

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Running at large prohibited.
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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, 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.

Dogs will be picked up after the city has provided an adequate facility to take care of them. (Ord. of July 11, 1975)

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. This does not include any farming operation containing ten (10) acres or more. (Ord. of July 11, 1975)

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. (Ord. of July 11, 1975)

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. (Ord. of July 11, 1975)

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. (Ord. of July 11, 1975)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (Ord. of July 11, 1975)

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 board of mayor and aldermen. 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. 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 board of mayor and aldermen. (Ord. of July 11, 1975)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the department of health, or its authorized representative, shall be authorized to enter, at any reasonable time, any premises where it has reasonable cause to believe an animal or fowl is being kept in violation of this title.

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large, etc.
- 10-204. Vicious dogs.
- 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.

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.

10-203. Running at large, etc.¹ (1) No person having the custody or control of any dog or other animal of the canine species shall permit the same to be on any unfenced area or lot upon any private land without same being effectively restrained from moving beyond such unfenced area or lot; nor shall any person having custody or control of any dog or other animal of the canine species permit the same to be on any street, public park, school ground, or public place at any time without being effectively restrained by a chain or leash not exceeding eight (8) feet in length.

(2) Any person having custody or control of any dog or other animal of the canine species shall have the responsibility for cleaning up the feces of the animal and to dispose of such in a sanitary manner.

(3) The provisions of this chapter shall not apply to the ownership or use of seeing eye dogs by the visually impaired nor to dogs used in law enforcement activities within the city.

(4) No person having the custody or control of any female dog or other member of the canine species shall permit the same to be in any public place while it is in heat, but shall keep such animal confined so that it cannot come

¹State law reference

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

into contact with another dog or member of the canine species whether on public or private property except for breeding purposes.

(5) The animal control officer of the City of Lexington or city employee in charge of animal control is hereby empowered to issue citations to those believed to be in violation of this chapter requiring said violators to appear before the municipal court of the City of Lexington at the day and time listed on the face of such citation.

(6) Any person found guilty of violating this chapter shall be subject to a penalty in accordance with the general penalty provision of the municipal code of the City of Lexington. (Ord. of Jan. 4, 1996)

10-204. Vicious dogs. (1) Definition of terms. As used in this section:

(a) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

(b) "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; or

(ii) Any dog which because of its breed, 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 section;

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

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

(2) The dog catcher of the City of Lexington or the board of mayor and aldermen may after investigation declare an animal to be a "vicious dog". Appeal of a decision by the dog catcher shall be to the board of mayor and aldermen and the City of Lexington, Tennessee.

(3) Declaration of an animal as a vicious dog. A dog declared a "vicious dog" shall be placed in the custody of the City of Lexington until the owner complies with the provisions of this section. The owner shall pay all expenses of housing and feeding the animal. In the event the owner fails to comply with these provisions within 30 days of any decision by the city the animal in question shall be destroyed.

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

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, it must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(5) 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 from biting any human or animal.

(6) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning indicating that there is a vicious dog on the premises. (Ord. of March ___, 1996)

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.

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 deems reasonably necessary to determine if such dog is rabid.

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 board of mayor and aldermen. 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 board of mayor and aldermen, 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 had a tag evidencing such vaccination 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 chief of police or any policeman.¹

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).