

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

1. IN GENERAL.
2. DOGS.
3. SEIZURE AND DISPOSITION.

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

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Adequate food, water, and shelter, etc., to be provided.
- 10-104. Keeping in such manner as to become a nuisance 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.

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.

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, safe condition, and wholesomeness for food if so intended. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

10-104. Keeping in such manner as to become nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason.

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.

10-201. 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 to 68-8-114).

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 prohibited. 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.

10-204. Vicious dogs. (1) Definitions. (a) A "vicious" dog as the term is used in this section means:

(i) Any dog which attacks a human and thereby causes death or serious injury; or

(ii) Any dog which attacks a human being or a domestic animal on two (2) or more occasions without provocation; or

(b) A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection (2) hereof. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground not less than two feet (2').

(2) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(3) No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless

such dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the city administrator.

(4) Violations and penalties. Whoever violates the provisions of this section shall be guilty of a misdemeanor and fined not more than fifty dollars (\$50.00) and costs. In conformance with Tennessee Code Annotated, § 44-17-120, any dog which attacks a human being and thereby causes death or serious injury may be destroyed upon the order of the Judge of the Circuit Court of Rutherford County. Such orders shall be granted on the petition of the District Attorney for Rutherford County. The petition shall name the owner of the dog, and the owner shall be given notice as in civil cases, that if he does not appear before the court within five (5) days of the receipt thereof and show cause why the dog should not be destroyed, then the order shall issue and the dog shall be destroyed. In addition, any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or board and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(5) Should the complaining party, law enforcement officer, or city official determine the dog should be destroyed and plan to request the district attorney to take such action, notice that said dog should be declared a vicious dog shall be given to the owner or person who has had custody of the dog, if known, and the alleged victim by certified mail, return receipt requested, or by delivery by an officer to the premises, said mailing or delivery date to be within three (3) working days of the impoundment or incarceration of the dog.

(6) At said hearing, the judge shall hear testimony and receive evidence from the interested parties and shall have the discretion to find the declaration of being a vicious dog to be unwarranted, to declare said dog to be a vicious dog and humanely destroyed in accordance with Tennessee Code Annotated, § 44-17-120 and other applicable provisions of the Tennessee Code Annotated, or to declare such dog to be a vicious dog used for the protection of property and place such restrictions and conditions on the continued possession of the dog in addition to those set forth hereinabove to include:

- (a) Establish location of the dog's residence, to include removal of the dog from the City of La Vergne;
- (b) Photo identification or permanent marking of the dog for purposes of identification.

(7) If the dog is declared by the judge to be a vicious dog used for the protection of property, the dog may be redeemed with said conditions of possession after three (3) working days have transpired, if no appeal is timely filed. The dog shall in no event be eligible for adoption.

(8) If the dog is redeemed and the dog thereafter is allowed to run at large or, without provocation, attacks and bites any human, the dog shall be impounded. Notice as provided hereinabove shall be given to the owner or

custodian of the dog in the event the District Attorney for Rutherford County files a petition with the circuit court for Rutherford County. If said dog has run at large, said dog, has without provocation, attacked and bitten a human, or said dog has been trained for participation in dog fights, pursuant to Tennessee Code Annotated, § 39-3105, or if the conditions of possession have been violated or the dog is found to have engaged in any of the activities listed above, the dog may be ordered by the circuit court to be humanely put to death by the shelter after three (3) working days have transpired, if no appeal is timely filed. If the findings are otherwise, the dog shall be eligible for redemption with the conditions previously attached to the possession of said dog. Upon a timely appeal, a hearing shall be held and a decision rendered on the issues listed above.

(9) Any owner of a vicious dog kept for the protection of property who sells or otherwise transfers ownership, custody or residence of said dog shall, within ten (10) days thereof, inform, in writing, the manager of the local animal shelter of the name, address, and telephone number of the new owner or custodian and state that the new owner has received a copy of the decision finding the dog to be a vicious dog used to protect property with the conditions for continued possession therein.

(10) Any dog which has been declared a vicious dog by the city, county or state, shall be subject to the provisions of this chapter for the remainder of its life, and any owner of any dog declared to be a vicious dog in any other municipality, county or state shall, within ten (10) days of moving into the City of La Vergne, notify the animal shelter manager of the bringing of such dog into the City of La Vergne.

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 codes enforcement 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.

CHAPTER 3

SEIZURE AND DISPOSITION

SECTION

- 10-301. Definition of terms.
- 10-302. Restraint.
- 10-303. Notice to owner and redemption.
- 10-304. Confinement of certain animals.
- 10-305. Muzzling.
- 10-306. Rabies - notice.
- 10-307. Vaccination.

10-301. Definition of terms. As used in this chapter, unless the context otherwise indicates.

(1) "Animal" shall be intended to mean both male and female animals of any type, kind, or species including but not limited to dogs and cats.

(2) "At large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of the owner's immediate family either by leash, cord, chain or otherwise.

(3) "Humane officer" shall mean an agent designated by the mayor or chief of police to enforce this chapter, as well as all personnel of the Rutherford County Rabies Control Department.

(4) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring an animal.

(5) "Restraint of an animal" shall mean when the animal is on property of its owner or is under the immediate and effective control of the responsible person.

10-302. Restraint. An animal owner shall keep his animal under restraint at all times.

10-303. Notice to owner and redemption. Any animal found running at large may be seized by a humane officer or any police officer and placed in a pound provided or designated by the mayor and board of aldermen. If said animal is wearing a tag the owner shall be notified in person, by telephone, or by a post card addressed to his last known mailing address to appear within five (5) days and redeem his animal by paying a reasonable pound fee, or the animal will be humanely destroyed or sold. If said animal is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No animal shall be released in any event from a pound unless and until such animal has been vaccinated and a tag placed on its collar. When, because of its viciousness or apparent infection with rabies, an animal found running at

large cannot be safely impounded it may be summarily destroyed by the humane officer or any policeman.

10-304. Confinement of certain animals. No animal which is fierce, dangerous or with vicious propensities and no female animal in heat, shall be allowed to run at large or upon the premises of one other than the owner. If any such animal is found running at large in violation of this provision it shall be taken up and impounded and shall not be released except upon approval of the pound master after payment of the fees provided in § 10-303, however, if any dangerous, fierce, or vicious animal so found at large cannot be safely taken up and impounded, such animal may be slain by any police officer or humane officer.

10-305. Muzzling. Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping an animal to confine it securely on his premises unless such animal shall be muzzled with sufficient strength to prevent his biting any person. Any unmuzzled animal running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All animals so noticeably infected with rabies and displaying vicious propensities shall be killed by the police or humane officer without notice to the owner. Animals impounded during the first two (2) days of such proclamation shall, if claimed within five (5) days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in § 10-303. If unclaimed, after that period, such animal may be summarily destroyed.

10-306. Rabies - notice. If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be confined by leash or chain and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two (2) weeks.

10-307. Vaccination. It shall be unlawful for the owner of any animal to keep, maintain, or allow such animal to run at large unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, within one (1) year preceding the date on which such animal is kept, maintained or allowed to run at large.