

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

1. IN GENERAL.
2. DOGS.
3. VICIOUS DOGS.

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. [Repealed.]
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. [Repealed.]
- 10-107. Seizure and disposition of animals.
- 10-108. Health officer.
- 10-109. Authority of health officer to issue ordinance summonses.
- 10-110. Noisy animals prohibited.

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. (1972 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. (1972 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 enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1972 Code, § 3-103)

10-104. [Repealed.] (1972 Code, § 3-104, as repealed by Ord. #1186, Nov. 2007)

10-105. [Repealed.] (1972 Code, § 3-105, as repealed by Ord. #1186, Nov. 2007)

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. (1972 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 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, and the animal or fowl will be humanely destroyed or sold if not claimed within five (5) days. If the owner is not known, 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 within the specified period, 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. (1972 Code, § 3-107)

10-108. Health officer. A health officer within the meaning of this title shall be the superintendent of public works or whomever in the department of public works he might designate as a health officer. (1972 Code, § 3-108)

10-109. Authority of health officer to issue ordinance summonses. The health officer, as defined in this title, and/or the animal control officers of the City of Manchester are authorized to issue ordinance summonses upon witnessing a violation of any municipal ordinance, law or regulation contained in title 10 of the Manchester Municipal Code or in any other title which pertains to animals or the keeping thereof.

In the event the person to whom the summons is issued fails to sign the summons agreeing to appear in court at the date and time indicated, the health officer or animal control officer may seek the assistance of a police officer, who, upon witnessing the violation, may issue a citation in lieu of arrest or arrest the person who fails to sign the summons. (as added by Ord. #1350, Nov. 2012)

10-110. Noisy animals prohibited. No person shall own, keep or harbor any animal which disturbs the peace and quiet of any neighborhood. (as added by Ord. #1569, April 2018 *Ch20_5-7-19*)

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. Noisy dogs prohibited.
- 10-205. Seizure and disposition of dogs.
- 10-206. Fees for impounding animals.

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. (1972 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. (1972 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. (1972 Code, § 3-203)

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. (1972 Code, § 3-205)

10-205. Seizure and disposition of dogs. The provisions of § 10-107 shall apply for any licensed dog found running at large.

However, any dog which is unlicensed or not wearing tags as required by this chapter and which is found at large may be summarily destroyed by any police officer.² (1972 Code, § 3-206)

¹State law reference

Tennessee Code Annotated, §§ 44-8-408, 68-8-108, and 68-8-109.

²State 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).

10-206. Fees for impounding animals. An impoundment fee of \$50.00 and a boarding fee of \$7.50 per day for each day or fraction thereof shall be charged for the impounding and keeping of all dogs, or other animals, which sum shall be used toward the expense of feeding and keeping the animals and the maintenance of the shelter. If an impounded dog has not been vaccinated, the owner shall, before he is permitted to regain possession of such dog, have it vaccinated and present evidence of vaccination to the shelter supervisor. Payment of the fees set out herein shall not relieve the owner from any other penalty for the violation of this title. Persons purchasing an animal under the authority of § 10-107 shall be responsible only for the payment of a \$35.00 adoption fee. A refund of \$25.00 of the \$35.00 fee will be provided to any person who, within thirty (30) days of the purchase/adoption, presents satisfactory evidence that an adopted or purchased animal was spayed or neutered after purchase/adoption. The adoption fee charged senior citizens or for weaned puppies will be \$10.00. (1972 Code, § 3-207, as amended by Ord. #757, March 1996, Ord. #759, March 1996, Ord. #791, June 1997, and Ord. #1360, Feb. 2013)

CHAPTER 3

VICIOUS DOGS

SECTION

- 10-301. Definition of terms.
- 10-302. Confinement.
- 10-303. Leash and muzzle.
- 10-304. Signs.
- 10-305. Insurance.
- 10-306. Penalties.
- 10-307. Animal control officer.
- 10-308. Impoundment and destruction.
- 10-309. Notice of impoundment.
- 10-310. Hearing on impoundment/destruction.

10-301. Definition of terms. As used in this chapter:

- (1) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.
- (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 ordinance; 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 Bull 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 which shall be made of 11 gauge wire, or stronger and inspected and approved by the animal control officer or the codes and health administrator. 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. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. (1972 Code, § 3-301)

10-302. Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (1972 Code, § 3-302)

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. (1972 Code, § 3-303)

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. (1972 Code, § 3-304)

10-305. Insurance. Owners of vicious dogs must provide proof to the finance director of liability insurance in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by his or her vicious dog. (1972 Code, § 3-305, as amended by Ord. #808, Jan. 1998)

10-306. Penalties. Whoever violates any provision of this section shall be guilty of a misdemeanor and may be punished by a fine not to exceed fifty dollars (\$50.00) per day for each violation. (1972 Code, § 3-306)

10-307. Animal control officer. The animal control officer of the City of Manchester shall have the authority to enforce this chapter without a warrant if he observes a violation occurring in his presence. He shall also have the authority to impound animals as authorized by § 10-308. (1972 Code, § 3-307)

10-308. Impoundment and destruction. The Manchester city judge may order the impoundment and destruction of a dog where: (1) The dog has attacked, bitten or injured a human being or domestic animal or;

(2) The dog is a vicious dog as defined in § 10-301 and the owner has failed to comply with the requirements and conditions for keeping a vicious dog as defined in §§ 10-302, 10-303, 10-304 or 10-305 or;

(3) All fines or costs imposed under this chapter have become final orders, and remain unpaid or;

(4) The dog poses a threat of serious harm to the public health or safety. (1972 Code, § 3-308)

10-309. Notice of impoundment. Within five (5) days after impoundment, the animal control officer shall notify the dog's owner in writing of the impoundment. (1972 Code, § 3-309)

10-310. Hearing on impoundment/destruction. (1) The owner of an impounded dog shall have the right to file, within five (5) days after receiving notice, a written request for a hearing to contest the impoundment.

(2) The hearing shall be before the Manchester city judge, but shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(3) After considering all of the relevant evidence, the city judge shall issue a decision and may order the destruction of the impounded dog, or may release the dog to its owner conditioned on the owner complying with the requirements set forth in this chapter or with any other requirements necessary to protect the public health or safety.

(4) If the owner of an impounded dog fails to appear at a hearing, or fails to request a hearing within the allotted time, the dog shall be destroyed. (1972 Code, § 3-310)