



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2021-973, **Version:** 2

An ordinance to amend Title 8 of the Metropolitan Code of Laws related to animals.

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

Section 1. That Section 8.08.010 of the Metropolitan Code of Laws is hereby amended by deleting the definition for "Vicious dog" in its entirety and replacing it with the following:

"Vicious dog" means any dog that, without provocation:

1. Chases, displays threatening or aggressive behavior, or otherwise endangers the safety of any human being or domestic animal, unless such dog is securely confined by a physical or electric fence or other enclosure;
2. Shows a propensity or tendency to attack any human being or domestic animal, unless such dog is securely confined by a physical or electric fence or other enclosure; or
3. Attacks a human being or domestic animal one or more times.

Section 2. That Section 8.08.040 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

8.08.040 - Impoundment-Authorized when-Fees.

A person not in compliance with the provisions of Section 8.08.030 may have their vicious dog taken into custody by the appropriate authorities of the department of health, including individual officers of the department of health, or the metropolitan police department and impounded, provided the official complies with Section 8.08.050. The fees imposed by Section 8.04.130 of the Metropolitan Code shall be imposed upon and paid by the owner of such vicious dog so impounded to cover the impoundment costs of the metropolitan government.

Section 3. That Section 8.08.050 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

8.08.050 - Impoundment-Court proceedings against owner.

A. Upon receipt of a vicious dog complaint, the division of metro animal services shall investigate said complaint. No dog that is the subject of a vicious dog investigation may be relocated or ownership transferred pending the outcome of said investigation. Investigations shall be completed within 72 hours or an update shall be provided to the complainant. Each vicious dog complaint shall be subject to the review of the director of metro animal services or animal control officer prior to initiating any action against the dog's owner.

B. If the director of metro animal services or animal control officer has probable cause, supported by

affidavits of two or more witnesses attesting to the behavior of a dog, to believe that a dog is in violation of any provision of the chapter, the director or animal control officer may initiate proceedings in the metropolitan general sessions court against the owner of the dog for violation of this chapter, and to determine if the dog shall be seized and impounded at the metro animal services facility or a licensed veterinary clinic in Davidson County.

C. Nothing in this Section shall be construed to prevent the director of metro animal services, animal control officer, or an authorized official from:

1. Seizing or impounding a dog based on consent from the owner of the dog or their authorized agent; or
2. Seizing or impounding a dog to protect any human being or animal from injury from any dog that, in the presence of the official, presents an immediate threat to the public.

Section 4. That Chapter 8.12 of the Metropolitan Code of Laws is hereby amended by adding the following new section:

8.12.055 - Service of process by mail.

When a proceeding is brought for a violation of a provision of this title, the defendant should be served in person whenever practicable. After three unsuccessful attempts to serve a defendant in person, the defendant shall be served by certified mail in accordance with Tenn. Code Ann. § 16-15-903.

Section 5. This Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance, as amended, amends Title 8 related to vicious dogs. The ordinance would create a new definition for “vicious dog”, which excludes a dog securely confined by a physical or electrical fence or enclosure under some circumstances. It would also amend the requirements for impoundment to authorize fees covering the costs of impoundment to be paid by the owner of a dog found to be vicious.

Further, the ordinance would require investigations into vicious dogs be completed within 72 hours of a complaint, or that an update be provided to a complainant. Each complaint would be subject to the review of the Director of Metro Animal Services or an animal control officer prior to initiating any action against the dog’s owner. If probable cause exists, supported by affidavits of two or more witnesses, to believe that a dog is vicious, proceedings may be initiated in general sessions court against the owner of the dog in question.

Finally, this ordinance would provide that a defendant should be served in person whenever practicable, but allows service by mail after three unsuccessful attempts to serve a defendant in person.

Fiscal Note: The estimated cost to expand the facility space at MACC and staffing needs for this legislation is \$6,108,217 according to Metro Health Department.