

**TITLE 10****ANIMAL CONTROL**<sup>1</sup>**CHAPTER**

1. IN GENERAL.
2. DOGS.

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

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**10-101. Keeping regulated.** No owner, lessee, tenant, subtenant, or other occupant of any property, public or private, located within the corporate limits of the City of Dyersburg, Tennessee, shall keep, maintain, or cause to be kept any swine, sheep, mules, or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, or livestock.

It shall be unlawful for any person owning or being in charge of any horses or cattle knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1978 Code, § 3-101)

**10-102. Definitions.** The following terms used in this chapter shall have the meanings respectively ascribed to them in this section.

(1) "Animals and fowls" specifically named herein, by whatever name they might be called, include every age and sex of each of the named species.

(2) "Keeper" refers to any person, firm, or corporation owning, keeping, having, using, or maintaining any of the specified animals or fowls herein named and referred to.

(3) "Person" includes any individual, firm, or corporation.

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<sup>1</sup>Charter reference

City humane commission: § 7A.

(4) "Approval" means approval by the health officer pursuant to power granted to him by this chapter.

(5) "Rodent-proof" means a state or condition not conducive to the entry, feeding, or harboring of rodents.

(6) "Sanitary" means a condition of good order and cleanliness which precludes the probability of disease transmission.

(7) "Health officer" refers to the city's legal health authority or his authorized representative. (1978 Code, § 3-102)

**10-103. Keeping near residences, etc., restricted.** No animals or fowls described in § 10-101 shall be kept within the corporate limits of the City of Dyersburg, Tennessee, nor will horses or cattle be kept within a distance of fifty linear feet of any residence, place of business, industry, or establishment within the corporate limits of the City of Dyersburg, Tennessee. (1978 Code, § 3-103)

**10-104. Cleanliness and sanitation requirements.** No animals or fowls shall be kept in any place where manure or liquid discharges from them shall collect or accumulate to any degree of offensiveness. Such manure and liquids shall be promptly removed to some proper place of disposal and/or effectively stored between periods of removal in closed containers, which shall provide for maximum fly, rodent, and odor control.

Stalls, stables, pens, yards, and appurtenances in which animals or fowls are kept shall be maintained at all times in a clean and wholesome condition so that no offensive odor shall be allowed to escape therefrom, and no rodents, flies, or other insects will be able to breed therein or become attracted thereto.

Buildings, pens, yards and appurtenances constructed for the purpose of housing and impounding animals or fowls shall conform to the city zoning ordinance, shall have adequate drainage, and shall be constructed so as to facilitate adequate routine cleaning. (1978 Code, § 3-104)

**10-105. Issuance of orders and notices.** It shall be the duty of the health officer or his authorized representative to issue orders requiring the removal of animals or fowls from within the corporate limits when the keeping of same is in violation of this chapter or may constitute a hazard to the public health. He, or his authorized representative, may issue orders requiring owners or keepers of such animals or fowls, or owners, tenants, and lessees of properties where they are quartered, to routinely clean stalls, stables, pens, and yards and, to maintain all appurtenances in a clean and sanitary condition. Failure to maintain premises in a satisfactory condition at all times following the receipt of such orders from the health officer, either by mail or posted on the premises, will be considered as justification to cause the removal of such animals or fowls from within the corporate limits. Every keeper of such animals or fowls shall

cause feed provided for them to be kept and stored in a rat-proof, fly-tight, building, box, or receptacle. (1978 Code, § 3-105)

**10-106. Care of animals and fowls.** No keeper of animals or fowls, including places where they may be kept or impounded, shall allow his premises, or any animals or fowls kept or impounded thereon, to become dangerous or detrimental to human life, health, or welfare by reason of want of care, food, ventilation, cleanliness, or other failure to comply with the provisions of this chapter. (1978 Code, § 3-106)

**10-107. Right to enter premises to make inspections.** The health officer, or his authorized representative, may enter onto any premises, public or private, at any reasonable hour of the day, to make inspections for the purpose of carrying out the provisions of this chapter. (1978 Code, § 3-107)

**10-108. Violations.** Any person who shall violate any provision of this chapter, or who shall fail or refuse to comply with any notice issued by the health officer with reference to the enforcement of the provisions of this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided by the general penalty clause for this code. In addition, any person whose violation has caused the issuance of any order to remove animals or fowls from the corporate limits shall be subject to the injunctive processes of local courts of competent jurisdiction. (1978 Code, § 3-108)

**CHAPTER 2****DOGS****SECTION**

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- 10-221. Classification of a dog as vicious.
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**10-201. Title.** This chapter shall be cited as the "city animal control ordinance." (1978 Code, § 3-201, as replaced by Ord. #BB-585, Nov. 2006)

**10-202. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Animal control officer." The person designated by the board of mayor and aldermen as the animal control officer.

(2) "Dog." All members of the dog family, three (3) months or more of age, including any dog exhibited or shown in any dog show or other type of public exhibition and including any dog offered for sale, barter, or trade within the corporate limits of the City of Dyersburg, Tennessee.

(3) "Owner." Any person, firm, corporation, or organization who keeps, harbors or otherwise cares for a dog, or who permits the dog to remain on or about his premises.

(4) "Vaccination." The injection of a rabies vaccination for dogs which meets the standards prescribed by the U.S. Department of Agriculture for interstate sale. (1978 Code, § 3-202, as replaced by Ord. #BB-585, Nov. 2006)

**10-203. Administration.** The administration of this chapter shall be under the supervision and control of the animal control officer, duly appointed or designated by the board of mayor and aldermen. (1978 Code, § 3-203, as replaced by Ord. #BB-585, Nov. 2006)

**10-204. Vaccination required.** It shall be unlawful for any person to own, keep, or harbor a dog that has not been vaccinated against rabies as required by this chapter. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of vaccination tag issued, date of vaccination, date the dog shall be revaccinated, description and sex of the dog vaccinated, type and lot number of vaccine administered, and the signature of the person administering the vaccine. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the state board of veterinary medical examiners to practice medicine in the State of Tennessee. The owner of the dog is required to provide proof of the dog's vaccination against rabies to the animal control officer upon request. If the owner is not able to provide proof of the dog's vaccination against rabies, then the animal control officer shall cause the dog to be vaccinated at the owner's expense. (1978 Code, § 3-204, as replaced by Ord. #BB-585, Nov. 2006)

**10-205. Animal control officer to promulgate rules and regulations.** It is the duty of the animal control officer to promulgate such rules and regulations pertaining to the vaccination of dogs against rabies as may be necessary for the proper enforcement of the requirements of this chapter. (1978 Code, § 3-205, as replaced by Ord. #BB-585, Nov. 2006)

**10-206. Dogs to wear tags evidencing vaccination.** Every dog owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the dog vaccinated, provided that the collar may be removed in the case of hunting dogs, while going or returning from a hunt or chase. However, nothing herein shall be construed as permitting the use of an unvaccinated dog for a hunt, chase, or otherwise. (1978 Code, § 3-206, as replaced by Ord. #BB-585, Nov. 2006)

**10-207. Running at large.** (1) No dog shall be allowed to run or be at large within the city, unless such dog is on a leash in the hands of a person physically and mentally capable of managing it, so that it shall not bite or injure any person or animal, or damage any property.

(2) The owner of any dog who allows said dog to run at large shall be guilty of a municipal offense and subject to a fine in an amount not to exceed

fifty dollars (\$50.00). (1978 Code, § 3-207, as replaced by Ord. #BB-585, Nov. 2006)

**10-208. Impoundment or destruction of violating dogs authorized.**

The animal control officer and its representatives shall take up and impound any dog found running at large in violation of § 10-207 of this code, provided that if any dog so found is sick, injured, or poses a danger to the general public, such personnel may humanely destroy such dog immediately. If, in the attempt to catch any dog, it becomes impossible to secure it safely without danger of personal injury, the personnel of the City of Dyersburg Police Department, may destroy the dog by the use of a firearm, provided the same can be accomplished safely without injury to either persons or property. (1978 Code, § 3-208, as replaced by Ord. #BB-585, Nov. 2006)

**10-209. Care while in custody.** The animal control officer shall provide clean, comfortable, and sanitary quarters for all dogs, keeping males, females, and vicious dogs in separate stalls, and shall provide a liberal allowance of wholesome food and fresh, clean water. (1978 Code, § 3-209, as replaced by Ord. #BB-585, Nov. 2006)

**10-210. Owner of registered dog to be notified of impoundment.**

If any dog seized as provided in this chapter is registered in accordance with § 10-222(f) below, the animal control officer shall give notice either in person, by telephone, or by postcard sent by U.S. mail to the address of the owner given on the registration record, within twenty-four (24) hours after the seizure of such dog, advising said owner to appear within three (3) days and redeem his dog, or the same may be humanely destroyed at the discretion of the animal control officer. If the owner does not appear within three (3) days to redeem his dog, the dog may be humanely destroyed or otherwise disposed of at the discretion of the animal control officer. (1978 Code, § 3-210, as replaced by Ord. #BB-585, Nov. 2006)

**10-211. Notification to owners of unregistered dogs.** If any unregistered dog is seized and the owner of the unregistered dog is not readily ascertainable, then the animal control officer shall post notice of the seizure/impoundment, which notice shall include a description of the dog and the location and date of the seizure/impoundment, at the animal shelter. The notice shall also advise any person claiming to be the owner to appear within three (3) days and redeem his dog, or the same may be humanely destroyed at the direction of the animal control officer. If the owner does not appear within three (3) days to redeem his dog, the dog may be humanely destroyed or otherwise disposed of at the discretion of the animal control officer. (1978 Code, § 3-211, as replaced by Ord. #BB-585, Nov. 2006)

**10-212. Redemption of impounded dog by owner; fees.** If the owner appears to redeem his dog, he shall pay for each dog so seized and impounded, a per day boarding fee for each day that the dog remains unclaimed. All such fees shall be in accordance with the current fee schedule promulgated by the animal control officer and maintained on file at the animal shelter. If the dog so seized has not been vaccinated, the animal control officer shall cause the dog to be vaccinated prior to the release of the dog at the owner's expense.

The payment of the fees as set forth herein, however, shall not relieve the owner from any other penalty for violation of this chapter. (1978 Code, § 3-212, as replaced by Ord. #BB-585, Nov. 2006)

**10-213. Authority to impound dog.** The animal control officer, all police officers, and all other authorized personnel of the City of Dyersburg shall have the right to enter onto private or public property and to seize and impound any dog found in violation of any provision of this chapter to the animal shelter maintained by the animal control officer. (1978 Code, § 3-213, as replaced by Ord. #BB-585, Nov. 2006)

**10-214. Interfering with city personnel.** It shall be unlawful for any person to interfere with or hinder the animal control officer, his designees, any police officer, or any other authorized personnel of the City of Dyersburg in the discharge of their duties undertaken in the enforcement of the provisions of this chapter. (1978 Code, § 3-214, as replaced by Ord. #BB-585, Nov. 2006)

**10-215. Transportation of dogs through the city.** This chapter shall not be construed to prohibit transportation of dogs through the city, provided they are securely confined or kept upon a leash during their transportation through the city. (1978 Code, § 3-215, as replaced by Ord. #BB-585, Nov. 2006)

**10-216. Confining or isolating dog upon suspicion of rabies.** 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 animal control officer may cause such dog to be confined or isolated for such time as may be deemed necessary by the animal control officer to verify whether the dog is infected with rabies. (1978 Code, § 3-216, as replaced by Ord. #BB-585, Nov. 2006)

**10-217. Concealing dogs kept in violation of this chapter.** Any person who shall hide, conceal, or aid or assist in hiding or concealing any dog owned, kept, or harbored in violation of any provisions of this chapter shall be guilty of a municipal offense and shall be fined an amount not to exceed the maximum penalty assessable under the Dyersburg Municipal Code. (1978 Code, § 3-217, as replaced by Ord. #BB-585, Nov. 2006)

**10-218. Proud bitches to be confined.** Every owner of a proud bitch is required to confine her for twenty-four (24) days during the time she is proud. Every person violating the provisions of this section shall be guilty of a municipal offense and subject to a fine under the general penalty clause for this code. In addition, any person working under the supervision of the animal control officer or the chief of police shall be authorized to seize, impound or destroy any proud bitch found at large in violation of this section. The owner shall pay an impounding fee as well as a per day boarding fee, for each day or fraction thereof that the dog remains unclaimed as a condition to the release of the dog. (1978 Code, § 3-218, as replaced by Ord. #BB-585, Nov. 2006)

**10-219. 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 the public. (1978 Code, § 3-219, as replaced by Ord. #BB-585, Nov. 2006)

**10-220. Keeping of vicious dog(s)--unlawful.** It shall be unlawful to keep and maintain a vicious dog in violation of this chapter. Any person who is found in violation of this chapter shall be subject to a fine not to exceed the maximum penalty assessable under the Dyersburg Municipal Code for each day, with each day constituting a separate violation. Vicious dogs that are not confined in compliance with this chapter are declared to be a public safety hazard justifying immediate impoundment by the animal control officer. (1978 Code, § 3-220, as replaced by Ord. #BB-585, Nov. 2006)

**10-221. Classification of a dog as vicious.** (1) A dog may be classified as vicious if it meets one or more of the following categories:

(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;

(b) Any dog which, without provocation, attacks, bites, or has bitten, a human being or domestic animal, on public or private property;

(c) Any dog, which, when unprovoked, chases or approaches a person on public or private property, in a menacing or aggressive fashion, such that the individual is placed in imminent fear of bodily harm;

(d) Any dog owned or harbored, primarily or in part, for dog fighting, or any dog trained for dog fighting;

(e) Any dog not owned by a governmental or law enforcement agency used primarily to guard public or private property;

(f) 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.

(2) The animal control officer, the Dyersburg Police Department, and other authorized representatives of the city shall investigate reported incidences

of any dog that may be considered vicious and make an initial determination as to whether probable cause exists for the classification of the dog as vicious and/or for finding that the dog is not maintained in accordance with the requirements of this chapter. Upon such determination being made, the animal control officer shall issue a summons against the owner of the dog requiring the owner to appear in the city court at a hearing no less than five (5) days from the issuance of the summons. At the hearing, the city judge shall make specific findings regarding:

- (a) Whether the dog should be classified as vicious; and
- (b) Whether the dog has findings regarding:
  - (i) Whether the dog should be classified as vicious; and
  - (ii) Whether the dog has been maintained in accordance with the requirements of this chapter.

Upon an affirmative finding by the city judge on either of the aforesaid issues, the judge may levy a fine up to fifty dollars (\$50.00), require that the dog be maintained in accordance with the requirements of this chapter; and/or order the humane destruction of the dog by the animal control officer. The judge shall also assess court costs and order restitution to the animal control officer of all fees that the animal shelter has incurred in the care and boarding of the dog, including an impounding fee, a boarding fee for each day or fraction thereof that the dog was confined to the animal shelter, and any other fees or expenses that the animal shelter has or shall have incurred in the humane destruction of the dog. (1978 Code, § 3-222, as replaced by Ord. #BB-585, Nov. 2006)

**10-222. Requirements for the maintenance of a vicious dog.** The owner of any dog found to be vicious under § 10-221 shall be required to maintain such dog in accordance with the following conditions:

(1) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or structure outdoors. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, then the sides must be embedded into the ground by no less than two (2) feet. All such pens must be adequately lit and ventilated and kept in a clean and sanitary condition and must be inspected by the animal control officer.

(2) Leash and muzzle. No vicious dog shall be permitted to go beyond the premises of the owner or custodian unless the dog is securely muzzled and restrained by a leash, and under the control of any individual mentally and physically capable of managing it. The muzzle shall be fastened to the dog 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.

(3) Signs. There shall be displayed in a prominent place on the premises a warning sign indicating the presence of a vicious dog. The sign shall be visible and capable of being seen from the public highway or thoroughfare.

A similar sign must also be posted on the dog's pen or kennel indicating the presence of a vicious dog.

(4) Insurance. The owner of a vicious dog must within thirty (30) days of the effective date of this chapter provide proof of liability insurance to the animal control officer in the minimum amount of fifty thousand dollars (\$50,000.00). Said policy must insure the owner for any personal injuries inflicted by his dog and must cover the twelve (12) month period during which licensing is sought. The insurance policy shall contain a provision requiring the City of Dyersburg to be named as an additional insured for the sole purpose of providing notification to the City of Dyersburg by the insurer of any cancellation, termination, or lapse of said insurance policy.

(5) Notification of change of status. The owner or person whose name appears on the permit pursuant to subsection (6) below of a vicious dog shall notify the animal control officer within twenty-four (24) hours that said dog is loose, unconfined, has attacked a human or another domestic animal, has died, or has been sold or given away. If the dog has been sold or given away, the owner or permittee shall provide the animal control officer with the name, address, and telephone number of the new owner.

(6) Registration and permit. No person shall own or maintain a vicious dog within the city limits until he or she receives a permit from the animal control officer certifying that all the requirements of this chapter have been met. The animal control officer shall issue a permit to any applicant who complies with the requirements of this section. The owner of the dog shall pay a fee of twenty-five dollars (\$25.00) for the permit. The permit shall be issued by the animal control officer upon a determination by the animal control officer that all requirements under this section have been met. Any permit issued under this section may be revoked by the animal control officer for failure by the owner to comply with any provision of this section. Notice of revocation shall be issued in writing by the animal control officer and served upon the owner, either in person or by delivery via U.S. mail, to the address on the registration card revoking said permit. Upon written request of the owner, the owner shall be given the right to be heard by the board of mayor and aldermen as to why the permit should not be revoked. Such request must be made within five (5) days of receipt of the notice of revocation.

(7) Existing ownership of vicious dogs. Any owner or custodian of a vicious dog in existence at the time this section becomes effective, shall have thirty (30) days in which to obtain the permit and otherwise achieve compliance with the conditions set forth in subsection (1) through (6) above. (as added by Ord. #BB-585, Nov. 2006)