

## **PET ADOPTION & WELFARE SERVICES (PAWS)**

### **Rules and regulations pertaining to control of animals in Rutherford County, Tennessee**

#### **ARTICLE I. Duties.**

- a. The duties of the Animal Services Department shall include the following:
  - (1) To provide essential animal services to the residents of Rutherford County through the enforcement of animal-related codes as stated in the Tennessee Code and the County Rules and Regulations;
  - (2) To license animals;
  - (3) To provide animal safety and educational programs;
  - (4) To attempt to resolve animal-related problems by education or advice;
  - (5) To provide emergency and rescue services for animals;
  - (6) To cooperate with the county health director and assist in the enforcement of the laws of the county and state with regard to animals and especially with the regard to the vaccination of dogs and cats against rabies and the confinement or leashing of vicious animals;
  - (7) To investigate cruelty or abuse of dogs, cats and other animals; and
  - (8) To maintain an animal shelter in accordance with the provisions of this act and the policies of the Animal Services Department that will include but not be limited to, sheltering of animals impounded under this Act, licensing of animals, quarantine of rabies-suspect animals and disposition of impounded animals by adoption, redemption or humane euthanasia.

#### **ARTICLE II. Seizure of at-large dogs upon return to property.**

An Animal Services officer may upon viewing a dog at large and upon the dog's return to it's legal property, impound such a dog off it's property for safe keeping if, in the opinion of the officer, (1) there is no way to ensure that a dog's confinement to the property if the officer would leave it there to await the owner's return or (2) it could present a danger to the public, traffic or other animals if left until the owner returns. At the time of the impoundment, a notice of impound shall be posted in a place that would be visible from the public right-of-way or the front door entrance, and it shall state the procedure to

redeem such animal. This section does not authorize the entry into any building on the property nor the removal, without a search warrant, court order to remove or the owner's written permission, of any animal from the building on the property.

**ARTICLE III. Interference with enforcement of Act.**

It shall be unlawful for any person to interfere with or hinder officers of the Animal Services Department in the performance of any duty authorized by this Act or to seek to release any animal in the custody of the Department or the Animal Shelter except as otherwise specifically provided herein.

**ARTICLE IV. Care of impounded animals.**

The Animal Shelter shall take proper care at all times of all animals held in custody and shall provide such animals with adequate food, water and shelter.

**ARTICLE V. Redemption by owner.**

The owner of any animal confined in the Animal Shelter may, before the expiration of the legal holding period, redeem the same upon payment of the assessed fees and production of the proof of ownership satisfactory to the Animal Shelter of his or her ownership of the animal.

**ARTICLE VI. Enforcement of Act.**

The Animal Services Department and law enforcement shall enforce the provisions of this Act and shall have the powers to issue citations for violations thereof.

**ARTICLE VII. Setting humane traps and authority to receive trapped animals.**

The Animal Services Department is authorized to place, upon request, live-capture animal traps on private property with the permission of the owner or public property to trap and remove stray, at large, abandoned, nuisance domestic animals, and bite or rabies suspect animals. It is unlawful for any person other than an Animal Services officer or the officer's designee to remove any animal from the trap or to damage, destroy, move or tamper with the trap. The Animal Services Department is authorized to receive and impound domestic animals that are trapped by any other agencies or persons.

**ARTICLE VIII. Running at large.**

- (a) It shall be unlawful for any person to allow any unrestrained dog or cat belonging to him or under his control or habitually found on premises occupied by him or immediately under his control to go unrestrained upon the premises of another without permission of the property owner or other person in control of the property or upon any public street or sidewalk or any other

public property in the County. Any dog or cat running at large in violation of this section and any dog or cat required to be licensed found at large unlicensed is declared to be a nuisance and liable to seizure and disposal as provided in this Act. *Exceptions to the prohibition set forth in this paragraph are for hunting dogs while in chase or returning from chase, any dog employed as a police, search and/or rescue dog and any dog in a municipally owned and operated dog park designed and operated for the purpose of allowing dogs to run free of restraint in a specified area.*

- (b) In the event the owner, or custodian, of the dog or cat desires to redeem such a dog or cat, then the owner, or custodian, shall pay all the costs including impound fees, board fees, and the cost of the registration and vaccination, if necessary before becoming entitled to the possession of such impounded dog or cat.
- (c) Impound fees will be set from time to time by Animal Services Department, but their payment shall in no way relieve the owner, or custodian, of the payment of any other fine, or penalty provided in this Act.
- (d) If no one appears to redeem the dog or cat within five (5) days of its being impounded **when the owner is known**, the county may disposition animal by adoption or euthanasia.
- (e) Estrous period. It shall be unlawful for any person owning or having possession charge, custody, or control of a female dog or female cat to allow that animal to be at large during its estrous period. The owner or person having possession of the animal must, from the symptoms of being in heat for twenty-eight (28) days, restrain the animal in a secure enclosure in such a manner that it will prevent the animal from coming into contact with a male of its species. This section shall not be constructed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved.

**ARTICLE IX. Care while in custody.**

The Animal Shelter shall provide clean, comfortable and sanitary quarters for all animals, keeping males and females and vicious animals in separate kennels or cages and shall provide a liberal allowance of wholesome food and fresh, clean water.

**ARTICLE X. Redemption of impounded animals by owner; fees.**

- (a) The owner of a licensed dog, licensed cat or small household pet may claim and redeem such animal by paying the Animal Shelter a fee of twenty-five dollars (\$25.00) and board at the rate of fifteen dollars (\$15.00) per night. The owner of an unlicensed dog or unlicensed cat may claim and redeem it upon payment of the license / vaccination fee, a fee of twenty-five dollars

(\$25.00) and board at the rate of fifteen dollars (\$15.00) per night such dog or cat has been kept at Animal Shelter; provided, however, that upon a second offense, for a licensed or unlicensed dog or cat, the above fee shall be fifty dollars (\$50.00) and upon a third and subsequent offenses shall be one hundred dollars (\$100.00) in addition to the board fee of fifteen dollars (\$15.00) per night as set out above. All veterinarian costs and / or other costs incurred as a result of the impoundment shall be the responsibility of the owner and subject to payment in full prior to the release of the animal.

- (b) The owner of livestock may claim and redeem such animal by paying the Animal Shelter an impound fee of twenty-five dollars (\$25.00) and board for each night at the rate of fifteen dollars (\$15.00) plus the cost of any transportation of the animal to the Shelter. Such costs as well as all veterinarian costs and /or other costs incurred as a result of the impounded shall be the responsibility of the owner and subject to payment in full prior to the release of the animal.

**ARTICLE XI. Disposition of unclaimed dogs or cats.**

Any dog or cat with an identification tag or microchip impounded shall be kept for a period of five (5) business days and if not redeemed within such a period may be placed up for adoption or humanely euthanized or otherwise disposed of. Any dog or cat without identification tag or microchip impounded shall be kept for three (3) business days and if not claimed or redeemed shall be placed up for adoption, humanely euthanized or otherwise disposed of.

**ARTICLE XII. Detention when rabies suspected.**

If any dog or cat has bitten any person or is suspected of having rabies, the Animal Services Department shall cause such dog or cat to be confined or isolated at the owner's home, at a veterinary hospital or at the Animal Services facility for such time as the health department deems necessary to protect the safety of the people and the community. The owner of such a dog or cat shall be liable for impound fee of twenty-five dollars (\$25.00), the board fees in the amount of fifteen dollars (\$15.00) per night as well as all veterinary costs if such dog or cat is confined at the Animal Shelter.

Any animal used by a law enforcement agency in the performance of functions or duties of the agency which has bitten a person, and has received vaccinations against rabies and does not show the symptoms of rabies, may continue to be utilized by the law enforcement agency; however the dog shall be subject to observation by the animal services department.

**ARTICLE XIII. Procedure with respect to redemption or adoption of animals.**

No person shall adopt a dog or cat from agency, including but not limited to, an animal shelter, dog pound, animal control agency or humane shelter operated by a municipality, county, or other government agency within the state, or a private organization operating a shelter from which animals are adopted or reclaimed, unless:

- (1) the dog or cat has first been spayed or neutered; or
- (2) the new owner signs a written agreement with the agency stating that he / she will have the animal spayed/neutered within (30) days after the adoption of such animal if the animal is at least six (6) months of age.
  - a.) Nothing in this section shall preclude the spaying or neutering of a sexually immature dog or cat at the discretion of a licensed veterinarian with the consent of the owner.

If the dog or cat being adopted has not been spayed or neutered, the agency shall require a deposit of twenty-five dollars (\$25.00) from the new owner prior to the adoption in order to ensure that the dog or cat is spayed or neutered. The new owner may request and shall receive a refund of the deposit from the agency upon providing confirmation of the spaying or neutering.

If the new owner fails to have the dog or cat spayed or neutered within the frame of time established or if the spaying or neutering is timely performed, but the new owner fails to request the return of the deposit within the additional ten (10) days after the date by which the spaying or neutering is required to be performed, such a deposit shall be forfeited to the agency holding the deposit and shall be used by the agency to conduct programs to spay or neuter dogs and cats and / or to conduct educational programs in support of the spaying and neutering of dogs and cats.

- (a) All dogs and cats adopted from the Animal Shelter shall be vaccinated against rabies prior to adoption, if the dog or cat is less than three (3) months of age a pre-paid voucher to cover the cost of such vaccination will be issued and person adopting such dog or cat must obtain the vaccination within thirty (30) days of the dog or cat reaching three (3) months of age.
- (b) Except for dogs and cats for which the owner can provide proof of current vaccination, all dogs and cats redeemed from the Animal Shelter shall be vaccinated against rabies prior to redemption, if the dog or cat is less than three months a prepaid voucher to cover the cost of such vaccination will be issued and person redeeming such dog or cat must obtain the vaccination within thirty (30) days of the dog or cat reaching three (3) months of age.

**ARTICLE XIV. Immediate placement for adoption or destruction of animal surrendered by owner.**

An animal surrendered by its owner to the Animal Services Department may be immediately placed for adoption or humanely euthanized at the discretion of the Animal Services Department director's designee when the owner:

- (a) Affirmatively represents that he/she is in fact the legal owner of the said animal.
- (b) Transfers ownership of said animal to the County.

**ARTICLE XV. General duties of the owners/keepers of animals.**

- (a) Unlawful conduct. It shall be unlawful for any person to neglect an animal as neglect is defined in this Act.
- (b) Abandonment. It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to abandon that animal on a street, road, highway, public place, animal shelter, or private property.
- (c) Public nuisance. It shall be unlawful for any person to allow any animals under his/her care or control to become a public nuisance as defined in this chapter.
- (d) Sale or Giving Away of Animals on Public Property. It shall be unlawful for any person to sell or to give away dogs, cats, puppies and kittens on roads, streets, sidewalks, outdoor commercial areas, including parking lots, or public property within the county.

**ARTICLE XVI. Destruction of dangerous, diseased or injured animals.**

- (a) It shall be the duty of the Animal Services Director or designee to order the humane destruction of any animal lawfully taken into the custody of Animal Services Department if a veterinarian, duly and currently licensed in the State of Tennessee, deems it more humane to euthanize such an animal than hold it for the required holding period due to sickness, disease, injury or danger to the safety of the community. If the animal to be euthanized under this section is wearing identification, rabies or license tag, the owner shall be notified before the animal is euthanized unless the animal is in critical condition and the owner cannot be reached within a reasonable period of time in which the veterinarian may authorize euthanasia of the animal for humane reasons.
- (b) the Director of the Animal Services division or designee may issue either a verbal authorization followed by written confirmation or written

authorization for such humane euthanasia.

#### **ARTICLE XVII. Inoculation required.**

- (a) Any person who owns, keeps or harbors a dog or cat within the County shall have such dog or cat inoculated or immunized against rabies. Any person who obtains a dog or cat not to be inoculated or of unknown vaccination history shall at once have such dog or cat properly inoculated against rabies and have first time inoculation repeated one (1) year thereafter; thereafter the duration of the rabies vaccination cannot exceed three (3) years and must be in accordance with manufacturer's recommendation provided that, dogs and cats need not be inoculated before reaching the age of three (3) months.
- (b) All persons owning, keeping or harboring on the premises where such person resides, any dog or cat over three (3) months of age, shall obtain an annual county license for such dog or cat from a participating licensed veterinarian or the Animal Services Department. Subject to the provisions of this Act, the annual license fee for dogs and cats shall be five dollars (\$5.00), a portion of which shall be used to surgically alter dogs and cats in Rutherford County and/or for the promotion of the duties of the Animal Services Department subject to this Act.
- (c) Any veterinarian who inoculates or re-inoculates a dog or cat against rabies shall keep a record of such inoculation or re-inoculation and shall provide the owner of the dog or cat with a certificate of such vaccination and an approved tag, which shall correspond with the number on the record kept by the person inoculating or re-inoculating such dog or cat. Such certificate shall be kept by the person who owns, keeps or harbors such dog or cat at all times subject to the inspection of the proper county officers and such tag shall be securely fastened to the collar worn by the dog or cat.

#### **ARTICLE XVIII. Definitions.**

For the purpose of this Act, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*"Animal"* means every living creature except human beings.

*"Abandon"* means forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care for a period of twenty-four (24) or more consecutive hours.

*"Animal Services"* means the Animal Services Department of Rutherford County, generally referred to as Rutherford County Pet Adoption and Welfare Services (PAWS).

*“Animal Services Officer”* shall mean any person employed by the County, appointed as a Deputy Enforcement Agent, authorized to carry out the duties imposed by this Act and state law.

*“Animal Shelter”* means any premises designated by the County for the purpose of impounding and caring for all animals found at large or otherwise subject to impoundment in accordance with the provisions of this Act.

*“At large”* means that an animal is off the property of its owner and not under the control of a person physically capable of restraining the animal by an appropriate leash for the size, age and weight of the animal.

*“Attack”* means attack by an animal off its owner’s property in a vicious, terrorizing or threatening manner or in an apparent attitude of aggression; “attack” does not include any actions by an animal in defense of itself or its owner or keeper against aggression by a person or an animal.

*“Dangerous dog”* means any dog that has been designated as such by the court of competent jurisdiction.

*“Dog”* means any member of the animal species *canis familiaris* or any animal, which is a crossbreed of any animal, that is a member of the *canis familiaris* species, including, but not limited to wolf /dog crossbreeds and wolf hybrids.

*“Domestic Animal”* means any animal that may be legally possessed by a person and is commonly kept as a pet in or around a residence, outbuildings or business.

*“Fowl”* Any of the various birds of the order *galliformes*, including chickens, roosters, ducks, geese, turkeys, peafowl or any bird that is used for food or hunted as game.

*“Impoundment”* means the placement of an animal in the custody of the Animal Services Department or an animal shelter.

*“Livestock”* means all animals of the equine, bovine or swine class and includes goats, sheep, mules, horses, hogs and cattle.

*“Minor injury”* means an injury in which the victim suffers pain as a result of an attack by an animal but which does not produce any broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

*“Mischievous animal”* means any animal that causes a public nuisance.

*“Neglect”* means any of the following:

1. Failing to provide an animal with adequate food or drinkable water at suitable intervals sufficient to maintain the animals health and



well being. Food shall not be spoiled or contaminated and water shall be clean and accessible. Snow and ice are not to be deemed an adequate source;

2. Failing to take necessary action to maintain an animal's health by taking into consideration such factors as its breed, weight, coat and age. It shall include, but not be limited to ensuring that the animal receives veterinary care for illness or to relieve distress from injury, neglect, disease, untreated parasitism or any malformations. It shall further include necessary effort to maintain the animal's coat and skin in a reasonably healthy condition;
3. Keeping an animal under conditions which increase the probability of the transmission of disease; or
4. Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.), physical suffering or impairment of health, and which is large enough to allow the animal to make normal body movements. The shelter must have a solid roof and floor and three solid sides.

*“Owner”* means any person, corporation, organization, group of persons or association that (i) has a right to an animal, (ii) keeps or harbors an animal, (iii) has an animal in his/her care or acts as custodian of an animal for five (5) or more consecutive days when the true owner of the animal is unknown to such person, or (iv) by agreement with or without the permission of the true owner of the animal, has an animal in his/her care or acts as a caretaker or custodian of an animal; *“owner”* does not include the County, Animal Shelter or any non-profit animal welfare agency that operates as animal sheltering facility.

*“Potentially dangerous dog”* means any dog that has been designated as such by the Court of competent jurisdiction.

*“Proof of ownership”* means documentation in support of a property right to an animal that includes, but is not limited to, veterinary records, rabies vaccination certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third party verifications.

*“Proper Enclosure”* means a place in which the dog is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the dog from escaping. Such enclosure shall have secure sides and a secure top and concrete floor to prevent the dog from escaping and shall also provide protection for the dog from the elements. The enclosure shall be of suitable size for the dog.

*“Properly restrained”* means (i) controlled by a competent person by means of a chain, leash, or other like device not to exceed six foot (6') in length, (ii) secured within or upon a vehicle being driven or parked, or (iii) kept within a proper enclosure. Properly

restrained in or upon a vehicle does not include restraint or confinement that would allow an animal to have access to persons outside the vehicle.

“*Provoke*” means to goad, inflame, instigate or stimulate an aggressive or defensive response on the part of the animal, but does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an animal.

“*Public Nuisance*” means any animal or group of animals that, by way of example and not of limitation, habitually;

- (1) damage, soil or defile community or neighborhood private property or public property;
- (2) interfere with the ordinary use and enjoyment of a person’s property;
- (3) turn over garbage containers or damage flower or vegetable gardens;
- (4) cause unsanitary or offensive conditions; or
- (5) impede the safety of pedestrians, bicyclists, or motorists.

“*Severe Injury*” means any physical injury that could result in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

“*Stray*” means any animal (1) which is at large, (2) which appears to be lost, unwanted or abandoned, or (3) whose owner is unknown or not readily available.

“*Torture*” or “*torment*” means every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted.

#### **ARTICLE XIX. Cruel, inhumane acts generally.**

It shall be unlawful for any person in the county to overdrive, overload, torture, torment, deprive of necessary substance, cruelly beat, or needlessly mutilate or kill, or cause or procure to be overdriven, overloaded, tortured, tormented, or deprived of necessary substance, or cruelly beaten or needlessly mutilated or killed by any animal, or to use any animal when unfit for labor. It shall be unlawful for any person in the county to fail to provide an animal owned by such person with adequate shelter necessary to protect such animal from inclement or severe weather.

#### **ARTICLE XX. Failure to feed and water impounded animals.**

It shall be unlawful for any person who impounds or causes to be impounded any animal in any shelter or other place in the county to fail to supply such animal during such confinement a sufficient quantity of good and wholesome food and water. If any animal at any time impounded as provided as herein, and continues to be without necessary food and water for more than twelve (12) successive hours, it shall be lawful for any person, from time to time, and as necessary, to enter into and upon the premises where such animal is confined, and to supply it with necessary food and water so long as it remains so confined, and such person shall not be liable to any action for such entry.

**ARTICLE XXI. Transporting in inhumane manner.**

It shall be unlawful for any person in the County to carry or cause to be carried in or upon any vehicle or other conveyance any animal in a cruel or inhumane manner or to leave an animal in a vehicle in a manner that endangers the health or safety of the animal.

**ARTICLE XXII. Authority to prevent acts of cruelty; unlawful interference.**

Any animal services officer or police officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence, and it shall be unlawful for any person to interfere with or obstruct any such officer, agent or member in the discharge of such duty.

**ARTICLE XXIII. Large Animals-Notices of detention; sale.**

On the next impound day following the impound of any large animal or livestock of any kind, the Animal Shelter shall cause notices of the detention of the animal to be written, containing a description and the particulars of the animal, and shall post at large three (3) of such notices, one being the Rutherford County Courthouse in a conspicuous place and the same notice shall recite that if not redeemed by the owner thereof within thirty (30) business days from the date of posting the notice, the animal may be adopted, humanely euthanized or sold at a public auction to the highest bidder at the discretion of the Animal Services Department.

**ARTICLE XXIV. Livestock at large prohibited.**

It shall be unlawful for any person owning or controlling any bovine, swine, ratites, cattle, horses, mules, sheep, or goats to allow such animals to run at large in the streets or on any privately owned land in the county without the permission of such land owner.

**ARTICLE XXV. Dangerous, mischievous animals at large prohibited.**

It shall be unlawful for any person owning or controlling a dangerous or mischievous animal to permit such an animal to run at large.

**ARTICLE XXVI. Fowl running at large.**

It shall be unlawful for the owner of any chicken or other fowl, as defined in this act, to permit it to run at large upon the premises of any other person.

**ARTICLE XXVII. DANGEROUS AND POTENTIALLY DANGEROUS DOGS.**

**Section 1. Findings.**

- (a) Dangerous dogs have become a serious and widespread threat to the safety and welfare of the citizens and domestic animals of this County.

- (b) The number and the severity of these attacks are often attributable to the failure of the owners to register, confine and properly control dangerous dogs.
- (c) The necessity for the regulation and control of dangerous and potentially dangerous dogs is a countywide problem, requiring regulation, and existing laws are inadequate to deal with the threat to public health and safety posed by dangerous and potentially dangerous dogs.

**Section 2. Citation for Designation of Dangerous dog or Potentially Dangerous Dog; Hearing; Designation of Dangerous Dog or Potentially Dangerous Dog; Imposition of Conditions; No Change of Ownership Pending Hearing.**

- (a) If an Animal Services Officer or law enforcement officer has investigated and determined that there is sufficient cause to believe a dog is potentially dangerous or dangerous, as defined herein, a civil warrant shall be issued and served upon the owner to appear in General Sessions Court for Rutherford County, Tennessee for the purpose of determining whether or not the dog in question should be designated as a potentially dangerous or dangerous dog. The initial hearing should be scheduled not less than five (5) days nor more than fifteen (15) days after serving the civil warrant upon the owner or the keeper of the dog.
- (b) The Court shall designate a dog as a “potentially dangerous dog” if the Court finds, upon a preponderance of evidence, that the dog:
  - (i) Has, within the prior 18-month period while off the property of it’s owner, attempted to attack or has attacked a person, domestic animal or livestock; or
  - (ii) Has, within the prior 18-month period while off the property of it’s owner, engaged in any behavior when unprovoked that reasonably would have required a person to take a defensive action to prevent bodily injury; or
  - (iii) Has, when unprovoked while off the property of it’s owner, bitten a person or a domestic animal causing a minor injury.
- (c) The Court shall designate a dog as a “dangerous dog” if the Court finds, upon a preponderance of evidence, that the dog:
  - (i) Has, within the prior 18-month period while off the property of it’s owner, attempted to attack or has attacked a person, domestic animal or livestock on two (2) or more occasions within the prior 18- month period; or

- (ii) Has, on two (2) or more occasions within the prior 18-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
  - (iii) Has, when unprovoked while off the property of its owner, bitten a person or a domestic animal causing a severe injury; or
  - (iv) Has, previously been declared a potentially dangerous dog but has not been kept in compliance with any restrictions placed by the court of competent jurisdiction upon the owner of such dog; or
  - (v) Has been owned, possessed, kept, used or trained in violation of Tennessee Code Annotated 39-14-203.
  - (vi) If two or more dogs jointly engaged in any conduct described in this section, thus rendering proof of the individual dog that inflicted the particular injury difficult to ascertain, then regardless of the degree of participation by the individual dog(s), all such dogs shall be deemed dangerous dogs.
- (d) No dog may be declared potentially dangerous or dangerous as a result of injury or damage if, at the time of the injury or damage, the victim of the injury or damage (i) was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, (ii) was teasing, tormenting, abusing or assaulting the dog, or (iii) was committing or attempting to commit a crime. No dog may be declared potentially dangerous or dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack. No dog may be declared potentially dangerous or dangerous if an injury or damage was sustained by a domestic animal, which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog. No dog may be declared potentially dangerous or dangerous if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was appropriate to the work of the dog.
- (e) Upon designating a dog as dangerous dog or a potentially dangerous dog, the Court shall impose the restrictions on the owner of such dog as set forth in this Act and may impose such additional restrictions on the respondent as are appropriate under the circumstances of the case. The Court shall reduce such restrictions to writing and have them served on the respondent.
- (f) It shall be unlawful for any person who is subject to any such restrictions to fail to comply with such restrictions.

- (g) It shall be unlawful for any person who has been served with a citation to appear in a Court of competent jurisdiction for the purpose of determining whether such person's dog should be designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog until after the Court has issued a ruling on such citation. It shall be unlawful for any person whose dog has been designated as a potentially dangerous or dangerous dog to transfer ownership of such dog to another person without (1) having advised such other person that the dog has been designated as a potentially dangerous dog or dangerous dog and (2) having advised such other person in writing of the restrictions that have been placed upon such a dog.

### **Section 3. Notice of Designation.**

Within ten (10) working days after hearing conducted pursuant to this Act, the owner or keeper of the dog, if absent from the hearing, shall be notified by the Court in any restrictions imposed upon the respondent, either personally through Animal Services or by first-class mail, postage prepaid. If a dog is declared to be potentially dangerous or dangerous, the owner or keeper shall comply with all restrictions imposed by this Act and by the Court.

### **Section 4. Impoundment and Abatement of Potentially Dangerous Dog or Dangerous Dog.**

- (a) If upon investigation it is determined by the Animal Services officer or law enforcement officer that probable cause exists to believe a dog poses an immediate threat to public safety, then the Animal Services officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this article. At the time of an impoundment pursuant to this, the officer shall serve upon the owner or custodian of the dog a notice of hearing to be held pursuant to this article to declare the dog dangerous or potentially dangerous.
- (b) Any Animal Services officer may impound any potentially dangerous dog or dangerous dog if the Animal Services officer has reasonable cause to believe that any of the mandatory restrictions upon such dog are not being followed or if the failure to follow such restrictions would likely result in a threat to public safety. The owner or custodian of a potentially dangerous dog or dangerous dog shall surrender such a dog to any Animal Services officer or law enforcement officer upon demand. In the event such dog is impounded, the Animal Services officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.
- (c) If a dog has been impounded pursuant to subsection (a) or subsection (b), the Animal Services Director may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this chapter, provided that such confinement will ensure public safety.

- (d) No dog that has been designated by the Court as dangerous dog or a potentially dangerous dog may be released by the Animal Shelter or veterinarian until the owner has paid all veterinarian costs and all other fees of the Animal Shelter that are normally charged to an owner prior to redemption of the animal. If the owner fails to pay such fees and costs and take possession of the dog within ten (10) days of the owner's receipt of notice of the designation of the dog as a dangerous dog or potentially dangerous dog, the dog shall be deemed to be abandoned and may be disposed of by Animal Services. Euthanasia or surrender to Animal Services of such a dog does not free the owner of responsibility for all cost incurred up to and including the date of the euthanasia or surrender.

**Section 5. Possession Unlawful without Proper Restraint; Failure to Comply with Mandatory Restrictions.**

It is unlawful for a person to have custody of or own or possess a potentially dangerous dog or dangerous dog that is not properly restrained. It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or dangerous dog unless such a person is in full compliance with all restrictions placed upon such a person by the Court that has designated such dog as a potentially dangerous dog or dangerous dog.

**Section 6. Mandatory Restrictions on Potentially Dangerous Dogs.**

Once the Court of competent jurisdiction designates the dog as a potentially dangerous dog, the following shall be restrictions that are mandatory upon the owner or custodian of such a dog within 30 days:

- (a) The dog must be kept indoors or confined on the owner's or keeper's property by a fence (other than an "electric fence") capable of confining the dog by a proper enclosure;
- (b) The owner must allow inspection of the dog and its enclosure by Animal Services and must produce, upon demand, proof of compliance with such restrictions.
- (c) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the Animal Services department, to keep the dog on certain specified premises from the landlord or property owner;
- (d) The owner and the dog must attend and complete a course on commonly accepted dog obedience methods approved by the Animal Services department; and

The Court may impose additional restrictions that the Court deems necessary.

## **Section 7. Mandatory Restrictions on Dangerous Dogs.**

- (a) If the dog is designated as a dangerous dog by the Court of competent jurisdiction, the owner or custodian of such a dog shall comply with the following restrictions within 60 days:
- (1) The dog must be kept in a proper enclosure if the dog is maintained unattended out-of-doors; such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five (5) feet from the outer fence;
  - (2) The owner or custodian must allow inspection of the dog and its enclosure by the Animal Services department and must produce upon demand, proof of compliance with the restrictions set forth in this section and any additional restrictions imposed by the Court;
  - (3) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the Animal Services department, to keep the dog on certain specified premises from the landlord or property owner;
  - (4) The owner and dog must attend and complete a training class and / or behavior modification course approved by the Animal Services Department that is designed to teach the owner how to deal with, correct, manage and /or alter the problem behavior;
  - (5) A sign available exclusively from Animal Services, the cost of which shall be included in the annual fee of two hundred dollars (\$200.00) for a dangerous dog, having reflective letters and backing with letters measuring at least 1.5 inches in width and 1.5 inches in height and reading "Beware of Dangerous Dog" shall be posted in a conspicuous place at all entrances to the premises on or within which such dog is kept;
  - (6) A dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals;
  - (7) A dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public;
  - (8) The owner of a dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its own separate enclosure;



- (9) Such a dog shall be photographed by Animal Services for future identification purposes;
  - (10) Neutering or spaying of the dog:
  - (11) Implantation of an identification microchip in such dog; the serial number of the identification chip must be supplied to Animal Services;
  - (12) Requiring the owner of the animal or owner of the premises on which the animal is kept to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000) and to furnish a certificate of insurance;
  - (13) Maintaining and updating annually a record maintained with Animal Services that lists the dog owner(s) or agent contact information, emergency contact persons and phone numbers, veterinarian, landlord and / or property owner contact information, property / liability insurance carrier, vaccination, licensing and / or permit number, photo of the animal and any other information deemed necessary by Animal Services;
  - (14) The wearing of a collar and /or tag that visually identifies the dog as being dangerous (purchased through Animal Services).
  - (15) Notification in writing, at least 15 days in advance, to the Animal Services Department of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within the County or outside the County and / or transfer ownership of the dog; and
  - (16) Any other reasonable requirement specified by the Court.
- (b) The owner must pay the cost of all such restrictions and requirements.

### **Section 8. Removal of Designation of Potentially Dangerous Dog.**

If there are no additional instances of the behavior described in the behavior described in the **Citation for Designation of Dangerous Dog or Potentially Dangerous dog; Hearing Designation of Dangerous Dog or Potentially Dangerous Dog; Imposition of Conditions; No Change of Ownership Pending Hearing**, within 18 months of the date designation as a potentially dangerous dog, the dog shall automatically be removed from

the list of potentially dangerous dogs. The dog may be, but is not required to be removed from the list of potentially dangerous dogs prior to the expiration of the 18-month period if the owner or keeper of the dog demonstrates to Animal Services that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, confinement, etc., have mitigated the risk of public safety; in such event, the owner or Animal Services petition the Court to remove such designation.

**Section 9. Change of Ownership, Custody or Location of the Dog: Death of Dog.**

- (a) The owner or custodian of a dangerous dog or potentially dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least fifteen (15) days prior to the actual transfer or removal of the dog, notify Animal Services in writing of the name, address and telephone number of the proposed new location of the dog, and the name and description of the dog.
- (b) The owner or custodian shall, in addition to the above, notify any new owner or custodian of a dangerous dog or potentially dangerous dog in writing regarding the details of the dog's record and terms and conditions for confinement and control of the dog. The transferring owner or custodian shall also provide Animal Services with a copy of the notification to the new owner or custodian of his or her receipt of the original notification and acceptance of the terms and the conditions. Animal Services may impose the same restrictions or conditions upon the new owner or custodian.
- (c) If a dangerous dog or potentially dangerous dog should die, the owner or custodian shall notify Animal Services no later than twenty-four (24) hours, thereafter and, upon request from Animal Services, shall produce the animal for verification or evidence of the dog's death that is satisfactory to Animal Services.
- (d) If a dangerous dog or potentially dangerous dog escapes, the owner or custodian shall immediately notify Animal Services and make every reasonable effort to recapture the escaped dog to prevent injury and / or death to humans or domestic animals.
- (e) The following persons must notify Animal Services when relocating a Dog to Rutherford County even on a temporary basis:
  - (1) the owner of a potentially dangerous dog or dangerous dog that has been designated as such by another lawful body other than Rutherford County; and
  - (2) the owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than Rutherford County based upon the

behavior of the dog.

No such designation as a dangerous dog or potentially dangerous dog or any other similar such designation shall be recognized by Rutherford County if such designation is based solely on the breed of the dog. Such owner is subject to the restrictions set forth in this chapter.

#### **ARTICLE XXIX. Severability**

The articles of this Act are declared to be severable. If any section, sentence, clause or phrase of this Act shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Act, but shall remain in effect; it being the legislative intent that this Act shall remain in effect notwithstanding the validity of any part.

#### **ARTICLE XXX. Violations-Penalties**

- (a) In addition to all applicable remedies and penalties under State law, any person found in violation of any of the provisions of this Act shall be guilty of a misdemeanor and shall be fined fifty (\$50.00) dollars per violation. Each day that a violation exists shall constitute a separate offense under this provision. Each animal affected by a violation shall also constitute a separate offense. Further, where authorized hereunder, such person may be subject to forfeiture of the animal(s).
- (b) There shall be established, under the supervision of the animal services department, an animal offender school for the purpose of providing education about proper animal care and cruelty prevention to persons found by a court of competent jurisdiction to be in violation of any provision of this Act. The court shall have the discretion to order any person found to be in violation of any provision of this Act to attend such animal offender school in addition to, or in lieu of, fine, fee or other punishment prescribed. The Animal Services Department shall maintain records showing the names of attendees, dates of attendance and whether such attendees satisfactorily completed the course. The cost of attending such animal offender school shall be at the sole expense of the person ordered by the court to attend. The Animal Services Department is authorized to charge a fee of sixty five dollars (\$65.00) for attending the animal offender school.