

Title 8 - ANIMALS*

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Chapter 8-4 - DEFINITIONS

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Sec. 8-4-1 - Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them herein, except when the context requires otherwise:

"Animal" means a species of life different from man or plants and possessing secondary capabilities.

"Animal control officer" means any person assisting the bureau manager authorized to impound animals, issue city court and general sessions citations, and otherwise exercise special police powers to enforce city codes and related state statutes.

"Animal shelter administrator" means a person in charge of the city animal shelter, as designated by the director of public service, and hereafter referred to as "administrator."

"Cage trap" means a container equipped with a trap door which, when tripped, locks an animal or fowl within the structure unharmed.

"Citation" means a written order issued by an animal control officer or other law enforcement officer.

"City court clerk" means the person elected to head the city court clerk's office, a division of the city court system designated to file and process animal ordinance violation citations and summonses.

"Dangerous animal" means any dog, or animal of the canine family, that according to records of the appropriate authority has:

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1. Aggressively bitten, attacked, or has otherwise inflicted injury on a human being on public or private property;
2. Severely injured or killed a human being;
3. Been used primarily, or in part, for the purpose of dog fighting or any other aggressive activity;
4. Aggressively and unprovoked, while off of its owner's property, attacked another domestic animal causing serious injury or death.

"Division director" means the person appointed by the mayor as division director over the animal shelter bureau.

"Employee" means any person employed by the city under the management of the city animal shelter.

"Fertile/unaltered animal" means an animal which is capable of producing offspring.

"Fowl" means any domesticated or undomesticated chicks, ducks, geese, turkeys, or other such birds as may be so designated by the administrator of the city animal shelter.

"Health officer" means a person employed by the city and county health department who, among other duties, shall have the authority to issue permits.

"Livestock" means animals kept or raised for use, pleasure or profits, such as cattle, cows, swine, sheep, horses, mules, goats or any animal designated as such by the administrator of the Memphis animal shelter.

"Owner" means any person, partnership or corporation owning an animal; or any person who feeds, shelters or harbors an animal or permits it to remain on the person's property.

"Provocation, in regard to a vicious dog" means and includes trespass on property, teasing and release of the dog from its restraint, an attempt to injure the dog or the dog's owner or the individual in possession thereof or other such actions. Entry-on property by persons with actual or implied permission of the owner or occupant, including a postal service employee or other authorized government or service employee, shall not in and of itself be characterized as provocation. The burden of proof as to provocation shall be with the owner of the dog.

"Public service director" means the person appointed by the mayor of the city to be the director of public service.

"Steel leg-trap" means a contraption which, when engaged, locks an animal or fowl in place by applying pressure against any part of its body.

"Sterile/altered animal" means an animal which has been surgically rendered incapable of producing offspring.

"Summons" means an order issued by a court of law.

"Trap" means a device designed to capture animals, livestock or fowl as herein defined.

"Vicious animal" means any dog which, without provocation, has attacked and bitten any person(s) or

which has been trained for or participated in dog fights, pursuant to Tennessee Code Annotated, Section 39-3-105. Any dog which attacks and bites a person while the dog is running at large or which has scars associated with dog fights, pursuant to Tennessee Code Annotated, Section 39-3-105, shall be presumed to be a vicious dog.

(Ord. 5214 §§ 1–3, 9-7-07; Ord. 4506 § 1, 9-16-97; Ord. 3973 § 1(1), 6-26-90; Ord. 3528 § 1(1), 3-25-86; Code 1985 § 5-1; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-1)

Chapter 8-8 - ANIMALS GENERALLY

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Sec. 8-8-1 - General maintenance requirements for animals and fowl.

No animal or fowl shall be kept or confined where the water, shelter, ventilation and food are not sufficient and wholesome for the preservation of its health and safe condition. No animal or fowl shall be kept in such place or condition as to become a nuisance either because of odor or contagion of disease.

(Code 1985 § 5-2; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-20)

Sec. 8-8-2 - Running at large of livestock and fowl prohibited.

It is unlawful for any person in charge of any animal, including, but not limited to cattle, swine, sheep, horses, mules, goats or any offensive animal, or any chickens, ducks, geese, turkeys or other fowl, to permit it to run at large upon any street, alley or unenclosed lot within the city.

(Code 1985 § 5-3; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-21)

Sec. 8-8-3 - Impoundment, redemption and disposition.

A. Livestock and Animals Other than Fowl. It shall be the duty of the administrator in charge of the city animal shelter, or his or her agent, to cause any animal, other than fowl, running at large in violation of Section 8-8-2 of this code to be apprehended and placed into the animal shelter. If, within three business days from the time such animal is impounded, the owner or person in charge of such animal

calls for the same, such animal may be released upon payment of a fifty dollar (\$50.00) redemption fee, per animal, a twenty-five dollar (\$25.00) trailering fee, and ten dollars (\$10.00) per day boarding fee, other than fowl. If no one comes forward to claim the above-incarcerated animals within the three business-day period, such animals shall be considered abandoned property and will become the property of the city.

B. Fowl. It shall be the duty of the administrator in charge of the animal shelter, or his or her agent, to cause fowl running at large in violation of Section 8-8-2 of this code to be apprehended and incarcerated in the city animal shelter.

C. If within three business days from the day such fowl is incarcerated the owner or person in charge thereof calls for same, such fowl may be released upon the payment of ten dollars (\$10.00) for each fowl so impounded plus seven dollars (\$7.00) for each day of confinement to defray the cost of the capture of such animal and the protection of the public.

D. If no one comes forward to claim the above-incarcerated fowl within the three business day period, such shall be considered abandoned property and will become the property of the city.

(Ord. 5214 §§ 1, 4–6, 9-7-07; Ord. 4-2-47 § 11, 4-5-94; Code 1985 § 5-4; Ord. 3189 § 1, 3-9-82; Code 1967 §§ 7-22, 7-23)

Sec. 8-8-4 - Destruction of abandoned or neglected animals.

The administrator in charge of the city animal shelter, or his or her agent, may lawfully destroy immediately, or cause to be destroyed immediately, any animal found to be injured or diseased past recovery.

(Ord. 5214 § 1, 9-7-07; Code 1985 § 5-5; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-24)

Sec. 8-8-5 - Cruelty to animals.

It is unlawful for any person to overdraw, overload, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate, kill or cause to procure same to be done, any animal, fowl or bird within the meaning of this chapter, or use, buy, sell or exchange any horse or mule when unfit for labor, or abandon any animal upon any public street, alley or any public property. Nothing herein shall prohibit the purchase of animals by laboratories or humane societies incorporated under the laws of the state of Tennessee.

(Code 1985 § 5-6; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-25)

Sec. 8-8-6 - Trapping animals.

It is unlawful for any person to set or bait any steel leg-trap or other contrivance which would maim, mutilate or seriously injure any animal.

(Code 1985 § 5-7; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-26)

Sec. 8-8-7 - Striking or hitting animal with moving vehicle.

It is unlawful for any person driving a vehicle to strike or hit any animal upon a public right-of-way or any public property without stopping and assisting the animal, or in the alternative notifying the Memphis animal shelter immediately.

(Code 1985 § 5-8; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-27)

Sec. 8-8-8 - Killing birds—Prohibited generally.

The killing or attempting to kill any bird, other than domestic fowl, within the limits of the city, is prohibited, except as hereafter provided.

(Code 1985 § 5-9; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-28)

Sec. 8-8-9 - Killing birds—Removal of pigeons and birds from private, residential and commercial property.

A. For control purposes and to alleviate public distress, and to promote public health, owners of private residential property and public commercial property are authorized to destroy or otherwise remove pigeons and/or birds located within the boundaries of their property, and to dispose of them in accordance with sanitation services procedures. In addition, such property owners may contract with pest control companies properly licensed and bonded by the state for the removal and disposition of pigeons or birds from their property. Such pest control companies shall dispose of such pigeons and/or birds in accordance with sanitation services procedures.

B. Whenever a homing pigeon bearing a ring or seamless legband with its registered number stamped thereon, or any protected wild bird, is found among pigeons trapped under this section, the same shall immediately be released from custody.

C. This section shall not be construed to permit the use of firearms to destroy pigeons and birds, and such use is expressly prohibited.

(Code 1985 § 5-10; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-29)

Sec. 8-8-10 - Keeping of livestock within one thousand feet of residence or place of business.

No person shall keep any cattle, cows, sheep, horses, mules, swine or goats within one thousand (1,000) feet of any residence or place of business in the city without a permit to do so from the health officer. The health officer shall issue permits only when the keeping of such animals in the yard or buildings, and under the circumstances set forth in the application for the permit, shall not injuriously affect the public's health. This section shall not apply to slaughterhouses or city parks.

(Code 1985 § 5-11; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-30)

Sec. 8-8-11 - Disposal of animals.

No person shall leave or throw into any stream or river, nor offensively expose or bury the body, or any part thereof, of any animal, nor shall the same be kept where it may be dangerous to the life or detrimental to the health of any person. The sanitation services division of the city shall be promptly notified of the existence of any such animal and where it is to be found so that it may be removed and disposed of in a sanitary manner.

(Code 1985 § 5-12; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-31)

Sec. 8-8-12 - Unlawful to sell fowl as pets or novelties.

A. It is unlawful for any person, firm or corporation to display, sell, offer for sale, barter or give away

chicks or ducklings as pets or novelties. It shall further be unlawful for any person, firm or corporation to dye, color or otherwise artificially treat any animal or fowl.

B. This section shall not be construed to prohibit the display or sale of natural chicks, ducklings or other fowl by those engaged in the business of selling the same to be raised for food purposes.

(Code 1985 § 5-13; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-32)

Chapter 8-12 - MEMPHIS ANIMAL SHELTER

Sections:

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[Sec. 8-12-3 - Badges, uniforms and police power of shelter officers.](#)

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Sec. 8-12-1 - Establishment and supervision.

A Memphis animal shelter is established under the division of public services. The operation and management of such shelter shall be under the supervision of the administrator in charge of the city animal shelter.

(Ord. 5214 §§ 1, 7, 9-7-07; Code 1985 § 5-26; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-12)

Sec. 8-12-2 - Business hours.

The city animal shelter shall post in a conspicuous and prominent location at the shelter the business hours as designated by the animal services administrator, subject to concurrence by the director of public service.

(Ord. 5214 § 8, 9-7-07; Code 1985 § 5-27; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-13)

Sec. 8-12-3 - Badges, uniforms and police power of shelter officers.

The animal shelter officers and assistants shall wear badges and uniforms designating them as shelter employees. Shelter officers shall have the necessary police powers for the enforcement of this title and the penal laws of the state regulating the keeping, care and impounding of animals.

(Code 1985 § 5-28; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-14)

Sec. 8-12-4 - Resisting or interfering with animal shelter employee.

It is unlawful for any person to resist or interfere with an animal shelter employee in the performance of

his or her duties by acting in a violent and tumultuous manner toward any animal officer so that such officer is placed in danger of safety of his or her life, limb or health.

(Code 1985 § 5-29; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-44)

Sec. 8-12-5 - Animal shelter advisory committee—Creation.

There is hereby created the animal shelter advisory committee, consisting of seven citizens of the city, who shall be appointed by the mayor, subject to approval of the city council, for a term of two years or until their successors are appointed and qualified, and who shall serve without compensation, or oath. The manager in charge of the animal shelter and the health officer shall be ex-officio members of such committee.

(Ord. 5260 § 1 (part), 6-12-08)

Sec. 8-12-6 - Animal shelter advisory committee—Chairperson and secretary.

The chairperson and the secretary of the animal shelter advisory committee shall be designated by the mayor when making appointments to the committee.

(Ord. 5260 § 1 (part), 6-12-08)

Sec. 8-12-7 - Animal shelter advisory committee—Rules and regulations.

The animal shelter advisory committee shall have the power to make rules and regulations for the conduct of its business. Such committee shall meet regularly as prescribed by its rules, and upon call of its chairperson.

(Ord. 5260 § 1 (part), 6-12-08)

Sec. 8-12-8 - Animal shelter advisory committee—Powers and duties.

In addition to other duties prescribed by this title, the animal shelter advisory committee shall:

- A. Assist the animal shelter staff in the investigation and prosecution, if necessary, of all complaints of cruelty or mistreatment of animals or fowl, and if necessary, take charge of and make proper disposition of the animals or fowl involved in such complaints, when so requested by the director of public service;
- B. Advise the director of public service and the animal shelter administrator in matters relating to the efficient and humane operation of the animal shelter;
- C. Serve as advocates for the humane treatment of animals and fowl, as set out in this title, while maintaining an awareness of the needs to protect and enhance the total environment of the city.

(Ord. 5260 § 1 (part), 6-12-08)

Chapter 8-16 - DOGS AND CATS

Sections:

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- [Sec. 8-16-2 - Dog license tags required–Fees–Exceptions–Cat rabies vaccination required.](#)
- [Sec. 8-16-3 - Examination for rabies.](#)
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- [Sec. 8-16-10 - Adequate food, water, shelter, care and conditions–Defined–Penalties.](#)
- [Sec. 8-16-11 - Impoundment and redemption of cats.](#)

Sec. 8-16-1 - Evidence of ownership of animals.

If any dog is found on the premises of any person for a period of ten (10) days or more, it shall be prima facie evidence that such dog belongs to the occupant of such residence. Any person keeping or harboring a dog for ten (10) consecutive days shall, for the purpose of this chapter, be declared to be the owner thereof, and liable for violations of this title.

(Ord. 3973 § 1(2), 6-26-90; Code 1985 § 5-56; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-36)

Sec. 8-16-2 - Dog license tags required–Fees–Exceptions–Cat rabies vaccination required.

A. **Dogs–Licensing and Vaccination.** It is unlawful for any person to own, have, harbor, keep or to cause or permit to be harbored, or kept in the city, any dog three months of age or over, unless a current city license tag has been issued for such dog. Prior to the issuance of a city dog license tag, the animal must receive a vaccination for rabies or the owner of the animal must provide evidence that such animal has been so vaccinated and such vaccination is still current. In addition to the cost of the rabies vaccination, a city dog license tag shall be required for a twelve (12) month period, beginning during the month of purchase and expiring during the same month of the following year, and a license must thereafter be purchased annually on the same basis, in advance of such expiration date, for an applicable fee, as follows:

1. For each fertile dog: fifteen dollars (\$15.00);
2. For each sterile dog: five dollars (\$5.00).

B. Such a city dog license tag may be purchased from the veterinarian at the time of vaccination or can be purchased from the city animal shelter, and/or agencies and offices designated by the director of public service.

C. If the license is purchased from a veterinary clinic, the veterinarian issuing the license may collect an agent's fee of one dollar (\$1.00) for this service.

D. If the license is purchased from a nonveterinarian source, such as the shelter, the purchaser shall exhibit an affidavit from a licensed veterinarian, describing and identifying the animal and certifying its sterility, in order to pay the proper license fee.

Falsification of such affidavit shall be punishable in accordance with state law. No license is transferable.

E. The provisions of this section shall not apply to nonresidents traveling through the city or staying temporarily for a period of less than thirty (30) days.

F. **Cats—Vaccination.** It is unlawful for any person to own, have, harbor, keep or to cause or permit to be harbored, or kept in the city, any cat three months of age or over, unless such person holds a current certificate of vaccination for each such animal.

G. The provisions of this section shall not apply to nonresidents traveling through the city or staying temporarily for a period of less than thirty (30) days.

(Ord. 4819 § 1, 11-21-00; Ord. 4145 § 2, 11-17-92; Ord. 3973 § 1(3), 6-26-90; Code 1985 § 5-57; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-37)

Charter reference— Authority of city to provide for registration and licensing of dogs, § 854.

Sec. 8-16-3 - Examination for rabies.

A. If any dog or cat has bitten any person so as to break the skin, or is suspected of being infected with rabies, it shall be the duty of the animal shelter to cause such animal to be apprehended and quarantined in the shelter, or veterinary clinic, securely penned and separated from other animals for such period as may be necessary to ascertain whether or not the animal is infected with rabies. Pet owners who are bitten by their own dog or cat may be allowed to quarantine their animal at a veterinary clinic or at home. The health officer will have final authority with regard to animal bite quarantines.

B. If, after sufficient quarantine, the animal is not infected, in the opinion of the county officer, or the designated staff of the animal shelter, it shall be returned to the owner, upon payment of appropriate impound, licensing, and rabies inoculation fees, and board fees for each day of quarantine. If not redeemed by the owner at the end of the quarantine period, the animal shall become the property of the animal shelter and will be humanely put to death as soon as practicable thereafter.

C. If, in the opinion of the health officer, or his or her agent, a lab diagnosis is justified, the animal may be euthanized, and proper examination made by the health officer. In determining the necessity of the microscopic examination, the action of the health officer shall be final.

D. Any animal desired for observation by the health department or the animal shelter under the provisions of this section shall be delivered to the police or city animal shelter personnel upon demand and shall not be withheld, hidden or harbored.

When any person refuses to deliver a dog desired for observation, the city court clerk shall issue to the police department a warrant for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of the animal.

(Ord. 4578 § 1, 5-5-98; Ord. 4247 § 2, 4-5-94; Ord. 4145 § 1, 11-17-92; Ord. 3973 § 1, 6-29-90; Code 1985 § 5-14; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-43)

Sec. 8-16-4 - Kennel license fees.

A. Persons operating a commercial kennel, where dogs are owned, bred, boarded and/or held for

sale, containing four or more dogs, in which dogs are kept and maintained exclusively therein, shall not be required to pay the license fee prescribed in Section 8-16-2, provided they can produce evidence that the dogs have been vaccinated for rabies and such vaccinations are still current, but may pay in lieu thereof an annual license fee, beginning during the month of purchase and expiring during the same month of the following year, and thereafter purchased annually on the same basis, in advance of such expiration date, as follows:

1. For each kennel with less than ten (10) dogs: ten dollars (\$10.00);
2. For each kennel with from ten (10) to twenty (20) dogs: twenty dollars (\$20.00);
3. For each kennel with over twenty (20) dogs: thirty dollars (\$30.00).

B. Persons operating a commercial kennel must, at the time of purchasing their license, show approval from the city and county health department as to the location and number of dogs to be kept. In making application for such a license to the city's treasurer's office, the kennel owner or operator shall furnish an affidavit showing the number of dogs kept therein. No license is transferable.

C. A person owning four or more dogs, in a noncommercial capacity, but who may have dogs registered with a recognized kennel club, and the owner holds such animals for show or breeding purposes may, in lieu of Section 8-16-2, purchase for a twelve (12) month period, beginning during the month of purchase and expiring during the same month of the following year, a breeder's exemption certificate, which must thereafter be purchased annually on the same basis in advance of such expiration date from the city treasurer's office, for a fee of thirty dollars (\$30.00), which shall constitute a city license fee for all dogs so held. No license is transferable.

(Code 1985 § 5-58; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-38)

Sec. 8-16-5 - Duplicate dog licenses or tags.

In the event a dog tag or license is lost, stolen or unavoidably mutilated, damaged or destroyed, the administrator in charge of the animal shelter may, in his or her discretion, and upon sworn application of the owner of the dog for which the license was purchased, setting forth the facts in connection therewith, and after investigation thereof, issue a duplicate license and tag upon payment of a fee of two dollars (\$2.00).

(Ord. 5214 § 1, 9-7-07; Code 1985 § 5-59; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-39)

Sec. 8-16-6 - Dogs running at large.

A. Generally. Dog owners or handlers shall, at all times, keep their animals on a leash or other suitable restraint or confined by a fence on their property or the private property of another, with the permission of the owner of that property, so as to prevent the animal from being at large, biting, or harassing any person engaged in a lawful act; interfering with the use of public property or with the use of another person's private property; or being in violation of any other section of this code. No animal shall be allowed to run at large even on the property of the owner or handler of such animal, unless confined by a fence or other suitable restraint.

B. Walking Dog on a Leash. Any person walking a dog on public property including sidewalks, and the private property of others, must keep the dog on a leash and under physical control being able to restrain the movement of the dog with the leash at all times. The leash must be kept in good condition;

of sufficient strength to prevent breaking under pressure; and of material generally resistant to chewing or gnawing by an animal. The length of a leash must be such so as to control the dog from harassing pedestrians or other animals at all times.

C. Methods of Restraint.

1. Dog Restrained by Traditional Fencing. Fencing must be in good condition, of recognized construction methods, and adequate in terms of size to the number of dogs contained in the fenced area to prevent the dogs from escaping. Entry or exit gates must be properly secured by a latching or locking mechanism. The height and condition of the fence must be such to prevent the dog from escaping. As a general rule, a fence should be at least two and one-half times the height of the animal it is intended to restrain. The height of the dog is measured by the height of the dog's shoulder when the dog is standing on four legs. However, should a dog be able to escape from a fence, either by climbing or digging, additional fencing height, kennels, or other restraint methods may be required in addition to fencing. Fencing must be maintained in continued good condition. Existing fencing regardless of height will be considered acceptable means of restraint unless and until a written complaint is filed with the Memphis animal shelter and verified as valid.

2. Dogs Restrained by Tie-Outs or Overhead Cable Runs. As an alternate to traditional fencing, dogs may be restrained with suitably sized tie-outs or overhead cable runs. These restraints must be sufficient in length but never less than six feet, excluding length around collar, and nonrigid, to allow the animal freedom of motion, and to move about at will within a protected area on the property of the owner or handler without becoming tangled in obstacles. These types of restraints shall be located in the yard area so as to prevent the dog from traversing upon another person's property, public sidewalks or public property and from charging and harassing persons and pedestrians utilizing these properties.

3. Dogs Restrained by Invisible Fencing. As an alternative to traditional fencing, tie-outs or overhead cable runs, a dog may be restrained with invisible fencing provided the fencing is set up and maintained in the following manner:

- a. The owner or handler and dog receive training regarding the use and maintenance of the system.
- b. The owner or handler must post signs visible from the public sidewalks and public streets or driveways sufficient to alert the general public upon approaching the property upon which the fencing is located. Two signs are required containing the following wording: "Dog is contained by electronic device," or similar wording; the name, address and telephone number of the company, any trademark and/or logo of either the company that installed the system or the company that maintains the system, and the signs shall be of minimum size of six inches by eight inches.

D. Protective Purposes. No person shall use a dog as a weapon or to threaten or harass other persons or animals. Nothing herein shall prohibit or limit a person's right to possess a dog for protection to their person or property.

E. Exceptions.

1. Dogs employed as police, service, therapy and search and/or rescue dogs are exempt from the requirements of this section while used in their working capacity or while engaged in a training program with a recognized organization or government agency that regularly trains dogs for such

use;

2. Dogs off-leash in areas designated for such use by departments of city government, or on grounds under their jurisdiction, and dogs engaged in conformation, competition or performance related events on public or private property.

F. Prima Facia Evidence. If a dog is found running at large by the Memphis animal shelter, the incident shall constitute prima facia evidence that current restraint methods are inadequate, and the owner shall be required to correct any conditions that permitted the dog to run-at-large, or provide such additional restraints as are necessary to secure and maintain the future restraint of the dog.

(Ord. 4530 § 1, 8-4-98; Code 1985 § 5-60; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-40)

Charter reference— Authority of city to regulate running at large of dogs, § 854.

Sec. 8-16-7 - Impoundment and redemption of dogs.

A. Impoundment.

1. First Impoundment.

a. Any dog not wearing a current license tag required by this title or running at large in violation of this title shall be apprehended and incarcerated in the city animal shelter, and the owner notified, if known. Such dog shall be held for at least three business days during which time the owner may redeem or repossess the same upon payment for, or presentation of, a current license therefor, and payment of eighty dollars (\$80.00), plus seven dollars (\$7.00) for each day of confinement to defray the cost of the capture of such animal and the protection of the public. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for adoption, as provided for in Section 8-16-8, or humanely put to death as soon as practicable thereafter.

b. The first impoundment fee is reduced to forty dollars (\$40.00) if the owner provides proof within thirty (30) days that the animal is altered or if the owner agrees and provides proof thereof within thirty (30) days that the unaltered animal has been sterilized.

2. Second Impoundment.

a. Should a dog belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the dog upon presentation of a current license thereof and payment of one hundred fifty dollars (\$150.00), plus seven dollars (\$7.00) for each day of confinement to defray the cost of the capture of such animal and the protection of the public.

b. The second impoundment fee is reduced to one hundred ten dollars (\$110.00) if the owner provides proof within thirty (30) days that the animal is altered or if the owner agrees and provides proof thereof within thirty (30) days that the unaltered animal has been sterilized.

3. Third Impoundment.

a. Should a dog belonging to the same owner be picked up for a third time within three years of the date of the first offense, the administrator of the animal shelter, or his or her

agent, will serve a summons upon the owner of the animal. The owner shall also be liable for a penalty of not less than two hundred twenty-five dollars (\$225.00) to defray the cost of capture of the animal and protection of the public, with a boarding fee of seven dollars (\$7.00) per day being charged.

b. The third impoundment fee is reduced to one hundred eighty-five dollars (\$185.00) if the owner provides proof within thirty (30) days that the unaltered animal has been sterilized.

B. Sterilization at the Animal Shelter. When an owner is reclaiming an animal that is not spayed or neutered and the owner chooses to sterilize the animal pursuant to this section, the owner will be given the option of having the animal sterilized at the animal shelter by the staff veterinarian when such person is available.

(Ord. 5214 §§ 1, 11, 9-7-07; Ord. 4506 § 1, 9-16-97; Ord. 4247 § 3, 4-5-94; Ord. 3973 § 1(4), 6-26-90; Code 1985 § 5-61; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-41)

Sec. 8-16-8 - Adoption of dogs and cats.

Once a dog or cat becomes the property of the city animal shelter either by gift, donation, abandonment or any other voluntary conveyance or as a result of pickup by the animal shelter or any other person or entity after the animal has been found running at large in violation of this chapter and as provided for in Section 8-16-7, a dog or cat may be adopted in accordance with the terms of the adoption contract (supplied by the shelter) and upon payment of an adoption/sterilization fee, licensing fee and fees for any other service supplied but the city animal shelter in connection with such dog or cat. Each unaltered dog and/or cat will be sterilized by the shelter veterinarian or representative prior to leaving the shelter. If it is determined that a former owner of an animal is applying for adoption, such former owner may gain ownership or possession only by payment of redemption fees set forth in Section 8-16-7.

(Ord. 4506 § 1, 9-16-97; Code 1985 § 5-62; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-42)

Sec. 8-16-9 - Defecation by dogs or cats.

A. It is unlawful for any owner of any dog or cat to fail to promptly remove and dispose of, in a sanitary manner, feces left by a dog or cat being handled by that person on property, public or private, other than the premises of the owner or handler of such dog or cat.

B. Persons owning pet dogs or service dogs, such as seeing eye dogs, who are legally blind or confined to a wheelchair and thereby physically incapable of disposing of feces left by their animal, are exempt from this law.

C. Enforcement of this section shall be in accordance with Chapter 8-24

(Ord. 4826 § 1, 11-21-00; Code 1985 § 5-63)

Sec. 8-16-10 - Adequate food, water, shelter, care and conditions—Defined—Penalties.

A. For the purposes of this section, the following words and phrases shall have the meanings ascribed to them by this section:

"Adequate care" shall include but not be limited to current vaccinations and/or medical treatment for illness, injury, disease, excessive parasitism, or any malformations.

"Adequate conditions" shall include but not be limited to adequate care, food, shelter, and water as defined in this section; some examples include, but are not limited to the following:

1. Owning or having a companion animal that injures a member of the general public or interferes with the ordinary use and enjoyment of their property;
2. Allowing or permitting a cat to damage the property of anyone other than its owner, including defecating upon the property of another;
3. Maintaining companion animals in an unsanitary environment which results in offensive odors or is dangerous to the public health, welfare, or safety so as to increase the probability of the transmission of disease;
4. Maintaining a companion animal that is diseased and thus dangerous to the public health.

"Adequate food" means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding is in accordance with accepted agricultural or veterinarian practices.

"Adequate shelter" means a structure or enclosure which provides an animal with protection from the elements (weather), which structure or enclosure must have a roof, floor and three sides and be of sufficient size as to allow each animal to stand up, lie down and turn around in a natural position and shall include but not be limited to proper restraints as defined in Section 8-16-6 of this chapter.

"Adequate water" means fresh, potable water provided at suitable intervals for the species and which in no event shall exceed twenty-four hours at any interval. The animal must have access to the water.

"Companion animal" means domesticated animals kept in or near the household for the primary purpose of companionship for members of the household and/or companionship for other such animals. This includes dogs, cats, rabbits, guinea pigs, hamsters, rats, mice, ferrets, birds, reptiles, amphibians, invertebrates and species that a reasonable person would consider to be a pet.

"Person" means an individual, firm, partnership, or corporation or authorized agent or representative of a person, partnership, or corporation.

B. No person may possess, lodge, or maintain over five companion animals if such a person displays a general disregard for the conditions under which the animals are living, including, but not limited to, failing to provide all the following to all the companion animals in his care: adequate food, water, shelter, care and conditions.

C. A person in violation of this section is guilty of a misdemeanor. Upon conviction for companion animal hoarding, as defined in subsection (B) above, the city court, court of general sessions, or a court of competent jurisdiction may order that the person do any or all of the following:

1. Be precluded from owning, harboring, or having custody or control of companion animals for a period of time that the court deems reasonable;
2. Participate in available animal cruelty prevention programs and educational programs or both;

3. Undergo a behavioral health evaluation and comply with any recommendations resulting from the evaluation;
4. Forfeit to the Memphis animal shelter animals that are the basis of conviction;
5. Sterilize the companion animals, with sterilization being mandatory upon a second violation;
or
6. Pay appropriate fees and fines.

(Ord. 5214 § 12, 9-7-07)

Sec. 8-16-11 - Impoundment and redemption of cats.

A. First Impoundment.

1. Any cat found in violation of this chapter shall be apprehended and incarcerated in the city animal shelter, and the owner notified, if known. Such cat shall be held for at least three business days during which time the owner may redeem or repossess the same upon payment of eighty dollars (\$80.00), plus seven dollars (\$7.00) for each day of confinement to defray the cost of the capture of such animal and the protection of the public. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for adoption, as provided for in Section 8-16-8, or humanely put to death as soon as practicable thereafter.

2. The first impoundment fee is reduced to forty dollars (\$40.00) if the owner provides proof within thirty (30) days that the animal is altered or if the owner agrees and provides proof thereof within thirty (30) days that the unaltered animal has been sterilized.

B. Second Impoundment.

1. Should a cat belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the cat upon payment of one hundred fifty dollars (\$150.00), plus seven dollars (\$7.00) for each day of confinement to defray the cost of the capture of such animal and the protection of the public.

2. The second impoundment fee is reduced to one hundred ten dollars (\$110.00) if the owner provides proof within thirty (30) days that the animal is altered or if the owner agrees and provides proof thereof within thirty (30) days that the unaltered animal has been sterilized.

C. Third Impoundment.

1. Should a cat belonging to the same owner be picked up for a third time within three years of the date of the first offense, the administrator of the animal shelter, or his or her agent, will serve a summons upon the owner of the animal. The owner shall also be liable for a penalty of not less than two hundred twenty-five dollars (\$225.00) to defray the cost of capture of the animal and protection of the public, with a boarding fee of seven dollars (\$7.00) per day being charged.

2. The third impoundment fee is reduced to one hundred eighty-five dollars (\$185.00) if the owner provides proof within thirty (30) days that the unaltered animal has been sterilized.

D. Sterilization at the Animal Shelter. When an owner is reclaiming an animal that is not spayed or

neutered and the owner chooses to sterilize the animal pursuant to this section, the owner will be given the option of having the animal sterilized at the animal shelter by the staff veterinarian when such person is available.

(Ord. 5214 § 13, 9-7-07)

Chapter 8-20 - DANGEROUS AND VICIOUS ANIMALS

Sections:

- [Sec. 8-20-1 - Definitions.](#)
- [Sec. 8-20-2 - Determination of dangerous/vicious dog or animal.](#)
- [Sec. 8-20-3 - Dog or animal declared dangerous/vicious.](#)
- [Sec. 8-20-4 - Duty of owner of dangerous/vicious dog or animal.](#)
- [Sec. 8-20-5 - Surrender of dog or animal.](#)
- [Sec. 8-20-6 - Unowned or abandoned dog or animal.](#)
- [Sec. 8-20-7 - Dogs or animals not declared dangerous/vicious.](#)
- [Sec. 8-20-8 - Exemptions.](#)
- [Sec. 8-20-9 - Duties of animal control officer.](#)
- [Sec. 8-20-10 - Violation—Penalty.](#)
- [Sec. 8-20-11 - Guard dogs.](#)

Sec. 8-20-1 - Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Animal" includes any dog or animal of the canine family.

"Competent person" means any person eighteen (18) years of age or older, who is able to comprehend and understand the nature of his or her responsibility, and has sufficient ability, mentally and physically, to handle any particular animal he or she may take charge of, or have in his or her control.

"Dangerous/vicious animal" means any dog, or animal of the canine family, that according to records of the appropriate authority has:

1. Aggressively bitten, attacked, or has otherwise inflicted injury on a human being on public or private property;
2. Severely injured or killed a human being;
3. Been used primarily, or in part, for the purpose of dog fighting or any other aggressive activity;
4. Aggressively and unprovoked, while off its owner's property, attacked another domestic animal causing serious injury or death.

"Dog" means any animal of the canine family.

"Guard dog" means 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.

"Keeper" means any person, corporation, or other legal entity possessing or having custody or control of an animal.

"Owner" means: (1) any person, partnership or corporation owning an animal; (2) any person in charge of maintaining an animal; or (3) any person who feeds, shelters or harbors an animal or permits it to remain on such person's property; or (4) if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian.

"Severe injury" means any physical injury that results in broken bones, multiple punctures, or disfiguring lacerations, requiring sutures or cosmetic surgery.

"Sporting kennels" means a facility which offers no services for profit, which maintains animals solely for the owners' sporting or hobby purposes, and which sells offspring and adult animals only on an occasional basis. "Occasional basis" means animal sales of a frequency of no greater than one litter per fertile female per year.

"Trained attack dog" means an animal trained by authorized and specialized personnel for specific purposes.

"Unprovoked attack" means an attack in which an animal without provocation attacks or bites a human being who has been conducting himself or herself peacefully and lawfully and has not teased, threatened or otherwise provoked the attacking animal.

(Ord. 5214 § 14, 9-7-07; Ord. 4954 § 1, 8-6-02; Code 1985 § 5-64)

Sec. 8-20-2 - Determination of dangerous/vicious dog or animal.

A. After an animal control officer has initially determined that a dog should be classified as dangerous/vicious and notification has been sent to the owner or other responsible party, unless a petition has been filed with the Shelby County District Attorney, pursuant to T.C.A. Section 44-17-120, a mandatory ordinance summons shall be obtained by the animal control officer against the owner or other responsible party citing the code section violated, setting a date to appear in city court, court of general sessions, or a court of competent jurisdiction for a determination. If the animal shelter administrator obtains a summons under this code section, then during such time the administrator shall have authority to retain the animal for observation of rabies and safekeeping of the animal shelter. The owner is required to post a bond in the amount of two thousand dollars (\$2,000.00) to ensure payment of all accumulated kennel boarding fees and other fees during this process. Any decision of the court shall be final, subject to appeal to a higher court of competent jurisdiction. During the running of any appeal time, the animal shelter administrator shall have authority to continue to retain the animal for observation of rabies and safekeeping of the animal shelter. At the owner's request and expense, the animal may be kept at a licensed veterinary clinic upon written statement from the veterinary clinic to the animal shelter administrator that the animal will be boarded in a private, licensed veterinary clinic and the posting of a bond with the administrator in the amount of two thousand dollars (\$2,000.00) to insure compliance pending any and all court appearances.

B. Failure of an owner to respond to the ordinance summons shall result in the animal being automatically declared a dangerous/vicious animal and owner has waived all rights to a hearing, and will result in the animal's ownership being relinquished to the animal shelter. At this time notice shall be

given as in civil cases, that if the owner does not appear before the court within five days of receipt thereof and show cause why the dog should not .be destroyed then the order shall be issued and the dog shall be destroyed.

(Ord. 5214 § 16, 9-7-07; Ord. 4954 § 1, 8-6-02; Code 1985 § 5-65)

Sec. 8-20-3 - Dog or animal declared dangerous/vicious.

A. Within thirty (30) days after an animal has been classified as dangerous/vicious, the owner of the animal must obtain a certificate of registration and a tag for the animal from the animal control authority, and the certificate shall be renewed annually. The animal control administrator, or his or her designee, is authorized to issue such certificates of registration, and renewals thereof, only to persons who are at least eighteen (18) years of age and who present to the animal control administrator, or his or her designee, sufficient evidence of:

1. A current certificate of rabies vaccination for the animal;
2. A proper enclosure to confine a dangerous/vicious animal and the posting of the premises with a clearly visible warning sign at all entry points which informs both children and adults of a dangerous/vicious animal on the property or premises which reads:

Warning Dangerous/Vicious Dog
(or Animal) on Premises

3. Permanent identification of the animal such as a tattoo on the inside thigh or electronic implantation;
4. Proof that the dog has been spayed/neutered;
5. Proof to the animal control authority that public liability insurance or a bond of at least fifty thousand dollars (\$50,000.00) is in effect insuring the owner of the animal for any damages, whether arising from personal injury or otherwise, which may be caused by the dangerous/vicious animal. Such policy must provide for thirty (30) day notice to the City of Memphis animal services prior to cancellation or expiration of the policy. In the event such liability insurance or bond is cancelled, lapses, or for any other reason becomes unenforceable, the owner shall be in violation of the provisions of this chapter and title;
6. Purchase of a dangerous/vicious dog tag from the animal control administrator which must be worn by the animal at all times; and
7. Payment in the amount of fifty dollars (\$50.00) for the issuance of certificates of registration and dangerous/vicious dog (animal) tag. For purposes of administering the provisions of this section, the fees provided herein shall be credited to the Memphis animal shelter in a specific line item account.

B. If the owner does not obtain a certificate of registration and a tag within thirty (30) days then the dog becomes the property of the city.

C. The owner shall immediately notify the appropriate animal control authority when an animal that has been classified as dangerous/vicious:

1. Is running at large or unconfined;
2. Has bitten a human being;
3. Is sold, given away, or dies;
4. Is moved to another address.

Prior to a dangerous/vicious animal being sold or given away, the owner shall provide the name, address and telephone number of the new owner to the animal control authority; any new owner residing in the city must comply with all the requirements of this chapter and title.

D. It is unlawful for the owner of a dangerous/vicious animal to permit the animal to be outside a proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under the control of a competent person. The muzzle shall be made in a manner that will not cause injury of the animal or interfere with its vision or respiration, but shall prevent it from biting any person.

(Ord. 5214 § 17, 9-7-07; Ord. 4954 § 1, 8-6-02; Code 1985 § 5-66)

Sec. 8-20-4 - Duty of owner of dangerous/vicious dog or animal.

The owner of any dangerous/vicious animal shall keep the animal confined. As used in this chapter, the word "confined" shall mean as follows:

A. **Leash and Muzzle.** No person shall permit a dangerous/vicious animal to go outside its kennel or pen unless such animal is outfitted with a choke or pinch collar and securely leashed with a substantial chain or leash no longer than four feet in length. No person shall permit a dangerous/vicious animal to be kept on rope or other type of leash outside of its kennel or pen unless a competent person at least eighteen (18) years of age is in physical control of the leash. Such animal may not be leashed to inanimate objects, including, but not limited to, posts, buildings, fences. In addition, all dangerous/vicious animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals. Such muzzle should not cause injury to the animal or interfere with its vision or breathing, but shall prevent it from biting any person.

B. **Confinement Outdoors.** All dangerous/vicious animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided above. Such pen, kennel or structure shall be at least twenty (20) feet from any street or sidewalk, ten (10) feet from any property line and must have secure sides and a secure top to the sides. Such structures must be locked with a key or combination lock when any animal is within the structure. Such structure must have a secure concrete bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house dangerous/vicious animals must be a minimum of six feet by ten (10) feet enclosure and comply with all zoning and building regulations of the city. All such structures must be adequately ventilated and kept in a clean and sanitary condition at all times, and must be inspected and approved by the local health officer, or his or her designee.

C. **Confinement Indoors.** No dangerous/vicious animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building of its own volition. In addition, no such animal may be kept in a house or structure when any unbarred window is open or when any screened window or screen door is the only obstacle preventing the animal from

exiting the structure.

(Ord. 4954 § 1, 8-6-02; Code 1985 § 5-67)

Sec. 8-20-5 - Surrender of dog or animal.

Any owner of an animal which has been involved in a biting incident must surrender that animal to the animal control administrator or his or her designee. Should the owner choose to relinquish ownership rights to the animal, he or she must sign a statement acknowledging that the animal may be destroyed and, if so, the remains submitted to the state laboratory for testing for the rabies virus. In addition, the owner will be required to pay boarding costs and other fees if the dog is kept at the shelter after being confiscated.

(Ord. 5214 § 1, 9-7-07; Ord. 4954 § 1, 8-6-02; Code 1985 § 5-68)

Sec. 8-20-6 - Unowned or abandoned dog or animal.

Any stray, unowned, or apparently abandoned animal that bites a human being will be held for ten (10) days. At the end of the ten (10) day holding period, the animal may be destroyed in an expeditious and humane manner. Any animal determined to have been involved in a bite incident, and held for less than ten (10) days shall be tested at the state laboratory for rabies.

(Ord. 4954 § 1, 8-6-02; Code 1985 § 5-69)

Sec. 8-20-7 - Dogs or animals not declared dangerous/vicious.

When an animal attacks and/or bites strangers:

- A. If an animal that has not been declared dangerous/vicious under this chapter aggressively attacks and causes severe injury to, or death of, any human being, the owner of the animal shall be cited for failing to properly control the animal and shall be subject to a fine of fifty dollars (\$50.00).
- B. In addition, the animal shall immediately be confiscated by the animal control authority and the provisions of this section relating to the classification of an animal as a dangerous/vicious animal shall be implemented.
- C. This chapter and title does not apply to dogs or animals used by law enforcement officials for law enforcement work or purposes.
- D. A dog or animal shall not be classified as dangerous/vicious if the threat, injury, or damage was sustained by a person, who at the time was tormenting, abusing, or assaulting the dog or its owner or handler, and it shall be considered an isolated incident.

(Ord. 4954 § 1, 8-6-02; Code 1985 § 5-70)

Sec. 8-20-8 - Exemptions.

Hunting dogs are exempt from the provisions of this chapter when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, retrieving trials, herding trials, or when engaged in any legal procedures, are exempt from the provisions of this chapter. However, such dogs at all other times in all other acts shall be

subject to this chapter. The foregoing exemptions shall not apply unless all damages done by dogs or animals, therein exempted, to the person or property of another, shall be paid to that person or his or her agent within thirty (30) days after the damage is done.

(Ord. 4954 § 1, 8-6-02; Code 1985 § 5-71)

Sec. 8-20-9 - Duties of animal control officer.

An animal control officer shall investigate incidents involving dogs and animals that may be dangerous/vicious. The animal control officer shall make an initial determination whether an animal is to be classified as dangerous/vicious and shall immediately provide written notification by registered or certified mail to the owner, authorized handler, or person maintaining possession of the animal, that the animal has been preliminarily classified as dangerous/vicious. A dog shall not be classified as dangerous/vicious if the threat, injury or damage was sustained by a person, who, at the time, was unlawfully on the property, or while lawfully on the property was tormenting, abusing, or assaulting the animal or its owner or handler. The officer shall take possession of any dog or animal preliminarily determined to be dangerous/vicious and transport the animal to the animal shelter.

(Ord. 4954 § 1, 8-6-02; Code 1985 § 5-72)

Sec. 8-20-10 - Violation—Penalty.

Any person violating or permitting the violation of any provision of this chapter and title, shall upon conviction, be subject to a fine of not more than fifty dollars (\$50.00) for each separate violation. Each day that any violation of this code or any ordinance continues shall constitute a separate offense.

(Ord. 4954 § 1, 8-6-02; Code 1985 § 5-73)

Sec. 8-20-11 - Guard dogs.

It is unlawful for any person to place or maintain guard dogs in any area of the city 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 by way of lead or leash.
- C. The owner or other persons in control of the premises upon which the 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 curb line or a distance of fifty (50) feet, whichever is less, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four hours a day.
- D. The above provisions shall not be applicable to dogs used in law enforcement by federal, state or local law enforcement agencies.

(Ord. 5214 § 15, 9-7-07)

Chapter 8-24 - ENFORCEMENT

Sections:

[Sec. 8-24-1 - Official to designate special officers.](#)

[Sec. 8-24-2 - When citations deemed lawful complaints for prosecution.](#)

[Sec. 8-24-3 - Procedures applicable to summonses and animal citations.](#)

[Sec. 8-24-4 - Animal violation forfeiture schedule.](#)

[Sec. 8-24-5 - Limitation on action for violations—When action deemed commenced—Service of summons.](#)

[Sec. 8-24-6 - Dismissal or entering a nolle prosequi of citation/summonses not prohibited.](#)

[Sec. 8-24-7 - Aid and assistance.](#)

Sec. 8-24-1 - Official to designate special officers.

The city animal shelter administrator may designate, subject to approval of the director of public service, certain of his or her employees to become special officers of the municipality for the purpose of issuance of citations in lieu of arrest of offenders in cases where they have jurisdiction.

(Ord. 5214 § 1, 9-7-07; Code 1985 § 5-76; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-55)

Sec. 8-24-2 - When citations deemed lawful complaints for prosecution.

When an employee is designated as a seal officer pursuant to Section 8-24-1, he or she is authorized to issue citations in lieu of arrest. Such citation will include information sworn to as required by the laws of the state, with respect to the alleged offense. In the absence of state requirements, the alleged offender must be given information relating to where he or she may pay his or her fine, where he or she may go to set a court date in the event that date has not been set at the time of issuance, to have his or her case judicially reviewed, in addition to information as to the offense with which he or she has been charged.

(Code 1985 § 5-77; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-56)

Sec. 8-24-3 - Procedures applicable to summonses and animal citations.

The following shall apply as to animal and fowl summonses and citations:

A. Citations. Whenever any citation has been issued pursuant to this title, the citation shall provide for payment within fifteen (15) days from issuance. Any person receiving such citation may appear and pay the forfeiture set herein at the city court clerk's office on or before the end of the fifteen (15) day period. If no one appears to pay the citation by the end of such fifteen (15) days, a summons shall be issued as provided for in this title, and served either by personal service or certified or registered mail as provided by law indicating the date and time for such person to appear to answer the charge in such citation. The summons shall be set upon the docket specially established for such summonses by the city court judge. If such person fails to appear to answer summons before the court indicated and at the date and time provided for, the court, upon motion of the city, shall take a default judgment against the defendant in favor of the city. The amount of such default judgment shall be at least the amount of the forfeiture set for violation of such section and no more than fifty dollars (\$50.00) and cost for each violation. The summons shall be sworn to

by the officer before a person designated as a city court clerk for the purpose of taking oaths approved by a majority of the city court judges. If the defendant contests the ownership of the animal or the violation of this title, he or she shall file a sworn pleading in advance of the hearing setting forth such defense or defenses so as to allow the city sufficient time to prepare for the trial.

B. Summons. Every summons issued shall provide for an appearance date and such date shall be not less than five nor more than fifteen (15) days after the issuance of a summons. The offender shall pay by mail or shall appear at the city court clerk's office on the date set therein or at any time prior thereto and pay the forfeiture as set forth therein, or may request a trial on the date set therein. If any offender fails to appear on or before the appearance date, a docket shall be prepared, as soon as possible of all those persons failing to appear, to be called the default docket. The docket shall be presented to the court and the court shall, upon motion of the clerk, take a default judgment against the defendant in favor of the city in an amount not less than that specified by the schedule of forfeitures nor more than fifty dollars (\$50.00), plus costs, for each offense. The default docket shall be assigned in accordance with procedures established by the court rules.

(Ord. 3973 § 1, 6-26-99; Code 1985 § 5-78; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-57)

Sec. 8-24-4 - Animal violation forfeiture schedule.

A. The city court clerk's office is authorized to collect the following scheduled forfeitures:

Section

Violation	Nature of Violation	Forfeiture
8-8-5	Cruelty to animal	\$50.00
8-16-2	Failure to vaccinate a dog or cat for rabies	50.00
8-16-6	Dog running at large	50.00

B. The established forfeitures as provided herein may be paid at the city court clerk's office at any time prior to the court date appearing upon any citation. Such payments at the city court clerk's office may be made in person or by mail, or as otherwise provided by law.

(Ord. 3973 § 1, 6-26-99; Ord. 3471 § 1, 7-2-85; Code 1985 § 5-79; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-58)

Sec. 8-24-5 - Limitation on action for violations—When action deemed commenced—Service of summons.

A. No action shall be commenced by the city in any court for the purpose of enforcing any violation of animal violation sections of the code of the city after one year from the commission of the offense. For the purpose of this section a court action shall be deemed to be commenced:

1. Upon the issuance of a citation to the offender;
2. Upon the arrest of the offender;
3. Upon the issuance of an arrest or bench warrant for the offender; or

4. Upon the issuance of a summons to the offender.

B. A summons may be served by:

1. Personal service on the offender; or
2. Registered or certified mail, addressee only, return receipt requested.

(Code 1985 § 5-80; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-59)

Sec. 8-24-6 - Dismissal or entering a nolle prosequi of citation/summons not prohibited.

Nothing herein shall prevent the city through the city attorney's office from dismissing or entering a nolle prosequi of any citation or summons in open court. Such summons or citation shall be dismissed if it shall be determined that the citation was issued to a nonresident and is deemed uncollectible; there is a lack of proof; or for such other valid reason as stated to the court.

(Code 1985 § 5-81; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-61)

Sec. 8-24-7 - Aid and assistance.

It shall be the duty of all police officers to render any assistance necessary.

(Code 1985 § 5-82; Ord. 3189 § 1, 3-9-82; Code 1967 § 7-61)