

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS.
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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.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, 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. (Code of 1977, § 3-101, modified)

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line. (Code of 1977, § 3-102, modified)

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. (Code of 1977, § 3-103, modified)

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. (Code of 1977, § 3-104, modified)

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. (Code of 1977, § 3-105, modified)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (Code of 1977, § 3-106, modified)

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 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 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. (Code of 1977, § 3-107, 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, sections 68-8-101 through 68-8-114) or other applicable law. (Code of 1977, § 3-201, modified)

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. (Code of 1977, § 3-202, modified)

10-203. Running at large prohibited.<sup>1</sup> 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. (Code of 1977, § 3-203, modified)

10-204. Vicious dogs to be securely restrained. 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. (Code of 1977, § 3-204, modified)

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<sup>1</sup>State law reference

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

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. When a complaint is made under this section an officer will go to the owner and explain the complaint and on a complaint a citation may be issued, if the complaint is justified. (Code of 1977, § 3-205, modified, as amended by Ord. #573, May 2008)

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. (Code of 1977, § 3-206, modified)

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 had a tag evidencing such vaccination placed on its collar. (Code of 1977, § 3-207, modified)

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<sup>1</sup> or other properly designated officer. (Code of 1977, § 3-208, modified)

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<sup>1</sup>State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

CHAPTER 3

PIT BULLS

SECTION

- 10-301. Definitions.
- 10-302. Restrictions.
- 10-303. Standards and requirements.
- 10-304. Sale or transfer of ownership prohibited.
- 10-305. Animals born of registered dogs.
- 10-306. Rebuttable presumptions.
- 10-307. Failure to comply.
- 10-308. Violations and penalties.

10-301. Definitions. The words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

(1) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.

(2) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(3) "Owner" means any person, partnership, corporation or other legal entity owning, harboring or possessing any pit bull, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. A pit bull shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(4) "Pit bull" means and includes any of the following dogs:

- (a) The bull terrier breed of dog;
- (b) The Staffordshire bull terrier breed of dog;
- (c) The American pit bull terrier breed of dog;
- (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 bull, pit bull dogs or pit bull terriers; and

(f) Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as 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.

(5) "Predominantly" means knowledge through identification procedures or otherwise, or admission by owner, keeper, or harborer that the

dog is more than fifty percent (50%) pit bull. Predominantly also means that the dog exhibits the physical characteristics of a pit bull more than that of any other breed of dog.

(6) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(7) "Under restraint" means that the dog is secured by a leash, led under the control of a person physically capable of restraining the dog and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises. (as added by Ord. #574, May 2008, and replaced by Ord. #582, Dec. 2008)

10-302. Restrictions. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of Selmer. Provided, however, that persons owning such dogs at the time this chapter is adopted shall be allowed to keep them, provided that they comply with all of the provisions of this chapter, including § 10-303, within thirty (30) days of the effective date of this chapter. (as added by Ord. #574, May 2008, and replaced by Ord. #582, Dec. 2008)

10-303. Standards and requirements. The following standards and requirements apply to pit bull dogs located within the corporate limits.

(1) Registration. Each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the Selmer Police Department.

(2) Required restraints. No person having charge, custody, control or possession of a pit bull shall permit the dog to go outside its kennel, pen or other proper enclosure unless it is necessary for the dog to receive veterinary care, and, in such instance, the pit bull shall be restrained on a chain, rope or other type of leash, no longer than four feet (4') in length, and the person in physical control of the leash must be a person of suitable age and discretion, and the dog must further wear a properly fitted muzzle sufficient to prevent such dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision. Such pit bull dogs, under any circumstances, may not be leashed to an item or object such as trees, posts, buildings or structures, whether temporary or otherwise.

(3) Confinement. Except when leashed and muzzled, as a part of the requirement for receiving veterinary care, all pit bull dogs shall be securely confined indoors or confined in a locked pen, kennel or other secure enclosure that is suitable to prevent the injury of children, and is designed to prevent a pit bull dog from escaping. Such pen, kennel or structure must have secure sides and must be locked with a key or combination lock when such pit bull dogs are within the structure. All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the Town of Selmer. The enclosure shall include shelter and protection from the elements and shall

provide adequate exercise room, be adequately lighted and ventilated and kept in a clean and sanitary condition.

(4) 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 must be posted on the kennel or pen of such animal.

(5) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs must within ten (10) days of the following incidents report the following information in writing to the Selmer Police Department as required hereinafter:

- (a) The removal from the town or death of a pit bull dog;
- (b) The birth of offspring of a pit bull dog;
- (c) The new address of a pit bull dog owner should the owner move within the corporate limits of the town. (as added by Ord. #574, May 2008, and replaced by Ord. #582, Dec. 2008)

10-304. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the Town of Selmer unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside with the Town of Selmer. (as added by Ord. #574, May 2008, and replaced by Ord. #582, Dec. 2008)

10-305. Animals born of registered dogs. All offspring born of pit bull dogs within the Town of Selmer must be removed from the Town of Selmer within six (6) weeks of the birth of such animal. (as added by Ord. #574, May 2008, and replaced by Ord. #582, Dec. 2008)

10-306. Rebuttable presumptions. There shall be a rebuttable presumption that any dog registered within the Town of Selmer as a pit bull dog or any of those breeds defined by § 10-301 of this chapter is in fact a dog subject to the requirements of this code. (as added by Ord. #574, May 2008, and replaced by Ord. #582, Dec. 2008)

10-307. Failure to comply. It shall be unlawful for the owner, keeper, harborer, or possessor of a pit bull dog within the Town of Selmer to fail to comply with the provisions of this chapter. Any dog found to be the subject of a violation of this chapter 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 Town of Selmer. (as added by Ord. #582, Dec. 2008)

10-308. Violations and penalties. Any persons violating or permitting the violation of any provision of this chapter shall be guilty of a civil offense, and upon conviction shall be subject to the fine prescribed in the general penalty clause of the Selmer Municipal Code. Each day such violation shall continue constitutes a separate offense. In addition to the foregoing penalty, any person who violates this chapter 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 chapter. (as added by Ord. #582, Dec. 2008)