authorities of the Greenbrier Police Department may institute proceedings in the Greenbrier City Court against the owner charging the owner with violation of this division. Nothing in this section shall be constructed as preventing appropriate authorities of the Greenbrier government or a complaining citizen from instituting a proceeding in the Greenbrier City Court against the owner charging the owner with violation of this division. Nothing in this section shall be constructed as preventing appropriate authorities of the Greenbrier government or a complaining citizen from instituting a proceeding in the Greenbrier City Court for violation of this division where there has been no impoundment.

(3) Court findings. If a complaint has been filed in the Greenbrier City Court against the owner of a dog for violation of this division, the dog shall not be released from impoundment or disposed of except on order of the court, payment of all charges and costs under this chapter, including penalties for violating this chapter. The court may, upon making a finding that the dog is a vicious dog pursuant to this chapter, order the dog to be destroyed in a humane manner by the department of health. (as added by Ord. #01-12, May 2001)

CHAPTER 6

DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS

SECTION

- 10-601. Exemption from chapter.
- 10-602. License fees.
- 10-603. Definitions.
- 10-604. Findings.
- 10-605. Citation for designation of dangerous dog or potentially dangerous dog; hearing; designation of dangerous dog or potentially dangerous dog; imposition of conditions; no change of ownership pending hearing.
- 10-606. Notice of designation.
- 10-607. Impoundment and abatement of potentially dangerous dog or dangerous dog.
- 10-608. Possession unlawful without proper restraint; failure to comply with mandatory restrictions.
- 10-609. Mandatory restrictions on dangerous dogs.
- 10-610. Removal of designation of potentially dangerous dog.
- 10-611. Change of ownership, custody or location of dog; death of dog.

10-601. Exemption from chapter. This chapter does not apply to certified and trained dogs owned and utilized by any law enforcement agency during work-related activities. (as added by Ord. #02-11, Oct. 2002)

10-602. License fees. The annual license fee for a potentially dangerous dog shall be fifty dollars (\$50.00) each; provided, that a surcharge of an additional twenty-five dollars (\$25.00) shall be levied against all such dogs which are not spayed or neutered. The annual license fee for a dangerous dog shall be one hundred fifty dollars (\$150.00) each. The license for potentially dangerous dogs must be renewed each year. The license fees set forth in the subsection (b) apply to all potentially dangerous dogs and dangerous dogs regardless of ownership. (as added by Ord. #02-11, Oct. 2002)

10-603. Definitions. For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

- (1) "Animal" means every living creature except human beings.
- (2) "Abandon" means forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care for a period of twenty four (24) or more consecutive hours.
- (3) "Animal services" or "ASD" means Animal Services Division of the Greenbrier Police Department.

(4) "Animal shelter" means my premises designated by the city for the purpose of impounding and caring for all animals found at large or otherwise subject to impoundment in accordance with the provisions of this chapter.

(5) "At large" means off the property of its owner and not under the restraint of a competent person.

(6) "Attack" means attack by an animal off its owner's property in a vicious, terrorizing or threatening manner or in an apparent attitude of aggression; "attack" does not include any actions by an animal in defense of itself or its owner or keeper against aggression by a person or an animal.

(7) "Dangerous dog" means any dog that has been designated as such by the City Court of the City of Greenbrier.

(8) "Dog" means any member of the animal species *canis familiaris* or any animal which is a crossbreed on any animal that is a member of the *canis familiaris* species, including, but not limited to, wolf/dog crossbreeds and wolf hybrids.

(9) "Domestic animal" means any animal that may be legally possessed by a person and is commonly kept as a pet in or around a residence, outbuilding or business.

(10) "Guard dog" means any member of the dog family (*canidae*) which has been trained or represented as a dog trained to protect commercial property or placed on a commercial property for the purpose of protecting such property or persons on such property.

(11) "Guard dog owner" means any person, firm or corporation, which employs a guard dog to protect commercial property from unauthorized intrusion; for purposes of this definition, "owner" includes both legal owner and any person, firm or corporation who, through arrangement or contract, has secured the use of a guard dog to protect commercial property from unauthorized intrusion.

(12) "Guard dog purveyor" means any person, firm or corporation supplying guard dogs to members of the public.

(13) "Guard dog trainer" means any person, either as an individual or as an employee of a guard dog purveyor, whose prime function is the training of dogs as guard dogs.

(14) "Impoundment" means the placement of an animal in the custody of the animal services division or an animal shelter.

(15) "Minor injury" means an injury in which the victim suffers pain as a result of an attack by an animal but which does not produce any broken bone, bleeding or death on the part of the victim.

(16) "Mischievous animal" means any animal that causes a public nuisance.

(17) "Neglect" means any of the following:

(a) Failing to provide an animal with adequate food or drinkable water at suitable intervals sufficient to maintain the animal's health and wellbeing;

(b) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, disability or death to the animal.

(c) Keeping any animal under conditions which increase the probability of the transmission of disease; or

(d) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.), physical suffering, or impairment of health, and which is large enough to allow the animal to make normal body movements.

(18) "Owner" means any person, corporation, organization, group of persons or association that

(a) Has a property right in an animal,

(b) Keeps or harbors an animal,

(c) Has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person, or

(d) By agreement with or with permission of the true owner of the animal, has an animal in his or her care or acts as a caretaker or custodian of an animal; "owner" does not include the city, animal shelter or any non-profit animal welfare agency that operates an animal sheltering facility.

(19) "Potentially dangerous dog" means any dog that has been designated as such by the City Court of the City of Greenbrier.

(20) "Proof of ownership" means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies vaccination certificates, license, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.

(21) "Proper enclosure" means a place in which a dog is securely confined indoors or a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the dog from escaping. Such enclosure shall have secure sides and a secure top to prevent the dog from escaping and shall also provide protection for the dog from the elements. The enclosure shall be of suitable size for the dog.

(22) "Properly restrained" mean

(a) Controlled by a competent person by means of a chain, leash, or other like device not to exceed six feet (6') in length,

(b) Secured within or upon a vehicle being driven or parked, or

(c) Kept within a proper enclosure.

Properly restrained in or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

(23) "Provoke" means to goad, inflame, instigate or stimulate an aggressive or defensive response on the part of an animal, but does not include

any actions on the part of an individual that pertains to reasonable efforts of self-defense against an animal.

(24) "Public nuisance" means any animal or group of animals that, by way of example and not of limitation, habitually:

- (a) Damage, soil or defile community or neighborhood private property or public property;
- (b) Interfere with the ordinary use and enjoyment of a person's property;
- (c) Turn over garbage containers or damage flower or vegetable gardens;
- (d) Cause unsanitary or offensive conditions; or
- (e) Impede the safety of pedestrians, bicyclist, or motorists.

(25) "Severe injury" means any injury in which the victim suffers pain as a result of an attack by an animal and which includes any broken bone, bleeding or death on the part of the victim.

(26) "Stray" means any animal

- (a) Which is at large,
- (b) Which appears to be lost, unwanted or abandoned, or
- (c) Whose owner is unknown or not readily available.

(27) "Torture" or "torment" means every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. (as added by Ord. #02-11, Oct. 2002)

10-604. Findings. (1) Dangerous dogs have become a serious and widespread threat to the safety and welfare of citizens and domestic animals of the city. In recent years, dogs have assaulted without provocation and seriously injured numerous individuals, particularly children, and have killed other animals. Many of these attacks have occurred in public places.

(2) The number and severity of these attacks are often attributable to the failure of owners to register, confine and properly control dangerous and potentially dangerous dogs.

(3) The necessity for the regulation and control of dangerous and potentially dangerous dogs is a citywide problem, requiring regulation, and existing laws are inadequate to deal with the threat to public health and safety posed by dangerous and potentially dangerous dogs. (as added by Ord. #02-11, Oct. 2002)

10-605. Citation for designation of dangerous dog or potentially dangerous dog; hearing; designation of dangerous dog or potentially dangerous dog; imposition of conditions; no change of ownership pending hearing. (1) If an animal services officer or a law enforcement officer has investigated and determined that there is probable cause to believe that a dog is potentially dangerous or dangerous, a citation shall be issued for the owner to appear in city court for the purpose of determining whether or not the

dog in question should be designated a potentially dangerous dog or dangerous dog. Except by agreement of the respondent and counsel for the city and with the approval of the judge, the hearing shall be held not less than five (5) nor more than thirty five (35) business days after service of citation upon the owner or keeper of the dog.

(2) The court shall designate a dog as a "potentially dangerous dog" if the court finds, upon a preponderance of the evidence, that the dog:

(a) Has attempted to attack or has attacked a person or domestic animal within the prior eighteen (18) month period; or

(b) Has, within the prior eighteen (18) month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive actions to prevent bodily injury; or

(3) The court shall designate a dog as a "dangerous dog" if the court finds, upon preponderance of the evidence, that the dog:

(a) Has attempted to attack or has attacked a person or domestic animal on two (2) or more occasions within the prior eighteen (18) month period; or

(b) Has, on two (2) or more occasions within the prior eighteen (18) month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or

(c) Has, when unprovoked while off the property of its owner, bitten a person or a domestic animal causing a severe injury; or

(d) Has previously been declared a potentially dangerous dog but has not been kept in compliance with any restrictions placed by the city court judge upon the owner of such dog; or

(e) Has been owned, possessed, kept, used or trained in violation of Tennessee Code Annotated, § 39-14-203.

(4) No dog may be declared potentially dangerous or dangerous as a result of injury or damage if, at the time the injury or damage, the victim of the injury or damage

(a) Was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog,

(b) Was teasing tormenting, abusing or assaulting the dog, or

(c) Was committing or attempting to commit a crime.

No dog may be declared potentially dangerous or dangerous if the dog was protecting or defending a person within the immediate vicinity or the dog from an unjustified attack. No dog may be declared potentially dangerous or dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog. No dog may be declared potentially dangerous or dangerous if injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of; or under the

control of, its owner or keeper, and the damage or injury was appropriate to the work of the dog.

(5) Upon designating a dog as a dangerous dog or a potentially dangerous dog, the court shall impose the restrictions on the owner of such dog as set forth in this article and may impose such additional restrictions on the respondent as are appropriate under the circumstances of the case. The court shall reduce such restrictions to writing and have them served on the respondent.

(6) It shall be unlawful for any person who is subject to any such restrictions to fail to comply with such restrictions.

(7) It shall be unlawful for any person who has been served with a citation to appear in city court for the purpose of determining whether such person's dog should be designated as a potentially dangerous dog or dangerous dog transfer ownership of such dog until after the city court has issued a ruling on such a citation. It shall be unlawful for any person whose dog has been designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog to another person without

(a) Having advised such other person that the dog has been designated as potentially dangerous dog or dangerous dog and

(b) Having advised such other person in writing of the restrictions that have been placed upon such dog. (as added by Ord. #02-11, Oct. 2002)

10-606. Notice of designation. Within ten (10) working days after a hearing conducted pursuant to this chapter, the owner or keeper of the dog, if absent from the hearing, shall be notified by the city court in writing of the decision of the court and of any restrictions imposed upon the respondent, either personally through ASD or by first-class mail, the owner or keeper shall comply with all restrictions imposed by this article and by the city court. (as added by Ord. #02-11, Oct. 2002)

10-607. Impoundment and abatement of potentially dangerous dog or dangerous dog. (1) If upon investigation it is determined by the animal services officer or law enforcement officer that probable cause exists to believe a dog poses immediate threat to public safety, then the animal services officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this chapter. At the time of an impoundment pursuant to this subsection or as soon as practicable thereafter, the officer shall serve upon the owner or custodian of the dog a notice of a hearing to be held pursuant to this chapter to declare the dog dangerous or potentially dangerous.

(2) Any animal services officer may impound any potentially dangerous dog or dangerous dog if the animal services officer has reasonable cause to believe that any of the mandatory restrictions upon such dog are not

being followed if the failure to follow such restrictions would likely result in a threat to public safety. The owner or custodian of a potentially dangerous dog or dangerous dog shall surrender such a dog to any animal services or law enforcement officer upon demand. In the event such a dog is impounded, the animal services officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.

(3) If a dog has been impounded pursuant to subsection (1) or subsection (2), the animal services manager may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this chapter, provided that such confinement will ensure the public safety.

(4) No dog that has been designated by the court as a dangerous dog or potentially dangerous dog may be released by the animal shelter or a veterinarian until the owner has paid all veterinarian cost and all other fees and cost of the animal shelter that are normally charged to an owner prior to redemption of the animal. If the owner fails to pay such fees and costs and take possession of the dog within ten (10) days of the owner's receipt of the designation of the dog as a dangerous dog or potentially dangerous dog, the dog shall be deemed to have been abandoned and may be disposed of by ASD. Euthanasia or surrender to ASD or the animal shelter of such a dog does not free the owner of responsibility for all cost incurred up to and including the date of euthanasia or surrender. (as added by Ord. #02-11, Oct. 2002)

10-608. Possession unlawful without proper restraint; failure to comply with mandatory restrictions. Once the dog is designated as a potentially dangerous dog by the Greenbrier City Court, the following shall be restrictions are mandatory upon the owner or custodian of such dog:

(1) The dog must be kept indoors or confined on the owner's or keeper's property by a fence (other than an "electronic fence") capable of confining the dog or by a proper enclosure;

(2) The owner must allow inspection of the dog and its enclosure by the ASD and must produce, upon demand, proof of compliance with such restrictions;

(3) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the ASD, to keep the dog on certain specified premises from the landlord or property owner;

(4) The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the ASD; and

(5) The court may impose additional restrictions that the court deems necessary. (as added by Ord. #02-11, Oct. 2002)

10-609. Mandatory restrictions on dangerous dogs. (1) If the dog is designated as a dangerous dog by the Greenbrier City Court, the owner or custodian of such dog shall comply with the following restrictions:

(a) The dog must be kept in a proper enclosure if the dog is maintained unattended out-of-doors; such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five feet from the outer fence;

(b) The owner must allow inspection of the dog and its enclosure by the ASD and must produce, upon demand, proof of compliance with the restrictions set forth in this section and any additional restrictions imposed by the city court;

(c) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the ASD, to keep the dog on certain specified premises from the landlord or property owner;

(d) The owner and dog must attend and complete a training class and/or behavior modification course approved by the ASD that is designed to teach the owner how to deal with, correct, manage and for alter the problem behavior;

(e) A sign, available exclusively from ASD, the cost of which shall be included in the annual fee for a dangerous dog, having reflective letters and backing with letters measuring at least one and one half (1.5) inches in width and one and one half (1.5) inches in height and reading "beware of dangerous dog" shall be posted in a conspicuous place at all entrances to the premises on or within which such dog is kept;

(f) A dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals;

(g) A dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public;

(g) The owner of a dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its separate enclosure;

(i) Such dog shall be photographed by the ASD for future identification purposes;

(j) Neutering or spaying of the dog;

(k) Requiring the owner of the dog or owner of the premises on which the animal is kept to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance;

(l) Maintaining and updating annually a record maintained with ASD that list the dog owner(s) or agent contact information, emergency contact persons and phone numbers, veterinarian, landlord and/or property owner contact information, property/liability insurance

carrier, vaccination, licensing and/or permit number, photo of the animal and any other information deemed necessary by the ASD;

(m) Notification in writing to the ASD of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within the city or outside the city and/or to transfer ownership of the dog; and

(n) Any other reasonable requirement specified by the city court.

(o) The cost of all such restrictions must be paid by the owner.
(as added by Ord. #02-11, Oct. 2002, and amended by Ord. #08-09, June 2, 2008)

10-610. Removal of designation of potentially dangerous dog. If there are no additional instances of the behavior described in § 10-605 within eighteen (18) months of the date of designation as potentially dangerous dog, the dog shall automatically be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to expiration of the eighteen (18) month period if the owner or keeper of the dog demonstrates to the ASD that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, confinement, etc., have mitigated the risk to the public safety; in such event, the owner or the ASD may petition the city court to remove such designation. (as added by Ord. #02-11, Oct. 2002)

10-611. Change of ownership, custody or location of dog; death of dog. (1) The owner or custodian of a dangerous dog or potentially dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least fifteen (15) days prior to the actual transfer or removal of the dog, notify ASD in writing of the name, address and telephone number of the proposed new owner or custodian, the proposed new location of the dog, and the name and description of the dog.

(2) The owner or custodian shall, in addition to the above notify any new owner or custodian of a dangerous dog or potentially dangerous dog in writing regarding the details of the dog's record and the terms and conditions for confinement and control of the dog. The transferring owner or custodian shall also provide ASD with a copy of the notification to the new owner or custodian of his or her receipt of the original notification and acceptance of the terms and conditions. ASD may impose different or additional restrictions or conditions upon the new owner or custodian.

(3) If a dangerous dog or potentially dangerous dog should die, the owner or custodian shall notify ASD no later than twenty-four (24) hours thereafter and, upon quest, from ASD shall produce the animal for verification or evidence of the dog's death that is satisfactory to ASD.

(4) If a dangerous dog or potentially dangerous dog escapes, the owner or custodian shall immediately notify ASD and make every effort to recapture the escaped dog to prevent injury and/or death to humans or domestic animals.

(5) The following persons must notify ASD when relocating a dog to Greenbrier, even on a temporary basis:

(a) The owner of potentially dangerous or dangerous dog that has been designated as such by another lawful body other than the City of Greenbrier; and

(b) The owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than the City of Greenbrier based upon the behavior of the dog.

No such designation as a dangerous dog or potentially dangerous dog or any similar such designation shall be recognized by the City of Greenbrier if such designation is based solely on the breed of the dog. Such owner is subject to the restrictions set forth in this chapter. (as added by Ord. #02-11, Oct. 2002)

CHAPTER 7

GUARD DOGS

SECTION

- 10-701. Guard dog purveyor; license; fees.
- 10-702. Guard dog purveyor; license; application; contents.
- 10-703. Guard dog trainer; license; application; contents.
- 10-704. Guard dog; registration; annual fee; other requirements.
- 10-705. Inspections.
- 10-706. Limitations.

10-701. Guard dog purveyor; license; fees. (1) It is unlawful for any person, firm or corporation to supply guard dogs to the public without a valid license so to do issued to said person, firm or corporation by ASD. Only a person who complies with the requirements of this chapter and such rules and regulations of ASD as may be adopted pursuant hereto shall be entitled to receive and retain such a license. License shall not be transferable and shall be valid only for the person and place for which issued. Said license shall be valid for one year from date of issue.

(2) The fee for such license shall be two hundred fifty dollars (\$250.00) per year, to be renewed annually. (as added by Ord. #02-11, Oct. 2002)

10-702. Guard dog purveyor; license; application; contents. Any person desiring to supply guard dogs to the public shall make written application for a license on a form to be provided by the ASD. Such application shall be filed with the ASD and shall include the following:

(1) A legal description of the premises or the business address of the office from which said applicant desires to supply guard dogs;

(2) A statement of whether the applicant owns or rents the premises to be used for the purpose of purveying guard dogs. If the applicant rents the premises, the applicant shall be accompanied by a written statement of acknowledgment by the property owner that the applicant has the property owner's permission to purvey guard dogs on the premises for the duration of the license; and

(3) A written acknowledgment by the applicant that prior to the actual commercial sale or purveyance of any and all guard dogs the license shall coordinate with the appropriate registration fee to the City of Greenbrier prior to the animal performing guard dog functions. (as added by Ord. #02-11, Oct. 2002)

10-703. Guard dog trainer; license; application; contents. Any person desiring to train dogs as guard dogs shall make written application for

a license on a form to be provided by the ASD. All such applications shall be filed with the ASD and shall contain the following:

(1) A legal description or business address of the premises at which the applicant desires to train the guard dogs;

(2) A statement of whether the applicant is self-employed or a member of a business, firm, corporation or organization which trains guard dogs. If the applicant is a member of such a business, firm, corporation or organization, the applicant shall state the name of said entity and shall provide the name of the major executive officer of said entity; and

(3) If the premises at which the applicant proposes to train dogs as guard dogs is rented, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to carry on the activity of guard dog training at said location for the duration of the license.

(4) The fee for such license shall be fifty dollars (\$50.00) per year, to be renewed annually. (as added by Ord. #02-11, Oct. 2002)

10-704. Guard dog; registration; annual fee; other requirements.

(1) All persons using dogs as guard dogs shall register the dogs with the ASD. Said registration shall be valid for one year and must be renewed annually. The ASD shall issue a tag which shall be affixed on the guard dog in such a manner so as to be readily identifiable. Such registration shall be filed with the ASD and shall include the following:

(a) A legal description or business address of the premises which the applicant desires to employ a registered guard dog to prevent unauthorized intrusion;

(b) A statement whether the applicant owns or rents the premises to be guarded. If the applicant rents the premises, the applicant must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to use a guard dog on the premises to prevent unauthorized intrusion for the duration of the registration:

(c) A description of the guard dog for purposes of identification;

(d) Acknowledgment by the applicant whether the guard dog has been trained as guard dog to exhibit hostile propensities;

(e) Acknowledgment by the applicant that the premises to be guarded has devices, such as fencing, to prevent general access by the public during those times the guard dog is used for purposes of protecting said premises and persons from unauthorized intrusion. Said acknowledgment shall contain a statement that the premises is properly signed to forewarn the public of the presence of a guard dog; and

(f) Acknowledgment by the applicant that the guard dog will be maintained in such a manner as to insure the safety of the public and the welfare of the animal.

(2) The fee for registering a guard dog shall be seventy-five dollars (\$75.00) per year, to be renewed annually.

(3) The owner of any property on which a guard dog is located shall post signs in conspicuous places at all entrances to such property with reflective letters a minimum of two (2) inches and a maximum of ten (10) inches in height stating "beware of guard dog on the property." Such sign shall also have a telephone number for law enforcement officers or firefighting personnel to call in an emergency situation or other situation in which the dog owner's or handler's presence is required. (as added by Ord. #02-11, Oct. 2002)

10-705. Inspections. The director of the ASD or his authorized representative shall annually inspect all premises which are the subject of the license and registrations required herein prior to the issuance of said licenses and/or registrations. Said inspectors shall include, but not limited to, a verification that adequate measures are being taken to protect the health, welfare and safety of the general public and to insure the humane treatment of the guard dogs. If the premises are deemed inadequate, the ASD shall direct the applicant to make such changes as are necessary before the license or registration is issued or renewed. The director of the ASD may make such routine periodic inspections of a licensee's premises or the premises of an area guarded by a registered guard dog for the purpose of enforcing the provisions of this chapter. (as added by Ord. #02-11, Oct. 2002)

10-706. Limitations. The provisions of the article shall not apply to any facility possessing or maintaining guard dogs which is owned, operated or maintained by any city, county, state or the federal government; provided private parties renting or leasing public facilities for commercial purposes as specified in this chapter shall not be exempt. (as added by Ord. #02-11, Oct. 2002)