

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

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

- 10-101. Running at large prohibited.
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- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Cruel treatment prohibited.
- 10-106. Seizure and disposition of animals.

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.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1990 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. (1990 Code, § 3-102)

10-103. 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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1990 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. (1990 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. (1990 Code, § 3-105)

10-106. 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 any police officer or other properly designated officer or official 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 shall be posted in at least three (3) public places within the corporate limits. In either case 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.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1990 Code, § 3-106, modified)

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. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.

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. (1990 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. (1990 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.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1990 Code, § 3-203)

10-204. Vicious dogs to be securely restrained.² 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 provide reasonably for the protection of other animals and persons. (1990 Code, § 3-204)

¹State law reference

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

²Municipal code reference

Dangerous and vicious animals: title 10, chapter 3.

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. (1990 Code, § 3-205)

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 chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1990 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the 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 sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within five (5) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and has a tag evidencing such vaccination placed on its collar. (1990 Code, § 3-207)

10-208. Destruction of vicious or infected dogs running at large. 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 any policeman or other properly designated officer.¹ (1990 Code, § 3-208)

¹Municipal code reference

Dangerous and vicious animals: title 10, chapter 3.

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 3

DANGEROUS AND VICIOUS ANIMALS¹

SECTION

- 10-301. Definitions.
- 10-302. Keeping of dangerous animals prohibited.
- 10-303. Dangerous animals exceptions.
- 10-304. Seizure, impoundment and disposition of dangerous animals.
- 10-305. Keeping of vicious animals prohibited.
- 10-306. Vicious animals exceptions.
- 10-307. Seizure, impoundment and disposition of vicious animals.

10-301. Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings in this chapter.

"Dangerous animal" means (a) any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so; (b) the following animals shall be deemed to be dangerous animals per se: (1) Drills and Mandrills [genus *Mandrillus*]; (2) Baboons [genus *Papio*]; (3) Gelda Baboons [genus *Theropithecus*]; (4) Leopards; (5) Jaguars; (6) Tigers; (7) Lions; (8) Bears; (9) Poisonous Reptiles not native to Tennessee; (10) Llamas [*Lama Perwana*]; (11) Bison [*Bonassus* and *Bisonbison*]; (12) Primates not otherwise classified; (13) Camels [*Camelus bactrians* and *Camelus dromedarius*]; (14) Alpacas; (15) Guanacos; (16) Mouflon Sheep; (17) White-Tailed Deer; (18) Black Bears; (19) Bobcats; (20) Cougars; (21) Wild Turkeys; (22) Monk and Black Hooded Parakeets; (23) Wolves; (24) Coyotes; (25) Foxes; (26) Badgers; (27) Wolverines; (28) Weazles; (29) Skunks; (30) Mink, (31) Bats; (32) Alligators and Crocodiles; (33) Piranhas; and (34) Fighting game chickens and fighting game roosters.

"Vicious animal" means any animal except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities presently or by past conduct including such that said animal (a) has bitten or clawed a person or persons on two (2) separate occasions within a twelve (12) month period; (b) did bite or claw once causing injuries above the shoulders of a person (c) could not be controlled or restrained by the owner at

¹Municipal code reference

Vicious dogs to be securely restrained: § 10-204.

Destruction of vicious or infected dogs running at large: § 10-208.

the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three (3) separate occasions within a twelve (12) month period. (1990 Code, § 3-301)

10-302. Keeping of dangerous animals prohibited. No person shall keep, shelter or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter or harbor such animal for any other purpose or in any other capacity within the Town of Pegram, except as provided in § 10-303 of this code. (1990 Code, § 3-302)

10-303. Dangerous animals exceptions. The prohibition contained in § 10-302 of this code shall not apply to the keeping of dangerous animals in the following circumstances:

(1) The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

(2) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.

(3) The keeping of dangerous animals in a bona fide licensed veterinary hospital for treatment.

(4) The keeping of dangerous animals by a wildlife rescue organization with an appropriate permit from the Town of Pegram.

(5) Any dangerous animals under the jurisdiction of and in possession of the Tennessee Wildlife Resources Agency or the Tennessee Department of Conservation. (1990 Code, § 3-303)

10-304. Seizure, impoundment and disposition of dangerous animals. (1) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to person or property, such an animal may, and in the discretion of the mayor or his or her designee, be destroyed if it cannot be confined or captured. The Town of Pegram shall be under no duty to attempt the confinement of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(2) Upon the complaint of an individual that a person is keeping, sheltering or harboring a dangerous animal per se on premises in the Town of Pegram, the mayor shall cause the matter to be investigated, and after investigation, the facts indicate the person named in the complaint is keeping, sheltering, harboring a dangerous animal per se in the town, the mayor shall immediately cause the animal to be seized. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period the individual keeping, sheltering or harboring such dangerous animal

per se has not petitioned the board of mayor and aldermen seeking return of such dangerous animal per se, the mayor shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this chapter to possess dangerous animals, or destroy such animal in a humane manner.

(3) Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal other than a dangerous animal per se on premises in the Town of Pegram, the mayor shall cause the matter to be investigated, and if after investigation, the facts indicate the person named in the complaint is keeping, sheltering or harboring such a dangerous animal in the corporate limits, the mayor shall order the person named in the complaint to safely remove such animal from the Town of Pegram, permanently place the animal with an organization or group allowed in this chapter to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such an order. Such order shall be contained within a notice to remove the dangerous animal, which shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order or notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the mayor shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without serious physical harm or death or any person.

(4) The order to remove a dangerous animal other than a dangerous animal per se issued by the mayor may be appealed to the board of mayor and aldermen. In order to appeal such order, written notice of appeal must be filed with the mayor within three (3) days after the receipt of an order contained in a notice to remove dangerous animal. Failure to file such written notice and appeal shall constitute a waiver of right to appeal the order of the mayor.

(5) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the town hall. Such appeal shall be scheduled within seven (7) days of the receipt of the notice of appeal. The hearing may be continued for good cause. After such hearing, the board of mayor and aldermen may affirm or reverse the order of the mayor. Such determination shall be contained in a written decision and shall be filed with the mayor within three (3) days after the hearing, or any continued session thereof.

(6) If the board of mayor and aldermen affirm the action of the mayor, the board shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the town, permanently place such animal with an organization or group allowed under this chapter of this code to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as notice of removal. If the original

order of the mayor is not appealed and is not complied with within three (3) days or the order of the board of mayor and aldermen after appeal is not complied with within three (3) days of its issuance, the mayor or his or her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of impoundment period, the individual or entity against whom the decision and order of the mayor or board of mayor and aldermen was issued has not petitioned the Chancery Court for Cheatham County, Tennessee for a review of said order, the mayor shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this chapter to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the mayor issued pursuant hereto and not appealed, or of the board of mayor and aldermen after appeal, shall constitute a misdemeanor offense and that person shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) per each offense. Each day such violation shall continue shall constitute a separate offense. (1990 Code, § 3-304)

10-305. Keeping of vicious animals prohibited. No person shall keep, shelter or harbor for any reason within the town a vicious animal so defined herein, except as provided in § 10-306 of this code. (1990 Code, § 3-305)

10-306. Vicious animals exceptions. The prohibition contained in § 10-305 of this code shall not apply to the keeping of vicious animals in the following circumstances:

- (1) Animals under the control of a law enforcement or military agency.
- (2) The keeping of guard dogs. However, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of §§ 10-305 and 10-307 of this code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," "vicious dog," or words of similar import, and the owner of such premises shall inform the mayor that a guard dog is on duty at said premises. (1990 Code, § 3-306)

10-307. Seizure, impoundment and disposition of vicious animals.

- (1) The mayor or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the mayor or his or her designee. The person, firm, or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to

be vicious, the owner will be required to remove it from the town or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(2) If, after hearing, the mayor or his or her designee determines that an animal is vicious, the mayor or his or her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the town, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the mayor or his or her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the mayor or his or her designee was issued has not appealed such order to the board of mayor and aldermen, the mayor or his or her designee shall cause the animal to be destroyed.

(3) The order to remove or destroy a vicious animal issued by the mayor or his or her designee may be appealed to the board of mayor and aldermen. In order to appeal such order, written notice of appeal must be filed with the mayor within three (3) days after receipt of the order to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the mayor or his or her designee.

(4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the town hall. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the board of mayor and aldermen may affirm or reverse the order of the mayor or his or her designee. Such determination shall be filed with the mayor within three days after the hearing, or any continued session thereof.

(5) If the board affirms the action of the mayor or his or her designee, the board shall order in its written decision that the individual or entity owning, sheltering, harboring or keeping such vicious animal, shall remove such animal from the town or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the mayor or his other designee is not appealed and is not complied with within three (3) days or the order of the board after appeal is not complied with within three (3) days of its issuance, the mayor or his or her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the mayor or his or her designee and/or the board was issued has not petitioned the

Chancery Court for Cheatham County for a review of said order, the mayor or his or her designee shall cause the animal to be destroyed in a humane manner.

(6) Failure to comply with an order of the mayor or his or her designee issued pursuant hereto and not appealed, or of the board of mayor and aldermen after appeal, shall constitute a misdemeanor offense punishable as is set forth in § 10-304.

(7) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the mayor or his or her designee may immediately destroy it.

(8) Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the town. (1990 Code, § 3-307)

CHAPTER 4**PENALTIES****SECTION**

10-401. Penalties.

10-401. Penalties. Any violation of any provision of this title shall be punishable by a fine not to exceed fifty dollars (\$50), or not to exceed the maximum amount which the legislature of the State of Tennessee may hereafter establish. This section shall not apply to fines that are remedial in nature.