

TITLE 10

ANIMAL CONTROL¹

CHAPTER

1. IN GENERAL.
2. DOGS.
3. KEEPING OF DOMESTIC BEES.

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.
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- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Restrictions on selling or giving away domestic animals.

10-101. Running at large prohibited. No person owning or being in control shall knowingly or negligently permit to run at large any cows, swine, sheep, horses, mules, goats, chickens, ducks, geese, turkeys, other domestic fowl, cattle, livestock, cats dogs, or any other domestic animal, or any other animal kept or maintained within the City of Dickson. (1980 Code, § 3-101, as replaced by Ord. #1126, Oct. 2002)

10-102. Keeping near a residence or business restricted. 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 without a permit from the health officer. The health officer 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. (1980 Code, § 3-102)

¹Municipal code reference

Health officer to issue ordinance summonses in area of animal control: title 3, chapter 3.

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits of the City of Dickson, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1980 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. (1980 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. (1980 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person unnecessarily to beat or otherwise abuse or injure any dumb animal or fowl. (1980 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 a pound provided or designated by the city council. 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. 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 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 from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1980 Code, § 3-107)

10-108. Restrictions on selling or giving away domestic animals.

(1) It is unlawful for any person to sell, offer for sale, barter, or to give away any domestic dogs, domestic cats, or any other animal in a public place.

(2) This section shall not be construed to prohibit the sale of such animals by the operators of business possessing a license to sell animals or as authorized by the Commissioner of Agriculture. (as added by Ord. #1258, July 2008)

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.

10-201. 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. (1980 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. (1980 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any owner or other person who has control or custody over a dog, whether such control or custody shall be temporary or otherwise, to allow a dog to run at large. Running at large shall mean a dog who is off the premises of the owner and that is not under the control of an owner by leash. (1980 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 reasonably to provide for the protection of other animals and persons. (1980 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. (1980 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

¹State law reference

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

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. (1980 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by the canine control officer or any police officer and placed in a pound provided or designated by the 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 three (3) days and redeem his dog by paying a twenty-five dollar (\$25.00) pick up fee and five dollars (\$5.00) for each day the dog has been impounded, 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 a tag 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 canine control officer or any policeman.¹ (1980 Code, § 3-207)

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 3¹

KEEPING OF DOMESTIC BEES

SECTION

- 10-301. Definitions.
- 10-302. Registration requirements.
- 10-303. Genetic stock.
- 10-304. Creating nuisance.
- 10-305. Colony density.
- 10-306. Property lines.
- 10-307. Water supply.
- 10-308. Apiaries.
- 10-309. Penalty for violation.
- 10-310. Injunctive relief.

10-301. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

(3) "Apiary" - means a place where bees are kept, or a collection of honey bee colonies.

(4) "Beekeeper" - means a person who owns, leases, or manages one or more colonies of bees for pollination or the production of honey, beeswax, or other by-products, either for personal or commercial use.

(5) "Bee" - means any stage of the common honey bee, *Apis Mellifera* species.

(6) "City" - means the City of Dickson, Tennessee.

(7) "Colony" - means the hive and its equipment and appurtenances including bees, comb, honey, pollen and brood.

(8) "Hive" - means a structure for housing honey bees.

(9) "Lot" - means the minimum lot areas as defined in the current Dickson Zoning Ordinance.

(10) "Person" - means any individual, business entity, partnership, corporation, governmental agency or political subdivision.

(11) "Regulatory authority" - means the city codes enforcement officer or his designated representative. (1980 Code, § 3-301)

¹This chapter was taken from Ord. #795. An amendment to Ord. #795 states "this ordinance shall not apply to require a reduction in the number of hives presently in existence for any beekeeper maintaining bee hives in excess of the limit requirements allowed by this ordinance."

10-302. Registration requirements. (1) It shall be unlawful for any beekeeper to keep or harbor any colonies of bees within city limits without being properly registered with the Codes Enforcement Division of the City of Dickson to keep such bees.

(2) Beekeepers with existing apiaries shall have 180 days from the adoption date of this chapter to register all apiaries with numbers of colonies within kept or harbored under their supervision within the city limits with the codes enforcement division of the city.

(3) After the 180 days from the adoption of this chapter, all apiaries and colony numbers shall be registered annually with the codes enforcement division of the city before the bee colonies are kept or harbored within the city limits. (1980 Code, § 3-302)

10-303. Genetic stock. (1) Beekeepers shall use only strains of known European origins to comprise colonies of honey bees located within the city limits.

(2) Once Africanized honey bees have been confirmed by a recognized authority as inhabiting any area of Tennessee, beekeepers shall be required to requeen their colonies annually with queens of known European origin. Queen stock is to be obtained from a reputable queen breeder who produces queens from European stock and is not under federal quarantine. Beekeepers are prohibited from obtaining bees from such areas.

(3) Beekeepers will be required to keep and maintain receipts of purchases to be produced upon request by the regulatory authority. (1980 Code, § 3-303)

10-304. Creating nuisance. It shall be unlawful and considered a nuisance for any person or beekeeper to keep or harbour colonies of bees under their supervision within the city limits in a manner or condition that would render the enjoyment of life or property uncomfortable to others, or interfere with the public peace and comfort of others, or to be unhealthy or offensive to others. (1980 Code, § 3-304)

10-305. Colony density. Beekeepers shall maintain no more than the following number of colonies of bees in the following size lots within city limits:

(1) Less than one-fourth acre (10,890 sq. ft.) - 1 colony

(2) One fourth to one-half acre (10,890 - 21,780 sq. ft.) - 2 colonies

(3) One-half to one acre (21,780 - 43,560 sq. ft.) - 4 colonies

(4) Greater than one acre lots will be determined on individual basis.

(1980 Code, § 3-305)

10-306. Property lines. Beekeepers shall keep no colonies of bees within twenty-five (25) feet of public or private property lines except when:

(1) The colonies are placed behind a solid fence or dense hedge at least six (6) feet in height that is parallel to the property line and extends six (6) feet beyond the colonies in each direction, and

(2) That all bee fly-ways are forced over a six (6) foot level. (1980 Code, § 3-306)

10-307. Water supply. Beekeepers shall provide a convenient source of water available at all times, especially when colonies are actively rearing brood, and in times of extreme heat. (1980 Code, § 3-307)

10-308. Apiaries. Beekeepers operating apiaries within the city limits shall comply with all Tennessee Bee Regulations and Laws. (1980 Code, § 3-308)

10-309. Penalty for violation. That any person who violates a provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction in the Municipal Court of Dickson shall be subject to a fine not to exceed fifty dollars, (\$50.00) for each offense, and each and every day such violation continues, it shall constitute a separate offense. (1980 Code, § 3-309)

10-310. Injunctive relief. In the addition to and cumulative of all other penalties, the City of Dickson shall have the right to seek injunctive relief for any or all violations of this chapter. (1980 Code, § 3-310)