

TITLE 10

ANIMAL CONTROL¹

CHAPTER

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CHAPTER 1

IN GENERAL

SECTION

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- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

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 enumerated in the preceding section 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. (1970 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

¹Charter reference

City powers; animals and fowls: § 4(0).

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 either because of 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 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 be entitled to collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance. (1970 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, 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. (1970 Code, § 3-108)

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). (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)

10-204. Vicious dogs to be securely restrained.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)

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.

²Municipal code reference

Vicious dogs: title 10, chapter 3.

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. Seizure and disposition of dogs. Any dog found running at large may be seized by the health 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 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 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 health officer or any policeman.¹ (1970 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 3

VICIOUS DOGS

SECTION

- 10-301. Definitions.
- 10-302. Vicious dogs prohibited.
- 10-303. Procedures for determining that a dog is vicious.
- 10-304. Impoundment of vicious dogs.
- 10-305. Standards and requirements for keeping vicious dogs.
- 10-306. Sale or transfer of ownership prohibited.
- 10-307. Court proceedings against the owner.
- 10-308. Court findings.
- 10-309. Guard dogs.
- 10-310. Penalties.

10-301. Definitions. The following words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

- (1) "Vicious dog" means a dog of any breed which:
 - (a) Approaches any person in an aggressive, menacing or terrorizing manner or in an apparent attitude of attack if such person is upon any public ways, including streets and sidewalks. or any public or private property; or
 - (b) Has a known propensity, tendency, or disposition to attack, inflict injury to or to otherwise endanger the safety of persons or domestic animals; or
 - (c) Without provocation, bites or inflicts injury or otherwise attacks or endangers the safety of any person or domestic animal; or
 - (d) Is trained for dog fighting or which is owned or kept primarily or in part for the purpose of dog fighting.
- (2) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.
- (3) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.
- (4) "Confined" means to be securely kept indoors, within an automobile or other vehicle, or kept in a securely enclosed and locked pen or structure upon the premises of the owner or keeper of such dog.
- (5) "Securely enclosed and locked pen or structure" means a fenced-in area that shall be a minimum of ten feet (10') wide, ten feet (10') long, and six feet (6') in height above grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with all necessary steel

supporting posts. The floor shall be at least three inches (3") of poured concrete with the bottom edge of the fencing embedded in the concrete or extending at least two feet (2') below grade. The gate must be of the same materials as the fencing, fit securely, and be kept securely locked. The owner shall post the enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property. The enclosure shall contain and provide shelter and protection from the elements, adequate exercise room, be adequately lighted and ventilated, and kept in a sanitary condition.

(6) "Physical restraint" means a muzzle and a leash not to exceed four feet (4') in length.

(7) "Under restraint" means that the dog is secured by a leash, led under the control of a person who is at least eighteen (18) years of age and physically capable of restraining the dog, and that the dog is obedient to that person's commands. A dog kept within a securely enclosed and locked pen or structure shall also be considered to be under restraint.

(8) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(9) "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or possessing a pit bull or any other dog regardless of breed determined to be vicious, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. Such dog shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel. (as added by Ord. #351, Oct. 2013)

10-302. Vicious dogs prohibited. It shall be unlawful for any person to own, keep, harbor, or possess a vicious dog within the corporate limits of the City of Parsons unless such dog is confined in compliance with this chapter. (as added by Ord. #351, Oct. 2013)

10-303. Procedures for determining that a dog is vicious. (1) Upon his own complaint alleging a dog to be vicious, or upon the receipt of such complaint signed by one (1) or more residents of Parsons, the Parsons city judge shall hold a hearing within thirty (30) days of serving notice to the dog owner. The purpose of the hearing shall be to determine whether such dog is, in fact, vicious. The dog owner shall be notified by subpoena or a certified letter of the date, time, place, and purpose of the hearing and may attend and have an opportunity to be heard. The dog may be impounded if it has physically bitten a person or persons until the city judge may determine if the dog is to be declared vicious.

(2) In making the determination as to whether a dog is vicious, the city judge shall consider, but is not limited to, the following criteria:

(a) Provocation.

- (b) Severity of attack or injury.
- (c) Previous aggressive history of the dog.
- (d) Observable behavior of the dog.
- (e) Site and circumstances of the incident giving rise to the complaint.
- (f) Age of the victim.
- (g) Statements from witnesses and other interested parties.
- (h) Reasonable enclosures already in place.
- (i) Height and weight of the dog.

(3) Within five (5) days of the hearing, the city judge shall determine whether to declare the dog vicious and shall within five (5) days after such determination notify the dog's owner by certified mail of the dog's designation as a vicious dog and the specific restrictions and conditions for keeping the dog. If the dog is declared vicious, its owner shall confine the dog with a securely enclosed and locked pen or structure, and whenever the dog is removed from such secure enclosure it shall be physically restrained and under restraint as defined in this chapter. The owner of the vicious dog shall notify residents of all abutting properties, including those across the street; of such finding. This notice to occupants of abutting properties shall be in verbal form or by certified mail, return receipt requested, and shall be at the owner's sole expense. The city judge may

(a) Vary the minimum requirements of a secure enclosure if the owner's residence cannot accommodate a secure enclosure as defined in this chapter, or

(b) Permit an alternate method of enclosure provided that, in the sole discretion of the city judge, such alternate method fulfills the objectives as a secure enclosure.

(4) No dog shall be declared vicious if the threat, injury, or damage was sustained by a person who:

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

(b) Was teasing, tormenting, abusing, or provoking the dog; or

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

No dog shall be declared vicious as the result of protecting or defending a human being, any other animal, or itself against an unjustified attack or assault. (as added by Ord. #351, Oct. 2013)

10-304. Impoundment of vicious dogs. Any vicious dog, not in compliance with the provisions of this chapter, may be taken into custody by the appropriate authorities of the City of Parsons or agents acting on behalf of the city, and impounded. The dog's owner shall be solely responsible for payment of all boarding fees associated with such impoundment in addition to any punitive fines to be paid. No dog, which has been declared vicious pursuant to this chapter, shall be released from impoundment unless and until the standards

and requirements for keeping vicious dogs, as specified in § 10-305 of this chapter have been met. (as added by Ord. #351, Oct. 2013)

10-305. Standards and requirements for keeping vicious dogs. The following standards and requirements shall apply to the keeping of vicious dogs located within the corporate limits of Parsons.

(1) Registration. Within ten (10) days of a dog being declared vicious pursuant to this chapter, the owner, keeper, harbinger, or possessor of such dog shall register dog with the Parsons City Recorder.

(2) Physical restraint. No person having charge, custody, control, or possession of a vicious dog shall permit the dog to go outside its kennel, pen, or other securely enclosed and locked pen or structure unless such dog is under restraint. No person shall permit a vicious 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 shall not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(3) Muzzle. It is unlawful for any owner or keeper of a vicious dog to allow the dog to be outside its kennel, pen, or other securely enclosed and locked pen or structure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent the dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(4) Outdoor confinement. Except when leashed and muzzled as provided in this chapter, all vicious dogs shall be securely confined as described in § 10-301 of this chapter. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. All outdoor structures erected to house vicious dogs must comply with zoning and building ordinances and regulations of the City of Parsons and construction of such structures shall be completed within thirty (30) days of the owner's dog being declared vicious.

(5) Indoor confinement. No vicious dog shall be kept on a porch, patio, or in any part of a dwelling or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a dwelling or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(6) Signs. All owners, keepers, harbors, or possessors of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" and including a warning symbol to inform children that there is a dangerous dog on the property. All such signs required by this chapter shall be installed and in place within fourteen (14) days of an owner's dog being declared vicious.

(7) Insurance. Within fourteen (14) days of being declared vicious, all owners, keepers, harbors, or possessors of vicious dogs shall provide proof to the city recorder of public liability insurance in a single incident amount of one

hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping, or maintaining such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days advance written notice is first given to the Parsons City Recorder.

(8) Identification photographs. Within fourteen (14) days of being declared vicious, all owners, keepers, possessors, or harbors of vicious dogs shall provide to the Parsons City Recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(9) Reporting requirements. All owners, keepers, possessors, or harbors of vicious dogs shall within ten (10) days of the incident report the following information in writing to the Parsons City Recorder as required hereinafter:

- (a) The removal from the city or death of a vicious dog.
- (b) The birth of offspring of a vicious dog.
- (c) The new address of a vicious dog owner, keeper, possessor, or harbor should such owner, keeper, possessor, or harbor move his residence within the corporate limits of the City of Parsons. (as added by Ord. #351, Oct. 2013)

10-306. Sale or transfer of ownership prohibited. No person shall sell, barter, or in any other way transfer possession of a vicious dog to any person within the City of Parsons unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a vicious dog may sell or otherwise dispose of a vicious dog or the offspring of such dog to persons who do not reside within the City of Parsons. (as added by Ord. #351, Oct. 2013)

10-307. Court proceedings against the owner. If any vicious dog is impounded, the City of Parsons may institute proceedings in municipal court charging the owner with violation of this chapter. Nothing in this section, however, shall be construed as preventing the city or any citizen from instituting a proceeding for violation of this chapter where there has been no impoundment. (as added by Ord. #351, Oct. 2013)

10-308. Court findings. If a complaint has been filed in municipal court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court and payment of all charges and costs incurred under this chapter, including penalties for violating this chapter. (as added by Ord. #351, Oct. 2013)

10-309. Guard dogs. It shall be unlawful for any person to place or maintain guard dogs in any area of the City of Parsons for the protection of persons or property unless the following provisions are met:

- (1) The guard dog shall be confined; or
- (2) The guard dog shall be under the direct and absolute control of a handler at all times when not confined; and
- (3) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one (1) such sign shall be posted at each driveway or entrance way to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is lesser and shall contain a telephone number where some person responsible for controlling the guard dog can be reached twenty-four (24) hours a day. (as added by Ord. #351, Oct. 2013)

10-310. Penalties. Any person found violating the provisions of this chapter upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. (as added by Ord. #351, Oct. 2013)