

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

1. IN GENERAL.
2. 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. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

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. (1979 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any other 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. (1979 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. (1979 Code, § 3-103)

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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1979 Code, § 3-104)

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. (1979 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1979 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. 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. 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. (1979 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1979 Code, § 3-108)

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.
- 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. (1979 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. (1979 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. (1979 Code, § 3-203)

- 10-204. Vicious dogs.** (1) Definition of terms. As used in this section:
- (a) "Owner" means any person, firm, corporation, organization, or department having legal ownership of, possessing, harboring, or having care or custody of a dog. "Own" means to have legal ownership of, possess, harbor, or have the care or custody of a dog.
 - (b) "Vicious dog" means:
 - (i) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
 - (ii) Any dog with a propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
 - (iii) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or

¹State law reference

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

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; or

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

(v) Any dog that tends to endanger the safety of a human being by the habitual chasing of automobiles, trucks, bicycles, motorcycles, motorbikes, or motor scooters on either public or private property.

(c) 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. The pen or structure must either:

(i) Have a bottom secured to the sides; or

(ii) 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.

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

(3) Exceptions to confinement. A vicious dog may be unconfined for the following purposes:

(a) Transporting the dog to or from a state-licensed veterinary office;

(b) Transporting the dog to or from a state-licensed kennel for the lodging or breeding of dogs; or

(c) Transporting the dog to the location of a purchase of the dog.

When exercising these exceptions, the owner of a vicious dog shall not suffer or permit the dog to become unconfined unless the leash and muzzle provisions of subsection (4) below have been fully met.

(4) 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 an adult person whose weight is equal to or greater than said dog. 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 be sufficient to prevent the dog from biting any human or animal.

(5) 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 shall be posted on the pen or kennel of the animal.

(6) 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.

(7) Insurance. The owner of a vicious dog shall have (and when applying for a permit must supply proof of) public liability insurance in the minimum amount of fifty thousand dollars (\$50,000.00) per person and one hundred thousand dollars (\$100,000.00) per occurrence insuring the owner for any personal injuries inflicted by the vicious dog.

(8) Permit required. No person shall own or maintain any vicious dog within the Town of Tiptonville, Tennessee, unless he or she shall receive a permit to do so from the city recorder. The city recorder shall issue such permit to any applicant:

(a) Whose premises for keeping the vicious dog comply with the requirements of this section. Compliance with the requirements of this section shall be determined by the Code Enforcement Officer of the Town of Tiptonville; and

(b) Who meets the insurance requirements of subsection (7) above; and

(c) Who has otherwise exhibited compliance with the other provisions of this section.

Any permit may be revoked by the city recorder or by the code enforcement officer for failure to comply with any requirement of this section. However, notice of revocation shall be made in writing by the revoking officer and shall be served upon the holder of the permit by certified mail or hand delivery. The holder of the permit shall have a right to appeal the revocation to the board of mayor and aldermen; appeal shall be taken by delivering a written notice of appeal of revocation to the city recorder within five (5) days of receipt of the revocation by the holder of the permit.

(9) City property. The owner of custodian of a vicious dog shall not suffer or permit the dog to be upon city-owned property for any purpose, except upon the city roads for the purposes described in subsection (3) above.

(10) Existing ownership(s) of vicious dogs. Any owner or custodian of a vicious dog in existence at the time the ordinance comprising this section becomes effective shall have thirty (30) days in which to obtain a permit and bring his/her premises into compliance with this section.

(11) Penalty. Any owner or custodian of a vicious dog in violation of any provision of this section shall be guilty of a misdemeanor for each violation and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) for each offense. Each day that a violation continues shall constitute a separate offense.

(12) Seizure and destruction. In addition to any other action taken under this section regarding a vicious dog, any vicious dog that is unconfined or is otherwise owned in violation of this section shall be seized and destroyed under the provisions of § 10-207 of the Tiptonville Municipal Code; provided, however, that the owner of a vicious dog that is unconfined or is otherwise owned in violation of this section shall have no right to redeem the vicious dog

under the provisions of § 10-207 of the municipal code. (1979 Code, § 3-204, as replaced by Ord. #2129, June 2008, and Ord. #2143, June 2011)

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. (1979 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 health officer or chief of police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1979 Code, § 3-206)

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 health officer or any policeman.¹ (1979 Code, § 3-207)

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).