

TITLE 10**ANIMALS AND FOWLS****CHAPTER**

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3. VICIOUS DOGS.

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

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10-101. Running at large. It shall be unlawful for any person owning or being in charge of any animal to permit such animal to run at large within the city. All dogs shall be kept on a leash or in the control and custody of its master at all times. (1996 Code, § 3-101)

10-102. Vaccination of dogs. On or before April 1 of every year, every owner of a dog shall have the dog vaccinated against rabies. (1996 Code, § 3-102, modified)

10-103. Dog tag required. On or before May 1 of every year, every owner of a dog shall apply to the city recorder for a dog tag. The owner shall produce written and signed evidence of vaccination as required in § 10-102 by an accredited veterinarian before the issuance of a tag. Such tag shall be attached to a collar or harness worn by a dog. The fee for such tag shall be two dollars. (1996 Code, § 3-103, modified)

10-104. Keeping of animals. (1) No person shall keep any animal, other than domestic dogs or cats, within the city limits without a permit from the city health officer. The health officer shall issue such a permit only when in his sound judgment the keeping of such animals will not injuriously affect the public health or cause a nuisance.

(2) When animals are kept within the city, the pen or other enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

(3) No animal of any kind shall be kept or confined in any place where the food, water, shelter, or ventilation is not adequate and sufficient for the preservation of its health and safe condition.

(4) No animal shall be kept in such a place or condition so as to become a nuisance, either because of noise, odor, contagious disease or other reason.

(5) No person shall unnecessarily beat or otherwise abuse or injure any animal. (1996 Code, § 3-104)

10-105. Impoundment. Any animal found running at large in violation of § 10-101 or any dog without a proper tag in violation of § 10-103 or any animal kept without a permit or in an unsanitary pen or a nuisance or abused in violation of § 10-104 shall be impounded by the animal control officer, health officer, or any police officer of the city. (1996 Code, § 3-105)

10-106. Removal of waste. It shall be unlawful for any person who owns, keeps or is in control of a dog to permit the dog to defecate upon any public property or upon any private property without the permission of the property owner unless the owner, keeper, or person in control of the dog immediately removes the feces deposited by the dog. (as added by Ord. #2003-09, Nov. 2003)

CHAPTER 2

DOGS

SECTION

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10-201. Rabies vaccination required. No person, firm, or corporation shall own, keep, or harbor any dog which has not been vaccinated against rabies as required by chapter 9 of title 53 of the Tennessee Code Annotated. All such vaccinations shall be administered by or under the supervision of a veterinarian licensed by the state board of veterinary medical examiners to practice veterinary medicine in the state. (1996 Code, § 3-201)

10-202. Certificates of vaccination. Evidence of the vaccination required by this chapter shall consist of a certificate of vaccination bearing the owner's name and address, the number of the vaccination tag issued, the date of vaccination, the date when the dog shall be revaccinated, a description and the sex of the dog vaccinated, the type and lot number of the vaccine administered, and the signature of the person administering the vaccine. Such certificate shall be prepared in triplicate. The original of such certificate shall be given to the owner of the dog, the first copy shall be filed with the health department of the city and the second copy shall be retained by the person administering the vaccine. The certificate shall be on a form prepared and distributed by the state department of public health. (1996 Code, § 3-202)

10-203. Registration required. Any person, firm, or corporation owning, keeping, or harboring any dog over three (3) months of age shall, on or before the first day of May of each year, register such dog with the health officer of the city. No dog shall be permitted to be registered unless the owner shall

first exhibit to the health officer a valid certificate of vaccination as provided for in this chapter. (1996 Code, § 3-203)

10-204. Fees. Each owner of a dog, upon registering such dog with the health officer, shall pay to the health officer a fee of two dollars (\$2.00) for each dog. Persons operating kennels where dogs are bred for sale shall not be required to pay such registration fee, but, in lieu thereof shall pay, on or before the first day of May in each year or at such time as a kennel may be opened, a registration fee as follows:

(1) For each kennel of less than ten (10) dogs, five dollars (\$5.00) per year or any fraction thereof.

(2) For each kennel of not less than ten (10) dogs nor more than twenty (20) dogs, ten dollars (\$10.00) per year or any fraction thereof.

(3) For each kennel of over twenty (20) dogs, fifteen dollars (\$15.00) per year or any fraction thereof.

At no time shall the number of dogs in the kennel exceed the number covered by the registration. (1996 Code, § 3-204, modified)

10-205. Issuance of certificate and tag. Upon the payment of the required registration fee, the health officer shall issue to the owner of the dog a registration certificate, which certificate shall contain the owner's name, the date issued, the amount paid, a description and the sex of the dog, the registration tag number issued, and the date such dog was vaccinated.

The health officer shall also issue to the owner a tag bearing the serial number of the registration certificate and the year in which it was delivered. (1996 Code, § 3-205)

10-206. Attachment of tags to collars. The owner of each dog shall attach the registration tag to a collar which shall be worn at all times by the dog registered under this chapter. (1996 Code, § 3-206)

10-207. Duplicate tags. In the event a registration tag is lost, the health officer shall issue a duplicate tag to the owner of the dog upon payment of a fee of twenty-five cents (\$.25). (1996 Code, § 3-207)

10-208. Unauthorized removal of collars or tags. No person, without proper authority, shall remove the collar or registration tag from any dog. (1996 Code, § 3-208)

10-209. Female dogs in heat. No person shall permit any female dog owned by him or under his control to run at large while in heat. Female dogs running at large while in heat are hereby declared to be a public nuisance. (1996 Code, § 3-210)

10-210. Vicious dogs. It shall be unlawful for any person to own, keep, or harbor any dog known to be vicious or dangerous unless such dog is confined or otherwise securely restrained so as to reasonably provide for the protection of other animals and persons. (1996 Code, § 3-211)

10-211. Noisy dogs prohibited. It shall be unlawful for any person to own, keep, or harbor any dog which, by loud or frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (1996 Code, § 3-212)

10-212. Dogs which have bitten persons--confinement. Whenever a dog is reported to have bitten a person, such dog shall be properly confined by its owner for a period of fourteen (14) days. When the owner is unable to so confine such dog, it shall be turned over to the health officer, who shall keep such dog under confinement and observation for fourteen (14) days. When a dog has bitten a person, it shall not be killed for fourteen (14) days. If such dog should die within this period, its head shall be sent to the state laboratory for examination. (1996 Code, § 3-213)

10-213. Same--investigation by health officer. When it is reported that a dog has bitten a person, the health officer shall investigate the report and shall recommend treatment for those persons who, in his opinion, need such treatment. (1996 Code, § 3-214)

10-214. Impoundment and disposition of dogs. Any dog found in violation of the provisions of this chapter shall be impounded by the health officer. Impounded dogs shall be disposed of in the manner provided in §§ 10-103 and 10-104 for other impounded animals. (1996 Code, § 3-215)

10-215. Summary destruction of certain dogs. When, because of its viciousness or apparent infection with rabies, a dog found running at large in violation of this chapter cannot be safely impounded, it may be summarily destroyed by the health officer or any policeman. (1996 Code, § 3-216)¹

¹For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the 1927 case of Darnell v. Shepard, 156 Tenn. 544., 3 S.W.2d 661.

CHAPTER 3

VICIOUS DOGS

SECTION

- 10-301. Definition of terms.
- 10-302. Confinement.
- 10-303. Leash and muzzle.
- 10-304. Signs.
- 10-305. Dog fighting.
- 10-306. Insurance.
- 10-307. Penalties.
- 10-308. Severability.

10-301. Definition of terms. (1) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.

(2) "Vicious dog" means:

(a) 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; or

(b) 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; or

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

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

(e) 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 Terrier.

(3) A vicious dog is "unconfined" if 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. (1996 Code, § 3-301, as replaced by Ord. #2011-12, July 2011)

10-302. Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (1996 Code, § 3-302, modified, as replaced by Ord. #2011-12, July 2011)

10-303. Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. 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. (1996 Code, § 3-303, as replaced by Ord. #2011-12, July 2011)

10-304. 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. (1996 Code, § 3-304, as replaced by Ord. #2011-12, July 2011)

10-305. 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. (1996 Code, § 3-305, as replaced by Ord. #2011-12, July 2011)

10-306. Insurance. Owners of vicious dogs must, within thirty (30) days of the effective date of the ordinance comprising this chapter, provide proof to the city recorder of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog. (1996 Code, § 3-306, as replaced by Ord. #2011-12, July 2011)

10-307. Penalties. Whoever violates any provision of this chapter shall be punishable by a fine of up to fifty dollars (\$50.00). Each day that such violation continues constitutes a separate offense. Any owner convicted of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall remove the dog from the city limits of Jefferson City. (1996 Code, § 3-307, as replaced by Ord. #2011-12, July 2011)

10-308. Severability. If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of

any court, such a decision shall not affect the validity of the remaining portions of this chapter. (1996 Code, § 3-308, as replaced by Ord. #2011-12, July 2011)