

TITLE 10**ANIMAL CONTROL**¹**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

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. Seizure and disposition of animals.
- 10-107. Enforcement.

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, knowingly or negligently to permit any of them to run at large in any street, alley or unenclosed lot within the corporate limits. (1994 Code, § 10-101)

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 feet (1,000') of any residence, place of business, or public street without a permit from the city recorder. The city recorder and animal control officer shall recommend issuance of a permit only when, in their discretion, the keeping of such an animal in a yard or building under the circumstances set forth in the application for the permit will not injuriously affect the public health or otherwise violate the provisions of state or local law. (1994 Code, § 10-102, modified)

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. (1994 Code, § 10-103)

¹Whenever this title mentioned dogs, it pertains also to cats.

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. (1994 Code, § 10-104)

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. (1994 Code, § 10-105)

10-106. 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 any police officer or other properly designated officer or official and confined in an animal shelter. The animal control agency operating the shelter taking possession of the animal shall provide services under shelter policy and procedures, including notice to owners as required by state law.¹

10-107. Enforcement. Enforcement of the provisions of this chapter may be made by citation of the animal control officer, code enforcement officer, or any law enforcement officer with jurisdiction inside the corporate limits, or by the filing of a private complaint filed in the Ripley City Court by any person against whom a violation of ordinance has occurred, or by any person owning or possessing property on which a violation of ordinance has occurred. (Ord. #536, Nov. 2019, modified)

¹State law reference

Tennessee Code Annotated, § 68-8-107.

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Leash law.
- 10-204. Noisy dogs prohibited.
- 10-205. Confinement of dogs suspected of being rabid.
- 10-206. Vicious dogs.
- 10-207. Tethering.
- 10-208. Curbing.
- 10-209. Seizure and disposition of dogs.
- 10-210. Enforcement.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the Tennessee Anti-Rabies Law (*Tennessee Code Annotated*, §§ 68-8-101 through 68-8-114). (1994 Code, § 10-201, modified)

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. (1994 Code, § 10-202)

10-203. Leash law.¹ (1) Generally. No person, firm, corporation, organization, department, or other entity owning, possessing, harboring, or having charge, care, control, or custody of a dog shall cause, permit, or allow the dog to stray upon any public street, sidewalk, or park, or upon any property not owned and possessed by the dog's owner unless the dog is secured and restrained on a leash and is under the physical restraint of an adult person whose weight is greater than said dog.

(2) Exception. Securing and restraining on a leash is not required on private property owned or possessed by another, if the owner obtains the permission or consent of the person or entity in lawful possession of said property. (Ord. #527, April 2018, modified)

¹State law reference

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

10-204. 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. (1994 Code, § 10-205)

10-205. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or the code enforcement officer may cause such dog to be confined or isolated for such time as he reasonably deems necessary. (1994 Code, § 10-206, modified)

10-206. Vicious dogs. (1) Definition of terms. As used in this chapter:

(a) "Owner" means any person, firm, corporation, organization, department, or other entity owning, possessing, harboring, or having charge, care, control, or custody of a dog.

(b) "Unconfined" means the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(c) "Vicious dog" means:

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

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

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

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

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

(vi) Any Rottweiler, which shall be defined as any Rottweiler breed of dog, or any mixed breed of dog which contains

as an element of its breeding the breed of Rottweiler as to be identifiable as partially of the breed of Rottweiler.

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

(3) Exceptions to confinement. A vicious dog may be unconfined for the following purposes:

(a) Transporting the dog to or from a state-licensed veterinary office;

(b) Transporting the dog to or from a state-licensed kennel for the lodging or breeding of dogs; or

(c) Transporting the dog to the residence of a person who has purchased the dog.

When exercising these exceptions, the owner of a vicious dog shall not suffer or permit the dog to go beyond confinement unless the dog is securely muzzled and restrained by chain or leash, and under the physical restraint of an adult person whose weight is greater than said dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or animal.

(4) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

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

(6) Insurance. The owner of a vicious dog must, within thirty (30) days of the effective date of this chapter, provide proof to the city recorder of public liability insurance in the amount of at least fifty thousand dollars (\$50,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog.

(7) Permit required. No person shall own or maintain any vicious dog within the city corporate limits until he/she obtains a permit so to do from the city recorder. The city recorder shall issue such a permit to any applicant whose premises comply with the requirements of this section, as determined by the animal control officer or code enforcement officer of the city, and who has otherwise exhibited compliance with the other provisions of this section. Any permit so issued may be revoked by the city recorder or by the code enforcement officer for failure to comply with any requirement of this section, as determined by the animal control officer or code enforcement officer. However, notice of revocation shall be proffered in writing by said officer and served upon the permit holder and he/she shall be given the right to be heard by the board of mayor and aldermen as to why his/her permit should not be revoked, upon

request by said permit holder made in writing within five (5) days of notice of revocation.

(8) **City property.** The owner of a vicious dog shall not suffer or permit the dog to be upon city-owned property for any purpose, except upon the city roads for the purposes described in subsection (3) herein.

(9) **Challenge.** Any owner, upon being cited for violation of any provision of this section, whose dog is determined to be a vicious dog solely in reliance on subsection (1)(c)(v) or (1)(c)(vi) of this section, may challenge the assertion that his/her dog is of the specified breed, or mix of said breed, by providing to the citing officer, within ten (10) days of the citation, genetic testing results certified by a licensed veterinarian. If the certified genetic testing results evince that the dog is not of the specified breed, or mix of the specified breed, the citation shall be withdrawn or dismissed. (Ord. #527, April 2018, modified)

10-207. Tethering. **Generally.** No person, firm, corporation, organization, department, or other entity owning, possessing, harboring, or having charge, care, control, or custody of a dog shall cause, permit, or allow the dog to be secured, restrained or tethered on a rope, chain, leash, or other similar restraint attached or anchored to the ground or any other stationary fixture for a period in excess of thirty (30) minutes during any calendar day. (Ord. #527, April 2018, modified)

10-208. Curbing. (1) **Defined.** "Curbing" is the removal of solid waste deposited by said animal upon the property of another including, but not limited to, sidewalks, parks, other public areas, or property not owned and possessed by the dog's owner.

(2) **Generally.** Any person, firm, corporation, organization, department, or other entity owning, possessing, harboring, or having charge, care, control, or custody of a dog shall be responsible for curbing.

(3) **Exceptions.** Curbing is not required where the person owning, possessing, harboring, or having charge, care, control, or custody of a dog has a medically-documented physical disability which prevents him/her from knowing of the solid waste, or which restricts his/her range of motion in such a manner as prevents him/her from removing the solid waste.

(4) **Enforcement.** Enforcement of this provision may be made by citation of the animal control officer, code enforcement officer, or any law enforcement officer with jurisdiction inside the corporate limits, or by the filing of a private complaint filed in the Ripley City Court by any person owning or possessing property on which a dog's solid waste is deposited but not removed as required herein.

(5) **Penalty.** Each instance of failure to curb shall constitute a separate offense. For purposes of this section, a first violation is punishable by a fine of twenty-five dollars (\$25.00), and second or subsequent violation is punishable by a fine of fifty dollars (\$50.00). (Ord. #527, April 2018)

10-209. Seizure and disposition of dogs. The provisions of § 10-106 shall apply to any dog running at large or otherwise being kept in violation of this chapter.

No dog shall be released from the pound or animal shelter unless it has been vaccinated and has a tag placed on its collar. (1994 Code, § 10-207, modified)

10-210. Enforcement. Enforcement. Enforcement of the provisions of this chapter may be made by citation of the animal control officer, code enforcement officer, or any law enforcement officer with jurisdiction inside the corporate limits, or by the filing of a private complaint filed in the Ripley City Court by any person against whom a violation of ordinance has occurred, or by any person owning or possessing property on which a violation of ordinance has occurred. (Ord. #536, Nov. 2019, modified)