

**TITLE 10**

**ANIMAL CONTROL**

**CHAPTER**

1. DOGS.
2. PIT BULLS.
3. VICIOUS DOGS.
4. FEES FOR PICKING UP ANIMALS.

**CHAPTER 1**

**DOGS**

**SECTION**

- 10-101. Rabies vaccination and registration required.
- 10-102. Dogs to wear tags.
- 10-103. Running at large prohibited.
- 10-104. Vicious dogs to be securely restrained.
- 10-105. Noisy dogs prohibited.
- 10-106. Seizure and disposition of dogs.

**10-101. 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). (1964 Code, § 3-201)

**10-102. 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. (1964 Code, § 3-202)

**10-103. Running at large prohibited.**<sup>1</sup> 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. (1964 Code, § 3-203)

**10-104. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. (1964 Code, § 3-204)

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<sup>1</sup>State law reference

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

**10-105. 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. (1964 Code, § 3-205)

**10-106. Seizure and disposition of dogs.**<sup>1</sup> The provisions of § 10-103 shall apply to any dog running at large or otherwise being kept in violation of this chapter. However, in no event shall a dog be released from the pound unless it has been vaccinated and has a tag placed on its collar. (1964 Code, § 3-206)

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<sup>1</sup>State 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).

## CHAPTER 2

### PIT BULLS

#### SECTION

- 10-201. Definitions.
- 10-202. Restrictions.
- 10-203. Standards and requirements.
- 10-204. Sale or transfer of ownership prohibited.
- 10-205. Animals born of registered dogs.
- 10-206. Rebuttable presumptions.
- 10-207. Failure to comply.
- 10-208. Violations and penalties.

**10-201. Definitions.** The words used in this chapter shall have the following meanings:

"Pit bull" means and includes any of the following dogs: (1) The bull terrier breed of dog; and

- (2) Stafford shire bull terrier breed of dog; and
- (3) The American pit bull terrier breed of dog; and
- (4) The American Stafford shire terrier breed of dog; and
- (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; and
- (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Stafford shire bull terrier, American pit bull terrier, American Stafford shire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds. (as added by Ord. #07-03, Aug. 2007)

**10-202. Restrictions.** It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of The Town of Morrison. Provided, that persons owning such dogs at the time this section was adopted, shall be allowed to keep them subject to the provisions of § 10-303. (as added by Ord. #07-03, Aug. 2007)

**10-203. Standards and requirements.** The following standards and requirements apply to pit bull dogs located within the corporate limits.

- (1) Registration. Each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the town recorder.
- (2) Leash and muzzle. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such

dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures. In addition, all pit bulldogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(3) Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the Town of Morrison and shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(4) Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(5) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(6) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the town recorder of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the town recorder.

(7) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the town recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(8) Reporting requirements. All owners, keepers, possessors, or laborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the town recorder as required hereinafter:

- (a) The removal from the town or death of a pit bull dog;
- (b) The birth of offspring of a pit bull dog;
- (c) The new address of a pit bull dog owner should the owner move within the corporate limits of the town. (as added by Ord. #07-03, Aug. 2007)

**10-204. Sale or transfer of ownership prohibited.** No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the Town of Morrison unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the Town of Morrison. (as added by Ord. #07-03, Aug. 2007)

**10-205. Animals born of registered dogs.** All offspring born of pit bull dogs within the Town of Morrison must be removed from the Town of Morrison within six (6) weeks of the birth of such animal. (as added by Ord. #07-03, Aug. 2007)

**10-206. Rebuttable presumptions.** There shall be a rebuttable presumption that any dog registered within the Town of Morrison as a pit bull dog or any of those breeds defined by § 10-201 hereof is in fact a dog subject to the requirements of this code. (as added by Ord. #07-03, Aug. 2007)

**10-207. Failure to comply.** It shall be unlawful for the owner, keeper, harbinger, or possessor of a pit bull dog within the Town of Morrison to fail to comply with the provisions of this code. Any dog found to be the subject of a violation of this code shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the Town of Morrison. (as added by Ord. #07-03, Aug. 2007)

**10-208. Violations and penalties.** Any persons violating or permitting the violation of any provisions of this code shall be guilty of a misdemeanor, and upon conviction shall be subject to the fine as prescribed in the general penalty clause of the Town of Morrison Municipal Code. Each day such violation shall continue constitutes a separate offense. Further, the town court may order the dog removed from the Town of Morrison. Should the defendant refuse to remove the dog from the Town of Morrison, the town judge shall find the defendant in contempt and order the immediate confiscation and impoundment of the animal. In addition to the foregoing penalties, any person who violates this code shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the person's failure to abide by the provisions of this code. (as added by Ord. #07-03, Aug. 2007)

### CHAPTER 3

### VICIOUS DOGS<sup>1</sup>

#### SECTION

- 10-301. Definitions.
- 10-302. Vicious dogs prohibited.
- 10-303. Procedure for determining that a dog is vicious.
- 10-304. Impoundment of vicious dogs.
- 10-305. Court proceedings against the owner.
- 10-306. Court findings.
- 10-307. Guard dogs.
- 10-308. Penalties.

**10-301. Definitions.** (1) "Vicious dog" shall mean any dog which:

(a) Approaches any person in an aggressive, menacing or terrorizing manner or in an apparent attitude of attack if such person is upon any public ways, including streets and sidewalks, or any public or private property; or

(b) Has a known propensity, tendency, or disposition to attack, inflict injury to or to otherwise endanger the safety of persons or domestic animals; or

(c) Without provocation, bites or inflicts injury or otherwise attacks or endangers the safety of any person or domestic animal; or

(d) Is trained for dog fighting or which is owned or kept primarily or in part for the purpose of dog fighting

(2) "Confined" shall mean securely confined indoors, within an automobile or other vehicle, or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog.

(3) "Securely enclosed and locked pen or structure" shall mean a fenced-in area that shall be a minimum of five (5) feet wide, ten (10) feet long, and five (5) feet in height above grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with necessary steel supporting the posts. The floor shall be at least three (3) inches of poured concrete with the bottom edge of the fencing embedded in the concrete or extending at least one (1) foot below grade. The gate must be of the same materials as the fencing, fit securely, and be kept securely locked. The owner shall post the enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property. The enclosure shall contain and provide protection from the elements for the dog.

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<sup>1</sup>Municipal code reference

Vicious dogs to be securely restrained: § 10-104.

(4) "Physical restraint" shall mean a muzzle and a leash not to exceed six (6) feet. An adult physically capable of controlling such dog must control the leash. The muzzle must not cause injury to the dog.

(5) "Muzzle" shall mean a device, constructed of strong, bite-resistant material, which fastens over the mouth of a dog to prevent it from biting any person or other animal. (as added by Ord. #07-07, Sept. 2007)

**10-302. Vicious dogs prohibited.** It shall be unlawful for any person to keep or harbor a vicious dog within the corporate limits of the Town of Morrison unless said vicious dog is confined in compliance with this chapter. (as added by Ord. #07-07, Sept. 2007)

**10-303. Procedure for determining that a dog is vicious.** (1) Upon his own complaint alleging a dog to be vicious, or upon the receipt of such a complaint signed by one or more residents of Morrison, the animal control officer shall hold a hearing within five (5) days of serving notice to the dog owner. The purpose of the hearing shall be to determine whether such dog is, in fact, vicious. The dog owner shall be notified by a certified letter of the date, time, place, and purpose of the hearing and may attend and have an opportunity to be heard.

(2) In making the determination as to whether a dog is vicious, the animal control officer shall consider, but is not limited to, the following criteria:

- (a) Provocation;
- (b) Severity of attack or injury;
- (c) Previous aggressive history of the dog;
- (d) Observable behavior of the dog;
- (e) Site and circumstances of the incident;
- (f) Age of the victim;
- (g) Statements from witnesses and other interested parties;
- (h) Reasonable enclosures already in place;
- (i) Height and weight of the dog.

(3) Within five (5) days of the hearing, the animal control officer shall determine whether to declare the dog vicious and shall within five (5) days after such determination notify the owner by certified mail of the dog's designation as a vicious dog and the specific restrictions and conditions for keeping the dog. If the dog is declared vicious, its owner shall confine the dog within a secure enclosure and whenever the dog is removed from the secure enclosure, it shall be physically restrained, as defined in this chapter. The owner of the vicious dog shall notify residents of all abutting properties, including those across the street, of such findings. This notice to occupants of abutting properties shall be by certified mail, returned receipt requested, and shall be at the owner's sole expenses. The animal control officer may:

(a) Vary the minimum requirements of a secure enclosure if the owner's residence cannot accommodate a secure enclosure as defined in this chapter, or

(b) Permit an alternate method of enclosure provided that, in the sole discretion of the animal control officer, such alternate method fulfills the objectives as a secure enclosure.

(4) No dog shall be declared vicious if the threat, injury, or damage was sustained by a person who:

(a) Was committing a crime or willful trespass or other tort upon the premises occupied by the owner of the dog; or

(b) Was teasing, tormenting, abusing, assaulting, or provoking the dog; or

(c) Was committing or attempting to commit a crime.

No dog shall be declared vicious as the result of protecting or defending a human being, any other animal, or it against an unjustified attack or assault. (as added by Ord. #07-07, Sept. 2007)

**10-304. Impoundment of vicious dogs.** Any vicious dog, not in compliance with the provisions of this chapter, may be taken into custody by the appropriate authorities of the Town of Morrison, or agents acting on behalf of the town, and impounded. The dog's owner shall be solely responsible for payment of all boarding fees associated with the impounding of the dog, in addition to any punitive fines to be paid. (as added by Ord. #07-07, Sept. 2007)

**10-305. Court proceedings against the owner.** If any vicious dog is impounded, the Town of Morrison may institute proceedings in town court charging the owner with violation of this chapter. Nothing in this section, however, shall be construed as preventing the Town of Morrison or any citizen from instituting a proceeding for violation of this chapter where there has been no impoundment. (as added by Ord. #07-07, Sept. 2007)

**10-306. Court findings.** If a complaint has been filed in the city court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court, payment of all charges and costs under this chapter, including penalties for violating this chapter. The court may, upon making a finding that the dog is vicious pursuant to this chapter, order the dog to be destroyed in a humane manner. (as added by Ord. #07-07, Sept. 2007)

**10-307. Guard dogs.** It shall be unlawful for any person to place or maintain guard dogs in any area of the Town of Morrison for the protection of persons or property unless the following provisions are met:

(1) The guard dog shall be confined; or



(2) The guard dog shall be under the direct and absolute control of a handler at all times when not confined; and

(3) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty (50) feet, whichever is lesser and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day. (as added by Ord. #07-07, Sept. 2007)

**10-308. Penalties.** Any person violating the provisions of this chapter upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. (as added by Ord. #07-07, Sept. 2007)

**CHAPTER 4**

**FEES FOR PICKING UP ANIMALS**

**SECTION**

10-401. Fees for picking up animals.

**10-401. Fees for picking up animals.** Fees to the owner of animals that are picked up by the Town of Morrison for violating provisions of title 10, Animal Control, of the Town of Morrison Municipal Code are as follows:

Thirty dollars (\$30.00) for picking up any animal in violation of title 10 of the Town of Morrison Municipal Code. (as added by Ord. #10-05, June 2010)