TITLE 10

ANIMAL CONTROL

CHAPTER
1. DOGS.

CHAPTER 1

DOGS

SECTION
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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) or other applicable law. (1985 Code, § 3-101)

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.

No person shall fail or refuse to show the chief animal control officer or any police officer, the registration and the tag for any duly registered dog kept or remaining within the home or upon any premises under his immediate control. A violation of this provision is an infraction, and upon a conviction thereof shall be punishable by a fine. (1985 Code, § 3-102)

10-103. Running at large prohibited.[1] It shall be unlawful for any person owning, having an interest in, harboring, or having charge, care, control, custody or possession of any dog to knowingly cause or permit such dog to be off the premises of its owner, unless such dog is securely confined by a strong leash of not exceeding six (6) feet, securely and continuously held by a competent person or unless such dog be confined within an automobile. (1985 Code, § 3-103)

10-104. Vicious dogs. (1) Definitions. For the purpose of this section the following terms have the following meanings:

(a) 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. 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 embedded into the ground no less than two feet.

(b) Guard dog shall mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog.

(c) Vicious dog shall mean any dog which attacks or bites a person or a domestic animal on any public or private property without provocation; or any dog owned or harbored primarily or in part for the purpose of dog fighting.

(2) Vicious dogs prohibited. It shall be unlawful for any person to keep or harbor a vicious dog within the City of Lewisburg unless said vicious dog is confined. Guard dogs may be maintained in compliance with (6) Guard dogs.

(3) Impoundment. Any vicious dog, not in compliance with (2) above may be taken into custody by the appropriate animal control or police authorities and impounded. The fees imposed elsewhere in the Lewisburg Municipal Code shall be imposed upon and paid by the owner of such vicious dog so impounded to cover the costs of impounding and caring for the dog.

(4) Court proceedings against owner. If any vicious dog is impounded, the animal control officer or any police officer may institute proceedings in the city court against the owner charging the owner with violating this section. Nothing in this section shall be construed as preventing the animal control officer, a police officer of the City of Lewisburg, or a citizen from instituting a court proceeding where there has been no impoundment.

(5) Court findings. If a complaint has been filed in the Lewisburg City Court against the owner of a dog for violation of this section, the dog shall not be released from impoundment or disposal except on order of the court and

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[1]State law reference
Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

payment of all charges and costs, including any penalties for violating this section. The court may, upon making a finding that the dog is a vicious dog pursuant to this section, order the dog to be destroyed in a humane manner.

(6) Guard dogs. It shall be unlawful for any person to place or maintain guard dogs in the City of Lewisburg for the protection of persons or property unless the following provisions are met:

(a) The guard dog shall be confined; or

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

(c) 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 curbline 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.

(7) Penalties. Any person violating the provisions of this section upon conviction shall be fined fifty dollars ($50.00) and each day of violation shall be deemed a separate violation. (1985 Code, § 3-104, as replaced by Ord. #05-04, Nov. 2005)

10-105. Pit bull. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire 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.

(1) Definitions.
(2) Restrictions.
(3) Standards and requirements.
(4) Sale or transfer of ownership prohibited.
(5) Animals born of registered dogs.
(6) Rebuttable presumptions.
(7) Failure to comply.
(8) Violations and penalties.

(1) Definitions. The words used in this code shall have the following meanings:

(a) The bull terrier breed of dog; and
(b) Staffordshire bull terrier breed of dog; and
(c) The American pit bull terrier breed of dog; and
(d) The American Staffordshire terrier breed of dog; and

(e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bills, pit bull dogs or pit bull terriers; and

(2) Restrictions. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of the City of Lewisburg. Provided, that persons owning such dogs at the time this section was adopted, shall be allowed to keep them subject to the provisions of part (3).

(3) Standards and requirements. The following standards and requirements apply to pit bull dogs located within corporate limits.

(a) Registration. Each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the City of Lewisburg's Animal Control Officer.

(b) 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 bull dogs on a leash outside the animals kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals and must be kept on private property.

(c) 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 City of Lewisburg and shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(d) 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.

(e) 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.

(f) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the city's animal control officer of public liability insurance in a single incident amount of $50,000.00 for bodily injury to or death or any person or persons or for damage of 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 city.

(g) Identification photographs. All owners, keepers, possessors or harborers of pit bull dogs must provide to the city's animal control officer two color photographs of the dog clearly showing the color and approximate size of the animal.

(h) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the city's animal control officer as required hereinafter:

(i) The removal from the city or death of a pit bull dog;

(ii) The birth of offspring of a pit bull dog;

(iii) The new address of a pit bull dog owner should the owner move within the corporate limits of the city.

(4) Rebuttable presumptions. There shall be a rebuttable presumption that any dog registered within the City of Lewisburg as a pit bull dog or any of those breeds defined by § 10-105 hereof is in fact a dog subject to the requirements of this code.

(5) Failure to comply. It shall be unlawful for the owner, keeper, harborer, or possessors a pit bull dog within the City of Lewisburg 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 City of Lewisburg.

(6) 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 fined $50.00 and each day of violation shall be deemed a separate conviction. Each day such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the City of Lewisburg. Should the defendant refuse to remove the dog from the City of Lewisburg, the city 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. #05-04, Nov. 2005, as amended by Ord. #07-08, Sept. 2007)

10-106. **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. (1985 Code, § 3-105, as renumbered by Ord. #05-04, Nov. 2005)

10-107. **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 deems reasonably necessary to determine if such dog is rabid. (1985 Code, § 3-106, as renumbered by Ord. #05-04, Nov. 2005)

10-108. **Seizure and disposition of dogs**. Any dog found running at large may be seized by the chief animal control officer, health officer, any police officer or other person duly authorized to do so by the health officer or city manager and placed in a pound provided or designated by the city council. If said dog 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 dog by paying a pound fee in accordance with § 10-110, or the dog will be sold to the person making the highest cash offer, and if unsold, humanely destroyed. If the dog is not wearing a tag it shall be sold within a reasonable time, to the person making the highest cash offer, and if unsold, humanely destroyed unless legally claimed by the owner within three (3) days. (1985 Code, § 3-107, as renumbered by Ord. #05-04, Nov. 2005, and replaced by Ord. #12-07, Oct. 2012)

10-109. **Summarily destruction of vicious or rabid dogs**. 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 chief animal control officer, health officer, police officer or other person duly authorized to do so by the health officer or city manager.[1] (1985 Code, § 3-108, modified, as renumbered by Ord. #05-04, Nov. 2005)

10-110. **Pound fees**. Any owner reclaiming an impounded and tagged dog shall pay a fee of twenty dollars ($20.00) plus five dollars ($5.00) per day for each day the dog has been impounded. In addition, untagged dogs shall be

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[1]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).

released from the pound to owners or adopters but the receiving individual or group shall pay such fees as are from time to time prescribed by city manager to cover necessary animal health and safety services. (1985 Code, § 3-109, as amended by Ord. #97-13, Sept. 1997, and renumbered by Ord. #05-04, Nov. 2005, and replaced by Ord. #12-07, Oct. 2012)

10-111. Confinement. Any person owning, having an interest in, harboring, or having charge, care, control, custody, or possession of any dog shall confine their dog within their property boundaries at all times by means of fencing, housing, chains, ropes, electronic devices, cages, pins, or other approved means. (Ord. #97-13, Sept. 1997, as renumbered by Ord. #05-04, Nov. 2005)