

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

1. IN GENERAL.
2. DOGS AND CATS.

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. (1973 Code, § 3-101)

10-102. 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. (1973 Code, § 3-102)

10-103. Adequate food, water, and shelter 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. (1973 Code, § 3-103)

10-104. 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. (1973 Code, § 3-104)

10-105. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. A violation of this section shall subject the offender of a penalty up to three hundred and fifty dollars (\$350) for each offense. (1973 Code, § 3-105, modified)

10-106. 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 any animal or fowl is allegedly kept. (1973 Code, § 3-106)

10-107. Responsibility for disposal of dead animals. Persons who harbor within the city limits, dogs, cats or other animals which die or which may be killed on their own, or upon the public rights of way shall be required to dispose of the animals' remains. (1973 Code, § 3-107)

10-108. Violation and penalty. Any violation of any section of this chapter other than § 10-105 shall subject the offender to a penalty up to fifty dollars (\$50) for each offense. Each day the violation shall continue shall constitute a separate offense.

CHAPTER 2

DOGS AND CATS

SECTION

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10-201. Terms defined. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(1) "Health officer" shall mean the health officer and/or health department of Williamson County, Tennessee.

(2) "Leash" shall mean any cord, chain, rope, thong or other device affixed to a dog or cat used to restrain the movement of the dog or cat, and which cord, chain, rope, thong or other restraining device is no greater than fifteen feet in length.

(3) "Owner" shall mean any person, firm, business, corporation or other entity having a right of property in either a dog or cat, or who keeps or harbors a dog or cat, or who has a dog or cat in his care or custody, or who permits a dog or cat to remain on or about any premises which is owned, rented, and/or leased by such person, firm, business, corporation or other entity.

(4) "Premises" shall mean any real property titled in the name of or held in fee by or rented or leased to the owner of a dog or cat. For purposes of this chapter, land surrounding apartments, condominiums and mobile home courts shall not be considered premises of the tenant for the purposes of this chapter unless such land is owned outright in fee or otherwise, or rented by lease or other rental agreement.

(5) "Rabies officer" shall mean the rabies control officer and/or rabies control department of Williamson County, Tennessee.

(6) "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 as defined herein. A dog shall not be considered to be "running at large" when the dog is a hunting dog employed by the owner in hunt and/or chase or in training for hunt and chase and when under such circumstances, is accompanied by the owner, nor when a dog is guarding or driving stock, nor when a dog is being moved from one place to another by an owner and is under control of the owner.

(7) "Vaccination" shall mean the process whereby an animal is immunized against rabies using a vaccine and a technique approved by the board of health.

(8) "Vicious dog" shall mean a dog that has bitten, maimed or killed one or more human beings in one or more unprovoked attacks. A dog is also considered to be vicious that has been or is enrolled in a program which trains such dog to attack upon command, signal or reflex and to guard, protect or patrol premises, including a dog used as an attack, search and security dog for any law enforcement agency. Attacks by dogs resulting in bites, maimings, and killings are presumed to be unprovoked unless otherwise shown. (1973 Code, § 3-201)

10-202. Rabies vaccination and registration required. It shall be unlawful for any owner to own, keep, harbor or permit to remain on or about any premises of such owner any dog or cat over six months of age that has not been vaccinated against rabies and registered in accordance with provisions of the "Tennessee Anti-Rabies Law" Tennessee Code Annotated, §§ 68-8-101 through 68-8-114, as may be amended from time to time. A certificate of such vaccination shall be issued by a licensed veterinarian duly authorized to administer such a vaccination or by any agent of the health officer and such certificate shall be kept by the owner, as defined herein, subject to the inspection of the health officer or police officer of the City of Fairview. (1973 Code, § 3-202)

10-203. Standards for vaccination. It shall be the duty of the veterinarian, duly licensed by the state board of veterinary medical examiners and approved by the board of health, to administer such a vaccination and to perform such vaccination in such a manner as meets the standards prescribed by the health officer, and the laws of the State of Tennessee. (1973 Code, § 3-203)

10-204. Dogs and cats to wear tags. (1) It shall be unlawful for any owner to own, keep, harbor or permit to remain on or about the premises of such owner any dog or cat six months of age and older that does not wear a tag evidencing that the dog or cat has been vaccinated in accordance with the provisions of § 10-202 of this chapter.

(2) It shall be presumed that any dog or cat not wearing a tag as required herein has not been vaccinated, unless otherwise established. Proof of vaccination, however, shall not relieve an owner of a dog or cat not wearing the required tag from penal sanction for violation of § 10-202 of this chapter.

(3) Tags evidencing that a dog or cat has been vaccinated in accordance with the provisions of this chapter shall be obtained from the rabies officer or any agent(s) that he may from time to time designate and pursuant to such requirements as the rabies officer may set forth, including the right of the rabies officer to charge a reasonable fee for such tag. Each tag shall contain an individual serial number, the name of the owner, and the date of vaccination. In the event that a tag shall be lost, the rabies officer, on request by the owner, shall issue a duplicate tag, for which the owner may be required to pay a reasonable fee as determined by the rabies officer. No refunds shall be available on any tag.

(4) The rabies officer shall require that each owner present satisfactory proof that the dog or cat for which a tag is sought has received a vaccination in accordance with the provisions of this chapter.

(5) Upon purchasing any tag, as herein provided, the owner shall receive a certificate of receipt. Each certificate shall contain the following information:

- (a) Whether the tag is purchased for a dog or cat;
- (b) The owner's name, address and telephone number;
- (c) Type or breed and color of the dog or cat;
- (d) Date and place of vaccination; and
- (e) Serial number on tag issued.

(6) A tag, as herein provided, shall not be transferable from one dog or cat to another, and it shall be unlawful to transfer any tag.

(7) Any owner moving into the City of Fairview, or any owner being a resident of an area annexed, shall, within four weeks of moving or being annexed, acquire a tag, as herein provided, or be in violation of this section. (1973 Code, § 3-204)

10-205. Running at large prohibited.¹ It shall be unlawful for any owner, as defined herein, 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. (1973 Code, § 3-205)

10-206. Vicious dogs shall be securely restrained. (1) It shall be unlawful for any owner, as defined herein, or other person who has control or custody over a dog, whether such control or custody shall be temporary or

¹State law reference

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

otherwise, to own, keep, harbor or permit to remain on or about the premises of such owner a vicious dog unless such vicious dog shall be securely restrained or confined to an area so as to prevent contact with other animals and persons. Any person having control or custody over a vicious dog, as stated above, shall obtain approval from the rabies control officer as to the adequacy of the restraint or confinement used to secure the vicious dog so as to prevent contact with other animals and persons. A vicious dog not restrained or confined as provided herein may be seized by the rabies officer or any law enforcement agency for impoundment or confinement.

(2) It shall be unlawful for any owner to own, keep, harbor or permit to remain on or about the premises of such owner a vicious dog without posting notice on the premises in an area in plain view to the general public that a vicious dog is on the premises.

(3) A violation of this section shall subject the offender to a penalty up to three hundred and fifty dollars (\$350) for each offense. (1973 Code, § 3-206, modified)

10-207. Unprovoked attack by a dog. (1) The owner of any dog that attacks by biting, maiming or killing a person shall submit such dog to seizure, confinement, and examination, including both external examination and submission of the dog to internal biological testing, as may be required by the rabies officer, health officer, and/or any law enforcement authorities. For purposes of this section, an attack shall not be considered unprovoked if a dog bites, maims, or kills a person under circumstances that establish that the dog's conduct was reasonable.

(2) The owner of a dog that kills or maims one or more persons in one or more unprovoked attacks shall be required to have the dog destroyed on written order of the rabies officer. An owner may appeal to city court for review of the order of the rabies officer by filing a petition in the court within five days of receipt of the written order issued by the rabies officer. (1973 Code, § 3-207)

10-208. Reporting of dog bites. (1) It shall be unlawful for any owner of a dog, or other person who has control or custody over a dog, whether such control or custody shall be temporary or otherwise, to fail to report to the rabies officer or police department any incident of such dog biting one or more persons, provided that such owner or other person having control or custody over the dog shall have knowledge of or a reasonable basis to know that a biting occurred.

(2) It shall be unlawful for any person who provides medical treatment to another for a dog bite to fail to report the bite to the rabies officer or police department. (1973 Code, § 3-208)

10-209. Seizure. (1) Any dog or cat that is not wearing a tag as required by § 10-204 of this chapter, or any vicious dog not restrained and confined as provided in § 10-206 of this chapter, or any dog or cat that has

contracted or is suspected of having contracted rabies, or any animal that has been bitten by a dog, cat or other animal that has contracted or is suspected of having contracted rabies, or any dog running at large, as defined herein, or any dog that has attacked by biting, maiming or killing one or more persons may be seized by the rabies officer, health officer and/or any law enforcement agency, and their agents.

(2) Seizure may be accomplished by any means deemed necessary to subdue and seize the dog or cat by the rabies officer, health officer and/or law enforcement agency, and their agents, including the use of a tranquilizer gun. Such authorities shall also have the authority to exercise the use of a deadly force against any dog or cat or other animal that has contracted or is suspected of having contracted rabies, or that is attacking or threatening to attack by biting, maiming or killing one or more persons. (1973 Code, § 3-209)

10-210. Impoundment, confinement and disposition. (1) Any dog or cat seized under § 10-209 of this chapter may be impounded and/or confined to such areas as prescribed by the rabies officer.

(2) When any dog or cat wearing a tag or other emblem to identify the owner shall be seized and impounded or confined, the rabies officer shall cause notice of such seizure to be sent by mail to the owner, such notice to be addressed to the last known mailing address of the owner. Notice shall provide the reason that the dog or cat has been seized and impounded or confined, and shall state that the owner must appear to claim the dog or cat within seven days subsequent to the date the notice was mailed, and that upon failure to so appear the rabies officer shall dispose of or destroy the dog or cat. For purposes of this section, the three days shall include the day of seizure as one day, regardless of the time of day such dog or cat is seized.

(3) When any dog or cat lacking a tag or other emblem to identify the owner shall be seized and impounded or confined, the rabies officer shall hold such dog or cat for three days, unless directed by the rabies officer, health officer and/or any law enforcement agency to impound or confine the dog or cat for an additional period of time. For purposes of this section, the three days shall include the day of seizure as one day, regardless of the time of day such dog or cat is seized.

(4) If the owner appears to claim or redeem the dog or cat, he shall pay to the rabies officer a fee as established by a fee schedule implemented by the health officer and/or rabies officer for each day that the dog or cat has been held in impoundment or confinement. The fee schedule shall be uniform in application and may be amended from time to time by the health officer and/or rabies officer. On payment of the fee, and if the rabies officer, health officer and/or law enforcement agencies for cause do not require the dog or cat to remain impounded or confined, the owner may receive into custody the dog or cat. Should the rabies officer, health officer, and/or any law enforcement agencies direct that a dog or cat remain impounded or confined for any period

of time, such direction shall be in writing and a copy shall be provided the owner on request. No fees shall be assessed against an owner whose dog or cat is directed to be impounded or confined by the rabies officer, health officer, and/or any law enforcement agency.

(5) At the expiration of the time required by this section or by the rabies officer, health officer and/or any law enforcement agency for the impoundment or confinement of a dog or cat, the rabies officer may dispose of or destroy such dog or cat by any method or means determined reasonable by the rabies officer.

(6) The seven-day or three-day impoundment or confinement period, as set forth in paragraphs (2) and (3) of this section may be waived by the rabies officer and his agents when any dog or cat seized is determined to be suffering from an infectious or dangerous disease or is determined to be suffering from an illness or physical injury that requires immediate medical treatment. When the seven-day or three-day period is waived, the rabies officer shall attempt to contact by telephone the name of any owner as stated on the tag or on any other emblem of identification found on the dog or cat prior to disposition of the dog or cat. In instances where the impoundment or confinement period is waived, the dog or cat involved may be disposed of by any reasonable means as determined by the officer.

(7) Any dog or cat that has contracted rabies or that is suspected of having contracted rabies or that has attacked by biting, maiming or killing one or more persons shall be impounded or confined subject to the directions and order regarding the place of impoundment, or confinement, the care, custody, treatment, observation, examination (including both external and internal biological examination) and disposition of such dog or cat as issued by the rabies officer, health officer and/or law enforcement agency.¹ (1973 Code, § 3-210)

10-211. Nuisance prohibited. It shall be unlawful for an owner to keep, harbor, or permit to remain on or about the premises of such owner any dog that by frequent barking, howling, or whining disturbs the peace of the immediate neighborhood. It shall further be unlawful for any owner to permit his premises to become a threat to public health by reason of such owner's keeping or harboring of any dogs or cats. For the purpose of this section, a premise shall be deemed a threat to public health when the owner shall fail to remove the remains of dead dogs or cats or shall fail to remove fecal material of dogs or cats resulting in the creation of a harborage for rats or other rodent carriers of contagious diseases. (1973 Code, § 3-211)

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).

10-212. Confinement of female dogs in season. It shall be unlawful for any owner of a dog, as defined herein, or any other person having control or custody over a dog, whether such control or custody be temporary or otherwise, to fail to confine a female dog in an enclosed area during the time such dog is in season or in heat. The confinement shall prevent the female dog from leaving the confined area and shall be sufficient to prevent the female dog from coming in contact with other dogs. Any dog not so confined may be seized pursuant to the provisions in §§ 10-209 and 10-210 of this chapter. (1973 Code, § 3-212)

10-213. Disposition of dead dogs and cats.¹ Persons who own, keep or harbor dogs and other animals which die shall be required to dispose of such dog or other animal's remains. (1973 Code, § 3-213)

10-214. Interference with or violation of orders issued by the rabies officer, health officer or any law enforcement agency. It shall be unlawful for any person to interfere with or hinder any rabies officer, health officer or any law enforcement agency while such officers are in the performance of their duties prescribed in accordance with this chapter. It shall further be unlawful for any person to violate any orders issued by the rabies officer, health officer or any law enforcement agency regarding the seizure, impoundment or confinement of a dog or cat as provided herein. (1973 Code, § 3-214)

10-215. Violations--penalty. Any person found in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (1973 Code, § 3-215)

¹Municipal code reference

Failure to dispose of dead animal: § 11-807.