

SUBSTITUTE ORDINANCE NO. BL2023-1688

An ordinance to amend Chapters 8.04 and 8.08 relative to the regulation of animals.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Chapter 8.04 of the Metropolitan Code of Laws is amended by deleting the chapter in its entirety and replacing it with the following:

Chapter 8.04 – Animals Generally

8.04.010. Definitions.

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

"Animal care and control division" means the animal care and control services division of the department of health.

"At large" means any animal, excluding ~~domestic~~ cats, that is not physically restrained on owner's or keeper's premises including motorized vehicles in a manner that physically prevents the animal from leaving the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash, tether or other physical control ~~device not to exceed eight feet in length~~ and under the physical control of a capable person, as except as otherwise authorized by law.

"Cat" means all domesticated members of the feline family.

"Community cat" means any free roaming cat that may be cared for by one or more residents of the immediate area. Community cats are exempt from any licensing, stray, abandonment, and at-large provisions directed towards owned animals.

"Community cat caregiver" means a person who provides care, including food, shelter, or medical care to a community cat, while not being considered the owner, custodian, harbinger, controller, or keeper of a community cat or to have care or charge of a community cat. Caregivers should make reasonable efforts to sterilize and vaccinate cats against rabies. Community cat caregivers may redeem community cats from the shelter without proof of ownership and are exempt from any charges and/or fees.

"Compendium" or "Rabies compendium" means the most recent issue of the national *Compendium of Animal Rabies Prevention and Control* published by the Association of State Public Health Veterinarians.

"Department" means the Department of Health of the Metropolitan Government of Nashville and Davidson County, Tennessee, and shall include its board, agents, employees and activities.

"Director of health" means the director of health or ~~his or her~~ the director of health's designated representative.

"Dog" means all domesticated members of the canine family.

"Extreme weather conditions" means those conditions that pose life-threatening health conditions to animals who are dependent upon their owners' care and protection. Extreme

weather conditions ~~shall~~ may include temperatures reported and verified by the National Weather Service below 32 degrees Fahrenheit (0 degrees Celsius), temperatures above 95 degrees Fahrenheit (35 degrees Celsius), or in instances when the National Weather Service issues a weather advisory for a tornado warning or severe thunderstorm warning.

"Guard dog" means any dog trained to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog.

"Livestock" means all animals of the equine, ovine, bovine, caprine, poultry, or swine and similar classes and includes, but is not limited to, goats, sheep, mules, horses, hogs, cows or cattle and domesticated poultry.

"Owner" means any person having a right of property in any domesticated animal or who keeps or harbors an animal, or who has it in ~~his~~ the person's care, or acts as its custodian, or who permits an animal to remain on or about any premises.

"Person" means any natural person, individual, firm, society, corporation, partnership, association, trust, estate, or other legal entity. If the person is a minor as defined by statute, the minor's parent or legal guardian shall be the owner for the purposes of this chapter.

"Pet" means a domestic or other animal allowed under this chapter to be kept as a companion.

"Quarantine" means a state of strictly enforced isolation from other animals or the public imposed to prevent the spread of disease.

"Vaccination" means the process whereby an animal is immunized against rabies using a vaccine and a technique approved by the board of health.

8.04.020. Rabies vaccination requirements.

A. It is unlawful for any owner to keep, harbor or permit to remain on or about any premises any dog over six months of age which has not been vaccinated against rabies as required by the board of health. A certificate of such vaccination shall be issued by a licensed veterinarian duly authorized to administer such a vaccination, and such certificate shall be kept by the person who owns, keeps, harbors such dog, subject to the inspection of the director of health. The certificate of vaccination shall clearly identify the date by which re-vaccination is required.

AB. Every person who is the owner of any dog or cat over the age of six months within the jurisdiction of the metropolitan government shall have such animal vaccinated against rabies with a vaccine approved by the United States Department of Agriculture and administered only by or under the supervision of a licensed veterinarian. The vaccination schedule shall be the following:

Dogs:

1. Within 30 days after a dog reaches the age of six months a primary or first vaccine dose must be given, which will be and is valid for only one year. The second and subsequent vaccine doses can be a "three-year vaccine" certified by the veterinarian and will be valid for three years. If an approved "three-year vaccine" is not used, then the dog must be vaccinated annually.
2. Within 30 days of acquiring the dog if there is no documented vaccination history; or

3. Within 30 days after entering the jurisdiction of this chapter if the owner cannot provide documented vaccination history.

Cats:

1. Within 30 days after a cat reaches the age of six months a primary or first vaccine dose must be given and is valid for only one year. The second and subsequent vaccine doses can be a "three- year vaccine," certified by the veterinarian and will be valid for three years. If an approved "three year vaccine" is not used, then the cat must be vaccinated annually.
2. Within 30 days of acquiring the cat if there is no documented vaccination history; or
3. Within 30 days after entering the jurisdiction of this chapter if the owner cannot provide documented vaccination history.

BC. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog or cat shall be revaccinated, description and sex of the dog or cat vaccinated, type and lot number of vaccine administered and the name of the licensed veterinarian administering the vaccine. Such certificate shall be kept by the owner, subject to the inspection of the director of health.

8.04.030. Pet Licenses—Requirements.

A. Any person owning, keeping or harboring on the premises where they reside, any dog or cat six months of age or over, shall pay to the director of health a license fee in accordance with the current fee schedule established by 8.04.140(A). Such fee schedule, and all amended fee schedules, shall be approved by the board of health and authorized by passage of a resolution by the council. Each license issued shall be valid until the required revaccination date as specified on the certificate.

B. The license fees authorized pursuant to this section shall be set and approved by the board of health

C. 1. Persons operating kennels where dogs are bred for sale shall not be required to pay the above license fee, but in lieu thereof shall pay a license fee as kennel keeper based upon the number of dogs kept by the kennel in accordance with the current fee schedule established by Section 8.04.140(A).

2. At the time such license fee is paid, there shall be presented to the department of health, at the time of making the application, an affidavit showing under oath the number of dogs to be kept at the kennel for which application is made. All sums collected hereunder shall be collected by the director of health annually on or before April 1st, or at such time as the kennel shall be open for operation, as provided herein.

D.1. Within 30 days after a dog reaches the age of six months, a license tag must be obtained, which will be and is valid for only one year;

2. Within 30 days of acquiring the dog if there is no documented license tag history; or

3. Within 30 days after entering the jurisdiction of this chapter if the owner cannot provide documented license tag history.

4. An animal displaying a current license from jurisdictions outside the county, but within the state, shall not require licensing under this chapter until expiration of the current license.

8.04.040. Licenses—Issuance of License—Records.

It shall be the duty of the director of health to collect the license fees under this chapter. The director of health shall record the information specified under ~~Tennessee Code Annotated 68-8-403(e)~~ state law. Unless such certificate of vaccination is exhibited at the time request is made for a license, the director of health shall issue no license. On receipt of the payment of the license fee, the director of health shall issue to the person paying the same a license to be furnished by the metropolitan government, showing the name of the owner of the ~~dog~~ animal or kennel on which such license fee is paid, the date and amount of such payment, the license tag number issued for each ~~dog~~ animal and the date of vaccination of such ~~dog~~ animal, and shall deliver to the owner a license tag bearing the serial number and the year through which the license fee is paid.

8.04.050. Collection and disposition of fees.

It shall be the duty of the director of health to collect all fees imposed under this chapter. The director of health shall appoint certain officials as may be necessary to work in cooperation with and under the supervision of the director of finance to establish and prescribe the times and manner in which the fees received shall be deposited in the general fund.

8.04.060. Licenses—Issuance—Records.

~~It shall be the duty of the chief medical director to collect the license fees under this chapter. The director shall record the information specified under the Tennessee Code Annotated. Unless such certificate of vaccination is exhibited at the time request is made for a license, the chief medical director shall issue no license. On receipt of the payment of the license fee, the chief medical director shall issue to the person paying the same a receipt to be furnished by the metropolitan government, showing the name of the owner of the dog or kennel on which such license fee is paid, the date and amount of such payment, the license tag number issued for each dog and the date of vaccination of such dog, and shall deliver to the owner a license tag bearing the serial number and the year through which the license fee is paid.~~

8.04.070. License tags.

A. Dog license tags issued pursuant to this chapter shall be supplied by the department of health, to be made available in its budget, out of the revenues of the metropolitan government.

B. It shall be the duty of the owner to attach such license tag to a collar which shall be worn at all times by each dog licensed. In the event of the loss of such license tag, the department of health shall issue a duplicate tag, for which the owner shall pay a fee in accordance with the current fee schedule established by Section 8.04.140(A), and such duplicate tags shall be forthwith attached to the dog collar and at all times worn thereon; provided, that the collar may be removed in cases of hunting dogs while in chase, returning from the chase, or while in training.

C. Nothing in this section shall be construed as permitting the use of an unvaccinated dog in either the hunt or chase. A dog tag shall not be transferable from one dog to another.

D. No refunds shall be made on any dog license fee.

~~E. An animal displaying a current license from jurisdictions outside the county, but within the state, shall not require licensing under this chapter until expiration of the current license.~~

~~F. Animal care and control may inspect the premises where animals are kept to ensure that owners or keepers are providing minimum care and facilities.~~

8.04.080. Failure to pay license fee.

It is unlawful for any person or owner to keep or harbor any dog for which a license fee on such dog has not been paid as required by this chapter.

8.04.090 Confinement required—Female dogs in heat.

Every owner of a female dog is required to confine the same during the time she is in heat. The confinement required by this section shall be such that other dogs may not get to the female dog. It is unlawful for any owner of a female dog not to so confine such dog as required by this section.

8.04.100 Confinement required—Animals suspected of having rabies.

A. If any animal has bitten any person, is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal may be required to be placed under an observation period either by confinement or by quarantine for a period of time deemed necessary by the animal care and control division.

B. The act of investigating the bite or rabies exposure and placing the animal under observation by confinement or quarantine shall be accomplished by the animal care and control division after consultation with the director of health, if necessary.

C. The confinement, quarantine or other disposition of the animal shall follow the current recommendations in the national rabies compendium unless more specific guidelines are designated by duly promulgated rules of the Tennessee Department of Health or as deemed necessary by the director of health to protect the public's health.

D. The observation period by confinement or quarantine may occur at the animal owner's home at the discretion of the department or the animal care and control division.

E. The owner will be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep an animal during the observation or quarantine period.

8.04.110. Guard dogs.

It is unlawful for any person to place or maintain guard dogs in any area of the metropolitan government for the protection of persons or property unless the following provisions are met:

A. The guard dog shall be confined to the property or held by a person on a leash; or

B. The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty 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.

C. The owner of the dog, and/or owner of the property in which the dog is present keeps records of training completed.

D. The above provisions shall not be applicable to (1) dogs used in law enforcement by federal, state, or local law enforcement agencies or (2) dogs used by licensed security firms which have sufficient training.

8.04.120 Animals at large.

A. Any animal found running at large may be seized by the proper authorities of the health and police departments of the metropolitan government.

B. No person owning or having possession, charge, care, custody, or control of any animal shall cause, permit, or allow the animal to stray or in any manner to run at large.

C. Every person owning or having possession, charge, care, custody, or control of any animal shall keep such animal exclusively upon the person's ~~his~~ own premises; provided, however, that such animal may be off such premises only if it is restrained by the owner or such animal is accompanied by the owner and the owner has ~~full command of~~ physical control of the animal.

D. Subsections A and B of this section shall not apply to a dog on a hunt or chase, a dog in training, a dog guarding or driving stock, a police dog, a working dog, cats, or any animal participating in an organized field competition, or as otherwise authorized by law.

~~E. Every owner of a female dog is required to confine the same during the time she is in heat. The confinement required by this section shall be such that other dogs may not get to the female dog. It is unlawful for any owner of a female dog not to so confine such dog as required by this section.~~

E. The penalties for violation of this section shall be as follows:

1. First Violation. The penalty for the first violation of this section shall be fifty dollars per animal in violation. This penalty may be waived by the court upon proof in the form of a certificate from a licensed veterinarian verified by the metropolitan health department that each animal in violation has been spayed or neutered.

2. Second Violation. The penalty for the second violation of this section shall be fifty dollars for each animal in violation.

3. Third Violation. The penalty for the third violation of this section shall be fifty dollars for each animal in violation. Further the court shall order that any outside area of the owner's premises in which the animal or animals may be kept shall be enclosed by a fence.

4. Fourth Violation. The penalty for the fourth violation of this section shall be fifty dollars for each animal violation and the court shall order that any outside area of the owner's premises in which the animal or animals might be kept or placed even if on a temporary basis shall be enclosed by fencing that is verified as secure by the metropolitan health department.

5. Fifth Violation. The penalty for the fifth violation of this section shall be a penalty of fifty dollars and the animal or animals may be seized and impounded by the metropolitan health department, and may not be released to the owner, and may otherwise be disposed of in the manner provided by this chapter.

8.04.130. Authority to impound dogs.

All law enforcement and animal and care and control officers shall have the right to lawfully take up and put into the animal shelter of the metropolitan government any dog found in violation of any provision of this chapter.

8.04.140. Impoundment and fees—Redemption.

A. When any dog is impounded pursuant to the authority granted by the Metropolitan Code, and if the dog bears a tag or identification, an attempt shall be made to contact the owner to appear within seven days and redeem said dog. The owner shall pay for each dog seized and impounded an impoundment fee; and for each day or fraction thereof the dog remains unclaimed, a boarding fee, both in accordance with the current fee schedule. Such fee schedule, and all amended fee schedules, shall be approved by the board of health and authorized by passage of a resolution by the council. The fee schedule may also set forth amounts to be charged for other incidental costs, such as fees for microchips.

B. A current copy of the fee schedule shall be posted on the metropolitan public health department website and in a conspicuous place in the metropolitan animal care and control animal shelter. A copy shall also be kept in the office of metropolitan public health department's bureau of environmental health services.

C. Three dollars (\$3.00) of the daily dog boarding fees shall be deposited regularly with the metropolitan treasurer in a separate revenue account and shall be used to fund animal education and welfare programs of the metropolitan animal care and control division of the metropolitan health department.

D. If the dog impounded has not been licensed or vaccinated against rabies as required by law, the owner shall, before being permitted to regain possession of the dog, have the dog vaccinated and licensed. The director of health is also authorized to have a veterinarian humanely implant any animal lawfully impounded with an electronic microchip that will allow the animal to be positively identified, which shall be at the owners or possessor's sole expense, before being released back into their custody.

The impoundment and boarding fees authorized pursuant to this section shall be set and approved by the board of health.

E. The director of health is given the discretion to waive a portion or all of the fees imposed pursuant to this Section when the dog has been impounded through no fault of the owner as determined by the director of health.

8.04.150. Disposition of unclaimed or unlicensed dogs.

A. It shall be the duty of the director of health to keep any licensed dog impounded for running at large or impounded for a period of seven days from the date notice is mailed to the owner of record as determined by the license. Any unlicensed dog that is impounded shall be kept for a period of three working days beginning with the date of seizure. At the expiration of the applicable period of days such impounded dog may be disposed of as follows:

1. Whenever any individual shall apply to the department of health for permission to adopt or buy any impounded dog remaining unclaimed, the director of health may sell to the individual such unclaimed dogs or surrender such dogs to the individual for adoption upon a payment of a fee set by the board of health.

2. Whenever any dogs remain unclaimed, such dogs may be ~~destroyed~~ humanely disposed of in a manner to be determined by the director of health.

B. Any person who does not desire to pay the license fee, provided by this chapter upon any dog owned, kept or harbored on premises owned by ~~him~~ the person shall bring such dog to the animal shelter operated by the metropolitan government to be disposed of.

C. Notwithstanding subsection A of this section, the director of health, upon the advice of a licensed veterinarian, may dispose of a dog immediately if he/she determines the dog is suffering from rabies or other infectious or dangerous diseases, or is in misery, or if he/she determines such immediate disposition furthers the public's health and safety.

D. The department of health is authorized to charge a reduced adoption fee described in this section for organizations that have applied for and received certification under health department policy.

8.04.160. Concealment of dogs.

No person shall hide, conceal or aid or assist in hiding or concealing any dog owned, kept or harbored in violation of any of the provisions of this Title.

8.04.170 Interfering with police officers or health department officials unlawful.

It is unlawful for any person to interfere with or hinder any police officer or any official of the ~~health department, including the dog catcher,~~ in the discharge or apparent discharge of the officer or official's ~~his~~ duty enforcing the provision of this chapter.

8.04.180. Exemption from chapter—Dogs in transport.

An owner transporting a dog through the metropolitan government area is exempt from the provisions of this chapter; provided, that such dog shall be securely confined or on a leash during its transportation through the metropolitan government area; and provided further, that such dog shall not remain in the metropolitan government area for more than thirty days.

8.04.190. Removal of excrement.

A dog owner shall clean up and remove any excrement left by ~~his or her~~ the owner's dog(s) on any public property or private property not owned or lawfully possessed by the dog owner. Violations of this section shall be punishable by a fifty-dollar fine.

8.04.200. Pet dogs in outdoor dining areas at restaurants.

A. Definition of "pet dog." For purposes of this section, "pet dog" means a dog other than a service or guide dog assisting a person with a disability or a dog actually engaged in training to become a service or guide dog.

B. Permit authorizing pet dogs in outdoor dining areas of restaurants. The owner or proprietor of any restaurant which maintains an outdoor dining area may apply to the department for a permit authorizing persons to allow pet dogs to be present upon the premises of the outdoor dining area subject to the following terms and conditions:

1. All pet dogs brought upon the premises of a restaurant outdoor dining area shall have a current rabies vaccination and current license tag affixed to the dog's collar as required by Chapter 8.04 of the Metropolitan Code.
2. No pet dog shall be present in the interior of any restaurant or in any area where food is prepared;
3. The restaurant shall have the right to refuse to serve the owner of a pet dog if the owner fails to exercise reasonable control over the pet dog or the pet dog otherwise is behaving in a manner that compromises or threatens to compromise the health or safety of any person present in the restaurant;
4. All restaurant employees shall wash their hands promptly after touching, petting or otherwise handling a pet dog. Employees shall be prohibited from touching, petting or otherwise handling pet dogs while serving food or beverages, or handling tableware, or before entering other parts of the public food service establishment;
5. Employees and patrons shall be instructed that they shall not allow pet dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations;
6. Patrons shall keep their pet dogs on a non-retractable leash no longer than six feet at all times and keep their pet dogs under reasonable control;
7. Pet dogs shall not be allowed on chairs, tables or other furnishings;
8. Accidents involving pet dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area;
9. A sign or signs reminding employees and patrons of the applicable rules shall be posted in a visible location upon the premises of the outdoor dining area.
10. Pet dogs shall not be permitted to travel through indoor or nondesignated portions of the restaurant, and ingress and egress to the designated outdoor portions of the restaurant shall not require entrance into or passage through any indoor area of the restaurant.

C. Permit fee. Any restaurant owner and/or proprietor wishing to obtain a permit authorizing pet dogs in outdoor dining areas shall complete an application form provided by the department and pay an annual permit fee in the amount of twenty dollars. The application shall request such information as deemed appropriate by the department, including, but not limited to, the names and contact information for at least one person responsible for management of the business during all hours when the business is open to the public. The application also shall contain a certification that the applicant is aware of all laws, ordinances, rules and regulations pertaining to permitting dogs to be in outdoor dining areas, together with an affirmative statement to be signed by the applicant verifying that the applicant shall abide by all such laws, ordinances, rules and regulations at all times.

D. Any applicant/permittee shall fully cooperate with any governmental entity having responsibility for enforcement of Title 53, Chapter 1 of the Tennessee Code Annotated, and any other applicable statutes and ordinances.

E. Enforcement. Obligations imposed by this ordinance on the owner of or person responsible for a pet dog shall be enforced against the owner or the person responsible for the dog. Obligations imposed by this section on the restaurant or the employees thereof shall be enforced against the employee(s) or agent(s) of the restaurant responsible for the violation. Obligations that may reasonably be construed as being imposed against either the owner of or person responsible for a pet dog, or the employee(s) or agent(s) of the restaurant, may be enforced against the owner of or person responsible for the pet dog, or the employee(s) or agent(s) of the restaurant responsible for the violation, or both. Any violation of this section by an agent or employee of the restaurant, or by the owner of or person responsible for the pet dog shall result in a fine not to exceed fifty dollars for each offense. The owner or person responsible for a pet dog that fails to clean up dog waste within a restaurant outdoor dining area as required by subsection B.8 of this section shall be cited under the provisions of this section.

F. Revocation of permit. In addition to the penalties set forth in subsection E. of this section, any violation of this ordinance by the holder of the permit shall also subject the permit holder to revocation of the permit.

8.04.210. Violations; civil infractions; civil penalties.

A. Any violation of this chapter is a civil infraction.

B. Any person who has committed an act in violation of Title 8 of this code may receive a citation from the animal care and control division by an animal care and control officer or from a law enforcement officer who has probable cause to believe that the person has committed a violation of Title 8 of this code.

C. The general sessions court shall have jurisdiction over all violations of this chapter.

D. Any violation of this chapter may be punishable by a civil penalty of not more than \$50.00. Each day that any section of this chapter is violated shall constitute a separate punishable offense.

E. Any person issued a citation from an animal care and control or law enforcement officer may be deemed to be charged with a civil violation and shall comply with the directives on the citation.

Section 2. That Section 8.08.010 of the Metropolitan Code of Laws is amended by deleting the definition of "Guard Dog" and "Vicious Dog" and adding the following definitions in alphabetical order:

"Guard dog" means any dog trained to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog.

"Secure Enclosure" means any of the following:

- (1) A fully fenced pen, kennel or structure that shall remain locked with a padlock or combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code; or

- (2) A house or garage. When dogs are kept inside a house or garage as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the dog. A house, garage, patio, porch or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the dog to exit the structure of its own volition; or
- (3) For a ~~dangerous~~-vicious dog, a fully fenced pen, kennel or structure at least six feet in height, installed beneath the ground level or in concrete or pavement, or a fabricated structure to prevent digging under it. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure and be equipped with a self closing and self latching gate. A "~~Dangerous~~-Vicious Dog" sign prescribed by the director must be posted at the entry to the owner's or keeper's premises.

"Physical Device or Structure" means a tether or leash, trolley system, other physical control device or any structure made of material sufficiently strong to adequately and humanely confine the animal in a manner that would prevent it from escaping the premises.

"Vicious dog" means any dog which attacks and bites, or which seriously injures or kills, a person or animal on any public or private property without provocation; any dog previously declared vicious in a court of law; or any dog owned or harbored primarily or in part for the purpose of dog fighting.

Section 3. That Section 8.08.020 of the Metropolitan Code of Laws is deleted in its entirety.

Section 4. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by:

Russ Bradford
Member of Council