

who is authorized to implement and enforce this chapter and applicable state statutes.

“At large” means any animal that is off the premises of the owner and not under the control of the owner, either by leash, cord, chain, or otherwise; provided that an animal shall not be considered running “at large” when:

- A. The animal is off the premises of the owner, if such animal shall be accompanied by the owner and the owner shall have full command of such animal; or
- B. The animal is accompanied by a responsible person and is a hunting dog in chase or in training, a dog guarding or driving stock, a police dog, a working dog, a dog participating in an organized field competition, or a community cat.

"Board of health" means the Board of Health of the Metropolitan Government of Nashville and Davidson County, Tennessee.

“Community cat” means any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown. Community cats that are ear-tipped are sterilized and have received at least one vaccination against rabies. Community cats are exempt from any licensing, stray, abandonment, and at-large provisions directed towards owned animals. A community cat may also be defined as a cat 'found' outside that is brought to an animal shelter and not yet sterilized/ear tipped.

“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 must 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.

"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.

“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 include temperatures reported and verified by the National Weather Service below 32 degrees, temperatures above 95 degrees, 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 or used 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 possessing, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal or livestock covered by this chapter.

“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.

“Quarantine” means the strict confinement, isolation, and observation of an animal suspected of rabies.

“Trap/Neuter/Return (TNR)” means the nonlethal process of humanely trapping, sterilizing, vaccinating against rabies and ear-tipping community cats and returning them to their original location.

“Vaccination” means a rabies vaccine administered by a licensed veterinarian and approved by the

health department or the state department of health and administered to such animal on an annual basis.

8.04.020. Animals at large.

- A. 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 in or upon any public street, sidewalk, or park, or upon the property of another.
- B. Every person owning or having possession, charge, care, custody, or control of any animal shall keep such animal exclusively upon his own premises; provided, however, that such animal may be off such premises if it is on a secure leash, chain, or other like device not to exceed six feet in length, or the animal is accompanied by the owner and the owner has full command of such animal.
- D. Subsections A and B of this section shall not apply to a dog on a hunt or chase, a dog guarding or driving stock, a police dog, a working dog, community cats, or any animal participating in an organized field competition.

8.04.030. Animals creating a nuisance.

- A. For the purpose of this section, the following terms shall have the following meanings:

“Habitually” shall mean continuously for a period of three minutes, or intermittently for one-half hour or more.

“Provocation” shall mean that the objectionable noise made by the animal was caused by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, teasing, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

- B. The owner having control or custody of any animal or livestock which:
 - 1. Unprovoked, habitually barks, whines, meows, squawks, or causes other objectionable noise resulting in a nuisance to a neighboring resident, shall be deemed to be committing an act in violation of this chapter.
 - 2. Disturbs the peace by destroying or desecrating public or private property chasing of persons, livestock, cars, or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of such public or private property shall be deemed to be committing an act in violation of this chapter.
- C. The owner having control or custody of a female dog or cat in heat (estrus) shall humanely confine such dog or cat in a building or secure enclosure so as to be inaccessible to any male dog or cat, except for controlled and intentional breeding of such animal.

8.04.040. Number of animals, acreage restrictions.

- A. The following chart prescribes the number of dogs and cats per specified acreage restrictions:

If You Have*	Less than 1.0 Acre	1.5-2.5 Acres	2.5-5 Acres	5+ Acres
1-5 dogs and cats	Allowed	Allowed	Allowed	Allowed

6-10 dogs and cats	Prohibited	Allowed	Allowed	Allowed
11-20 dogs and cats	Prohibited	Prohibited	Allowed	Allowed
21+ dogs and cats	Prohibited	Prohibited	Prohibited	Allowed

*Total number of dogs and/or cats allowed.

B. Reference to dogs and cats only refer to adult dogs and cats older than four months. There are no restrictions on the number of dogs and cats younger than four months old that can be on the property.

C. If it is determined that a person is in violation of this section, such person shall be allowed 15 days from the notice of violation to correct such violation.

D. This section shall not apply to veterinarian clinics, kennels, boarding facilities, pet shops or pet dealers licensed to do business in Davidson County, and community cats.

E. If all dogs and/or cats have been vaccinated and inoculated against disease as recommended by a veterinarian and such veterinarian will attest that such dogs and/or cats are properly cared for, the animal care and control division may exempt any restriction as specified in this section.

8.04.050 - 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; 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 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.

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.

8.04.060. Wild or exotic animals.

A. For the purpose of this section, the following terms shall have the following meanings:

"Possess or possessing" means possession, keeping, harboring or permitting to remain.

"Wildlife" means any Class I or Class IV wildlife as classified by Tennessee Code Annotated, Section 70-4-403, and shall also mean pumas, cheetahs, cougars and wolves.

B. Except as provided above, all other terms shall have the meaning as provided in Section 8.04.010 of this code.

C. Provided, however, the provisions of this section shall not be applicable for any premises within the area of the metropolitan government that contain three or more acres.

D. It is unlawful for any person to possess wildlife on or about their premises within the area of the

metropolitan government except as provided in this chapter.

E. The provisions of this section shall not prohibit the possession of wildlife by zoos, transient circus acts, schools, colleges, educational and research institutions and animal rehabilitation centers; and no certificate shall be required.

F. Any person possessing wildlife on or about any premises within the area of the metropolitan government shall make application to the director of the board of health. Such certificate shall contain such information as may be required by the director. A fee in the amount of fifty dollars shall be paid to the board of health with said application.

G. Upon receipt of an application to possess wildlife within the area of the metropolitan government, the director prior to issuing such certificate permitting same, shall file a resolution seeking approval of the issuance of such certificate with the metropolitan county council. In the event no action is taken upon said resolution within sixty days, the director may issue the certificate. In the event the resolution does not receive a favorable vote of the majority of the entire membership of the metropolitan council, said certificate shall be denied.

H. A certificate issued under the provisions of this section shall be valid for a period of one year from the date of issuance and may be renewed on annual basis upon the payment of a twenty-five dollar renewal fee. Unless said wildlife is moved to a new location, council approval of said renewal shall not be required.

8.04.070. Sale or giving away of animals on public property.

A. It shall be unlawful for any person to sell or to give away dogs, cats, puppies , or kittens on roads, streets, sidewalks, outdoor commercial areas, including parking lots , or public property within the jurisdiction of the metropolitan government.

B. The provisions of this section shall not apply to:

1. The animal care and control division of the department of health;
2. Licensed dealers under Tenn. Code Ann. § 44-17-101, et seq., at their place of business; or
3. Any legally recognized non-profit entity organized pursuant to section 501(c) of the IRS Code whose primary purpose is the care and adoption of animals.

C. Nothing in this section shall prevent a person from selling or giving away dogs, cats, or other domestic animals owned by that person from their own residence or place of business.

8.04.080. Injured animals; action required.

It shall be unlawful for any person injuring any animal by any means to fail to notify immediately the owner of such animal; or a licensed veterinarian in the course of immediately seeking medical care for the animal from a licensed veterinarian; or immediately notify the animal care and control division; or immediately notify the humane society; or immediately notify the sheriff's department. Compliance with this section shall not constitute an admission of financial liability for veterinary care of such injured animal.

8.04.090. Rabies vaccinations.

A. 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.

B. 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.

8.04.100. Rabies tags.

A. Every dog owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the dog vaccinated; provided, that the collar may be removed in the case of hunting dogs while in chase or returning from the chase. Nothing in this section shall be construed as permitting the use of an unvaccinated dog in either the hunt or chase.

B. No person shall remove the license tag from the neck of any licensed dog.

8.04.110. Animal bite investigations and quarantine.

A. Any animal which has bitten a person or shows symptoms of rabies shall be penned up immediately by its owners, or by the person having charge of the animal, or by the person sheltering, feeding, harboring or taking care of the animal, and the animal care and control division shall be notified immediately. The animal shall be confined by an animal shelter, a licensed veterinarian, or in a place approved by the animal care and control division representative for not less than ten days.

B. If the animal which has bitten a person is running at large and/or is not current on its rabies vaccination at the time the bite occurs, it must be confined or quarantined in a place approved by the animal care and control division representative for not less than ten days.

C. If the animal which has bitten a person is not running at large and is current on its rabies vaccination at

the time the bite occurs, the animal care and control division representative has the option of requiring the animal be taken to a licensed boarding facility or of requiring observation of the animal at the owner's or caretaker's residence if adequate facilities are available. The animal shall be subject to observation by the animal care and control division representative at all times during the quarantined period.

D. If rabies does not develop during the quarantine period, then the animal shall be released to the owner after current rabies vaccination and payment of all applicable fees, but if rabies does develop, the animal shall be destroyed by a veterinarian and the animal head submitted for rabies testing.

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

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

G. It shall be the duty of the chief medical director to find those dogs or other animals known or suspected of having been in close contact or a fight with a rabid dog, and unless the owners of these dogs or other animals keep them confined for a period of six months and, in cases where a dog or other animal is known to have been bitten by a mad dog, have protective inoculation given, then the owner shall turn the dog or other animal over to the department of health so that it may be destroyed.

8.04.120. Fencing of livestock.

A. It shall be unlawful for the owner of any livestock to willfully allow such livestock to run at large or stray upon any street, roadway, right-of-way, other public area, or the private property of another without consent. Failure of the owner to maintain fencing or other containment adequate to prevent livestock from running at large as provided in this section constitutes willful conduct by the owner for this chapter. Electric fencing will be recognized as adequate fencing if it is adequately maintained.

B. Every owner of livestock shall erect and/or maintain a fence to contain and confine all livestock kept or maintained on his property. Such fence shall be sufficiently strong and substantial so as to prevent egress of livestock. Failure to so erect and/or maintain the fence in reasonably good condition shall be deemed a violation of this chapter. The owner of livestock shall, within 24 hours of initial warning from the animal care and control division, repair or erect a fence and/or make arrangements for the placement of the livestock so as to have livestock confined. If the fence is not repaired or erected or arrangements have not been made for the placement of livestock within the 24-hour period, the owner may receive a civil citation as provided in this chapter.

8.04.130. Disposal of bodies of dead animals.

A. Any owner of any animal, upon the death of such animal, shall immediately dispose of the carcass by burying at least two feet below the surface of the ground and at least 50 from any water source, or by any other authorized method of disposal; provided however, nothing in this section shall prohibit the disposal of such carcass to rendering companies licensed to do business in Davidson County.

B. It is unlawful to dispose of the carcass of any animal by dumping such carcass on any public or private property.

C. Any owner of any animal shall be responsible for the costs of disposing of the animal carcass in instances where the animal care and control division disposes of the animal due to any emergency or the

owner's failure to act.

8.04.140. Poisoning or trapping or animals.

It shall be unlawful for any person to deliberately poison or to trap any domesticated animal or to aid, abet, or assist in the deliberate poisoning or trapping or in the putting out or placing of poison or a trap at any point or place outside of buildings where dogs, cats or other domesticated animals may encounter the poison or trap; provided, however, that in instances where any animal by reason of damage to property, danger to life, or threat to public health becomes a nuisance, a live, humane trapping method provided or approved by the animal care and control division may be used.

8.04.150. Animal care and manner of keeping.

- A. Except for emergencies or circumstances beyond the owner's control, it shall be unlawful for any person keeping an animal to fail to provide it with the minimum care sufficient to preserve the health and well-being of the animal, considering the species, breed and type of animal. Minimum care includes but is not limited to, the following requirements:
1. Clean, sanitary and humane conditions;
 2. Food of sufficient quantity, quality and nutrition to allow for normal growth or maintenance of body weight;
 3. Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source;
 4. Proper air ventilation and circulation;
 5. Access to a well-constructed shelter, barn, doghouse, or other shelter sufficient to protect the animal from the elements, environment and extreme weather conditions. Such shelter must be placed in a dry area free of debris, feces, and standing water. It must have at least three sides and a weatherproof roof; have a solid level floor raised at least two inches from the ground and be adequately ventilated; it must provide shelter from wind, rain, sun, extreme weather conditions and the elements at all times;
 6. Medical attention and/or necessary veterinary care when it is sick, diseased or injured; and
 7. Annual inoculations, as recommended by a veterinarian, against diseases infectious to humans or animals.
- B. It shall be unlawful for any person to tease or molest any animal.
- C. It shall be unlawful to keep an animal in a vehicle or other type of conveyance without adequate ventilation and/or enclosing any animal in the trunk of a vehicle.
- D. Violations of this section shall constitute a civil violation subject to fines and enforcement as set out in section 8.08.100.
- E. This section does not replace the criminal offense part of T.C.A. § 39-14-202, pertaining to cruelty to animals.
- F. This section is inapplicable to community cats.

8.04.160. Interference with enforcement.

- A. It shall be unlawful for any person to knowingly hinder, resist or oppose any officer or employee of the animal care and control division in the performance of his duties.
- B. It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by the animal care and control division or to molest or release any animal caught therein.

8.04.170. Impoundment.

- A. Except as provided in this section, any animal impounded under the provisions of this chapter shall be transported to the animal shelter, or if the animal is in immediate danger, to a veterinary facility. The animal shall be held at the animal shelter for a waiting period of not less than three days, including the day the animal is received, but exclusive of legal holidays, unless the animal is wearing identification, rabies or license tags, in which event the waiting period shall be not less than five days, including the day the animal is received, but exclusive of legal holidays. During the prescribed waiting period the owner of the animal, if known, shall be notified and allowed to redeem the animal upon payment of any applicable fees. Any expenses incurred for veterinary care and treatment shall be the responsibility of the owner. No animal shall be destroyed until the expiration of the prescribed waiting period except as provided in subsection B of this section.
- B. If, in the attempt to seize an animal, it becomes impossible to do so safely by proper handling procedures, the animal care and control division after being convinced that seizure of the animal is necessary to public welfare by reason of its viciousness or infection with rabies may tranquilize the animal or dispose of the animal by shooting it.
- C. If any animal so impounded is found to be sick, injured or of a vicious nature, the animal may be immediately destroyed in a humane manner; provided, however, that if the owner is known, he shall be notified, and shall have the right to obtain the advice and services of a veterinarian, and in all such cases where the owner of the animal is known, the animal shall not be destroyed without the consent of the owner. Where there has been a reasonable attempt to contact the owner and the owner has not promptly responded, then the animal shall be humanely destroyed.
- D. As soon as possible after any animal is impounded, a permanent record shall be made which includes a description of the animal as well as the date, time, and place that the animal was picked up. If such animal is not redeemed, the date and time of adoption or euthanasia shall also be included as part of the permanent record.
- E. Whenever the animal care and control division finds that any animal is or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, the animal care and control officer may impound such animal until reclaimed by its owner. Any animal which has been impounded and not reclaimed for ten days after the circumstances causing the impoundment have ceased to exist may be disposed of pursuant to animal shelter policy.

8.04.180. 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 law enforcement officer who has probable cause to believe that the person has committed a civil infraction in 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 an animal care and control ordinance citation may be deemed to be charged with a civil violation and shall comply with the directives on the citation.
- F. If a person fails to appear in court, such person shall be deemed to have waived their right to contest the citation and in such a case a default judgment may be entered and the judge shall impose a civil penalty at that time. An order to show cause may be issued. If the civil penalty is paid, the case shall be dismissed. If the civil penalty is not paid, judgment may be entered up to the maximum civil penalty.

8.04.190 - Licenses-Fees-Expiration-Exceptions for kennel operators.

A. Any person owning, keeping or harboring on the premises where they reside, any dog six months of age or over, shall pay to the chief medical director a license fee in accordance with the current fee schedule established by Section 8.04.240(A). The fee shall be established by the board of health, and any adjustment thereof shall be authorized by passage of a resolution by the council. Each tag issued shall be valid until the required revaccination date as specified on the certificate.

B.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 8.04.240(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 chief medical director annually on or before April 1st, or at such time as the kennel shall be open for operation, as provided herein.

8.04.200 - Collection and disposition of fees.

It shall be the duty of the chief medical director to collect all fees imposed under this chapter. The chief medical director 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.

8.04.210 - 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 Tennessee Code Annotated 68-8-103(e). 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.

8.04.220 - License tags.

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. 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 8.04.240(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 or while in training. A dog tag shall not be transferable from one dog to another. No refunds shall be made on any dog license fee.

8.04.230 - 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.

8.04.240 - Impoundment 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 registered 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 initially be as follows:

1. Dog boarding fees shall be \$18.00 per day.
2. Dog impound fees shall be \$50.00 per impoundment.

E. The director of health is given the discretion to waive a portion or all of the fees imposed pursuant to this Section 8.04.240 when the dog has been impounded through no fault of the owner as determined by the director of health.

8.04.250 - 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.

Section 2. That Chapter 8.08 of the Metropolitan Code of Laws is amended by deleting the chapter in its entirety and replacing it with the following:

Chapter 8.08. Dangerous Dogs

8.08.010. Definitions.

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

“Attack” means an unprovoked attack in an aggressive, terrorizing or threatening manner on a human in which the victim suffered a physical injury, including but not limited to a scratch, abrasion, or bruise; or on a domesticated animal that causes death or injury that requires veterinary treatment.

“Confined” means securely confined indoors, within an automobile or other vehicle solely for transportation and transported in a humane manner, or confined in a securely enclosed and locked pen or structure or fence, electronic or otherwise, upon the premises of the owner of such animal. However, under no circumstances is an electronic or similar fence sufficient to confine an animal in heat or a level two dangerous dog.

“Dangerous dog” means any dog that has been designated as such by the general sessions court.

“Electronic fence” means a fence, collar, or a combination of a fence and collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's property.

“Minor injury” means an injury in which the victim suffers pain as a result of an attack by an animal but which does not produce any broken bone, bleeding or death on the part of the victim.

“Proper enclosure” means a place in which a dog is securely confined indoors or outdoors in a securely enclosed and locked pen, with a cover and a durable floor that the animal cannot destroy to escape, that is in a structure suitable to prevent the entry of children under the age of 12. The pen must be designed to prevent the dog from escaping and shall also provide protection for the dog from the elements. The enclosure shall be of suitable size for the dog, with a minimum size of five feet by five feet.

“Properly restrained” means:

1. Controlled by means of a chain, leash, or other like device not to exceed six feet in length;
2. Secured within or upon a vehicle being driven or parked; or
3. Kept within a proper enclosure.

Properly restrained in or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

“Provocation” means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

“Severe injury” means any injury in which the victim suffers pain as a result of an attack by an animal and which includes any broken bone, bleeding or death on the part of the victim.

8.08.020. Citation for designation of level one dangerous dog or level two dangerous dog; hearing; designation of level one dangerous dog or level two dangerous dog; imposition of conditions; no change of ownership pending hearing.

- A. If an animal care and control officer or a law enforcement officer has investigated and determined that there is probable cause to believe that a dog is level one or level two dangerous, a citation shall be issued for the owner to appear in general sessions court for the purpose of determining whether or not the dog in question should be designated as a level one or level two dangerous dog. Except by agreement of the respondent and counsel for the metropolitan government and with the approval of the judge, the hearing shall be held as soon as possible after service of citation upon the owner of the dog.
- B. The general sessions court shall designate a dog as a "level one dangerous dog" if the general sessions court finds, upon a preponderance of the evidence, that the dog:
 1. Has, when unprovoked while on the property of its owner, attacked a person on two or more occasions within the prior 24-month period; or
 2. Has, within the prior 24-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
 3. Has, when unprovoked while off the property of its owner, charged, bitten, or attempted to bite a person or domestic animal.
- C. The general sessions court shall designate a dog as a "level two dangerous dog" if the general sessions court finds, upon a preponderance of the evidence, that the dog:
 1. Has, when unprovoked while on the property of its owner, attacked a person on three or more occasions within the prior 24-month period;
 2. Has, on two or more occasions within the prior 24-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury;
 3. Has, when unprovoked while off the property of its owner, bitten a person or a domestic animal

causing a severe injury;

4. Has previously been declared a level one dangerous dog but has not been kept in compliance with any restrictions placed by the general sessions court upon the owner of such dog; or
 5. Has been owned, possessed, kept, used or trained in violation of T.C.A. § 39-14-203.
- D. No dog may be declared level one or level two dangerous as a result of injury or damage if, at the time the injury or damage:
1. The person who was injured or damaged:
 - a. Was committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - b. Was teasing, tormenting, abusing or assaulting the dog; or
 - c. Was committing or attempting to commit a crime;
 2. The dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack; or
 3. Injury or damage was sustained by a domestic animal which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog.
 4. The dog is a hunting dog and the injury or damage was sustained by a domestic animal while the dog is in the hunt or in chase.
- E. Upon designating a dog as a level one or level two dangerous dog, the general sessions court shall impose the restrictions on the owner of such dog as set forth in this chapter and may impose such additional restrictions on the respondent as are appropriate under the circumstances of the case. The general sessions court shall reduce such restrictions to writing and have them served on the respondent.
- F. It shall be unlawful for any person who is subject to any such restrictions to fail to comply with such restrictions.
- G. It shall be unlawful for any person who has been served with a citation to appear in general sessions court for the purpose of determining whether such person's dog should be designated as a level one or level two dangerous dog to transfer ownership of such dog until after the general sessions court has issued a ruling on such citation.
- H. It shall be unlawful for any person whose dog has been designated as a level one or level two dangerous dog to transfer ownership of such dog to another person without:
1. Having advised such other person that the dog has been designated as a level one or level two dangerous; or
 2. Having advised such other person in writing of the restrictions that have been placed upon such dog; and
 3. Having notified the animal care and control division in writing at least 15 days prior to such transfer of the name, address and telephone number of the proposed new owner or custodian, the proposed new location of the dog, and the name and description of the dog.
- I. All owners of a dog found to be level one or level two dangerous dog shall be required to show proof of hazard insurance that will provide coverage for the animal if returned to the owner(s).

8.08.030. Notice of designation.

Within ten working days after a hearing conducted pursuant to this chapter, the owner of the dog, if absent from the hearing, shall be notified by the general sessions court in writing of the decision of the general sessions court and of any restrictions imposed upon the respondent, either personally through the animal care and control division or by first-class mail, postage prepaid. If a dog is declared to be level one or level two dangerous, the owner shall comply with all restrictions imposed by this chapter and the general sessions court within the time period to be specified by the general sessions court at the time the restrictions are imposed.

8.08.040. Impoundment and abatement of level one or level two dangerous dog.

- A. If upon investigation it is determined by an animal care and control officer or law enforcement officer that probable cause exists to believe a dog poses an immediate threat to public safety, then the animal care and control officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this chapter. At the time of an impoundment pursuant to this subsection or as soon as practicable thereafter, the officer shall serve upon the owner of the dog a notice of a hearing to be held pursuant to this chapter to declare the dog level one or level two dangerous.
- B. Any animal care and control officer may impound any level one or level two dangerous dog if the animal care and control officer has probable cause to believe that any of the mandatory restrictions upon such dog are not being followed if the failure to follow such restrictions would likely result in an immediate threat to public safety. The owner of a level one or level two dangerous dog shall surrender such a dog to any animal care and control officer or law enforcement officer upon demand. In the event such a dog is impounded, the animal care and control officer or law enforcement officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.
- C. If a dog has been impounded pursuant to subsection (a) or subsection (b), the animal care and control officer may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this chapter, provided that such confinement will ensure the public safety.
- D. No dog that has been designated by the general sessions court as a level one or level two dangerous dog may be released by the animal shelter or a veterinarian until the owner has paid all veterinary costs and all other fees and cost of the animal shelter that are normally charged to an owner prior to redemption of the animal. If the owner fails to pay such fees and costs and take possession of the dog within ten days of the owner's receipt of notice of the designation of the dog as a level one or level two dangerous dog, the dog shall be deemed to have been abandoned and may be disposed of by the animal shelter or the animal care and control division. Euthanasia or surrender to the animal care and control division or the animal shelter of such a dog does not free the owner of responsibility for all costs incurred up to and including the date of euthanasia or surrender.

8.08.050. Possession unlawful without proper restraint; failure to comply with mandatory restrictions.

- A. It is unlawful for a person to have the custody of or own or possess a level one or level two dangerous dog that is not properly restrained. It is unlawful for a person to have the custody of or own or possess a level one or level two dangerous dog unless such person is in full compliance with all restrictions placed upon such person by the general sessions court that has designated such dog as a level one or level two dangerous dog.

- B. If a level two dangerous dog is impounded due to the owner's failure to comply with the mandatory restrictions placed upon such owner by the General Sessions Court, the animal care and control division may request that the district attorney general file a petition with the circuit court for the destruction of the dog in accordance with T.C.A. § 44-17-120.
- C. Nothing in this division shall be construed to limit the metropolitan government's authority to request that the district attorney general file a petition with the circuit court for the destruction of any dog in accordance with T.C.A. § 44-17-120 or to dispose of animals pursuant to any other legislative authority whatsoever.

8.08.060. Restrictions on level one dangerous dogs.

- A. Once a general sessions court judge designates a dog as a level one dangerous dog, the judge may impose any or all of the following restrictions upon the owner or custodian of such dog:
 - 1. The dog must be confined indoors or confined on the owner's property by a fence, including an electronic fence, capable of confining the dog or by a proper enclosure;
 - 2. A level one dangerous dog shall not be permitted to leave the premises of the owner unless it is properly restrained by a fixed leash or lead under the control of a person, over the age of 18, physically capable of restraining the dog and the dog must be obedient to that person's commands;
 - 3. The owner must allow inspection of the dog and its enclosure by the animal care and control division and must produce, upon demand, proof of compliance with such restrictions;
 - 4. In the event that the owner of the dog is a tenant on real property where the dog is being kept, the owner must obtain written permission from the landlord or property owner, to be filed with the animal care and control division, to keep the dog on certain specified premises;
 - 5. The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the general sessions court;
 - 6. The owner and dog must attend and successfully complete an canine good citizenship course approved by the general sessions court and test within a time specified by the general sessions court;
 - 7. Neutering or spaying of the dog;
 - 8. Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the animal care and control division; and
 - 9. The owner of a level one dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its fence or proper enclosure.
- B. The general sessions court may impose such additional restrictions that it deems necessary.
- C. The cost of all such restrictions must be paid by the owner.

8.08.070. Restrictions on level two dangerous dogs.

- A. Once a general sessions court judge designates a dog as a level two dangerous dog, the judge may impose any or all of the following restrictions upon the owner or custodian of such dog:

1. When kept out of doors, the dog must be kept in a securely enclosed and locked secured enclosure suitable to prevent the entry of young children and designed to prevent the animal from escaping. A secured enclosure must be a minimum of six feet in height and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet deep. A secured enclosure must also be humane and provide some protection from the elements for the animal. If the dog is maintained unattended out-of-doors, such secured enclosure must be enclosed within an outer fence, and the outer perimeter of the secured enclosure must be no less than five feet from the outer fence.
2. The owner must allow inspection of the dog and its enclosure by the animal care and control division and must produce, upon demand, proof of compliance with such restrictions.
3. In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission from the landlord or property owner, to be filed with the animal care and control division, to keep the dog on certain specified premises.
4. The owner and dog must attend and complete a training class and/or behavior modification course approved by the animal care and control division that is designed to teach the owner how to deal with, correct, manage and/or alter the problem behavior.
5. The owner must display, in a conspicuous manner, a sign at all entrances to the owner's premises on or within which the dog is kept warning that a dangerous dog is on the owner's premises by stating in capital letters measuring at least one and one-half inches in width and one and one-half inches in height and reading "WARNING-DANGEROUS DOG-KEEP AWAY." The sign must be visible and legible from the public way and from 50 feet away from the secured enclosure required pursuant to subsection (1). The owner must obtain the approval of the animal care and control division prior to posting the warning sign.
6. A level two dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals.
7. A level two dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public.
8. The owner of a level two dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its own separate enclosure.
9. Such dog shall be photographed by the animal care and control division for future identification purposes.
10. Neutering or spaying of the dog.
11. Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the animal care and control division.
12. Requiring the owner of the dog or owner of the premises in which the dog is kept to procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the dog, in an amount not less than \$100,000.00 and to furnish a certificate of insurance to the animal care and control division, within ten business days of the designation of the dog as a level two dangerous dog. The insurance shall include a provision whereby the insurer notifies the animal care and control division not less than 30 days prior to cancellation or lapse of coverage.
13. Maintaining and updating annually a record maintained with the animal care and control division that lists the dog owner(s) or agent contact information, emergency contact persons and phone

numbers, veterinarian, landlord and/or property owner contact information, property/liability insurance carrier, vaccination, licensing and/or permit number, photograph of the animal and any other information deemed necessary by the animal care and control division.

14. Notification in writing to the animal care and control division of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within Davidson County or outside Davidson County and/or to transfer ownership of the dog.

B. The general sessions court may impose such additional restrictions that it deems necessary.

C. The cost of all such restrictions must be paid by the owner.

8.08.080. Removal of designation of level one or level two dangerous dog.

A. If there are no additional instances of the behavior described in subsection 8.08.020.B within 18 months of the date of designation as a level one dangerous dog, the dog shall automatically be removed from the list of level one dangerous dogs. The dog may be, but is not required to be removed from the list of level one dangerous dogs prior to the expiration of the 18-month period if the owner of the dog demonstrates to the animal care and control division that changes in circumstances or measures taken by the owner, such as training of the dog, confinement, etc., have mitigated the risk to the public safety; in such event, the owner or the animal care and control division may petition the general sessions court to remove such designation.

B. If there are no additional instances of the behavior described in subsection 8.08.020.C within 18 months of the date of designation as a level two dangerous dog, the dog shall automatically be considered a level one dangerous dog. A level two dangerous dog who has been reduced to a level one dangerous dog may be removed from the list of level one dangerous dogs after compliance with subsection A above.

8.08.090. Change of ownership, custody or location of dog; death of dog.

A. The owner of a level one or level two dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least 15 days prior to the actual transfer or removal of the dog, notify the animal care and control division in writing of the name, address and telephone number of the proposed new owner, the proposed new location of the dog, and the name and description of the dog.

B. The owner shall, in addition to the above, notify any new owner or custodian of a level one or level two dangerous dog in writing regarding the details of the dog's record and the terms and conditions for confinement and control of the dog. The transferring owner shall also provide the animal care and control division with a copy of the notification to the new owner of his or her receipt of the original notification and acceptance of the terms and conditions. The animal care and control division may impose different or additional restrictions or conditions upon the new owner.

C. If a level one or level two dangerous dog should die, the owner shall notify the animal care and control division no later than twenty-four (24) hours thereafter and, upon request from the animal care and control division shall produce the animal for verification or evidence of the dog's death that is satisfactory to the animal care and control division.

D. If a level one or level two dangerous dog escapes, the owner shall immediately notify the animal care and control division and make every reasonable effort to recapture the escaped dog to prevent injury and/or death to humans or domestic animals.

- E. The following persons must notify the animal care and control division when relocating a dog to Davidson County, even on a temporary basis:
1. The owner of a level one or level two dangerous dog that has been designated as such by another lawful body other than the metropolitan government; and
 2. The owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than the metropolitan government based upon the behavior of the dog.
- F. No such designation as a level one or level two dangerous dog or any similar such designation by another lawful body, humane society or governmental entity shall be recognized by the metropolitan government if such designation is based solely upon the breed of the dog. Any person relocating a dog to Davidson County is subject to the restrictions set forth in this chapter.

8.08.100. Penalties.

Any person violating the provisions of this chapter upon conviction shall be subject to a civil penalty of up to fifty dollars (\$50.00) and subject to a penalty of fifty dollars (\$50.00) per day for each day of violation. Each day of violation shall be deemed a separate violation.

Section 3. That Chapter 8.12 is amended by deleting Sections 8.12.010 and 8.12.100.

Section 4. That Chapter 8.16, Wildlife, is hereby deleted in its entirety.

Section 5. That Chapter 8.20 is amended by deleting Section 8.20.010, 8.20.030, and 8.20.120.

Section 6. That Chapter 8.24, Animal Control Regulations - Second Civil District, is hereby deleted in its entirety.

Section 7. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance amends Title 8 of the Metropolitan Code of Laws relative to animals to rewrite the existing Animal Code.

Many existing regulations in Title 8 would be reorganized and reworded, but largely retained in the ordinance, such as regulations on animals running at large, animals creating a nuisance, guard dogs, restrictions on owning wild or exotic animals, and restrictions related to rabies.

There would also be new definitions like community cat. A new restriction on the number of animals allowed per acre would be implemented, with 6 or more cats and dogs prohibited on less than one acre

One large change from the current Title 8 is a restructuring of Chapter 8.08, which currently regulates what is termed "Vicious Dogs". This ordinance would create a new, two-tiered designation of "Dangerous Dogs" that defines level one and level two dangerous dogs and the restrictions for these dogs.

A level one dangerous dog is one that has attacked a person on the property of its owner on two or more

occasions in 24 months; engaged in any behavior when unprovoked and off the property of its owner that would have required a person to take a defensive action to prevent bodily harm within a 24 month period; or, when unprovoked while off the property of its owner, has charged, bitten, or attempted to bit a person. General sessions court is authorized to declare a dog a level one dangerous dog and impose certain restrictions, such as requiring the dog to be confined indoors or behind a fence, be spayed or neutered, be microchipped, have the owner and dog attend obedience training, among other restrictions.

A level two dangerous dog is one that has attacked a person on the property of its owner three or more times during a 24 month period; on two or more occasions, engaged in any behavior when unprovoked and off the property of its owner that would have required a person to take a defensive action to prevent bodily harm within a 24 month period; when unprovoked, bitten a person or domestic animal causing a severe injury; has been declared a level one dangerous dog but not kept in compliance with a restriction imposed by the general sessions court; or has been kept, trained, or used in violation of T.C.A. § 39-14-203, which governs animal fighting. General sessions court is authorized to declare a dog a level two dangerous dog and impose certain restrictions, including requiring that the dog be kept in a securely enclosed and locked enclosure; the posting of signage warning of a dangerous dog; the attendance of a class designed to manage problem behavior; or the maintenance of liability insurance for claims arising from the conduct of the dog.

There are procedures that would reduce the designation of a dangerous dog from a level two to a level one dangerous dog, and from a level one dangerous dog to a removal of the designation.

In addition, existing provisions that conflict with or are duplicative of the new provisions in this ordinance, as well as outdated provisions, would be deleted.

Fiscal Note: The Metropolitan Department of Health estimates this proposal will cost \$8,698,280, which includes funding for 25 additional FTEs, new vans and equipment for Animal Care and Control staff, and a new facility for housing animals.