

CHAPTER 4

DANGEROUS DOGS

SECTION

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3-401. Definitions. The following words and phrases shall have the meanings respectively ascribed to them as follows:

A. Owner: The term owner shall mean any person, firm, or corporation, keeping, possessing, harboring, or having the care or custody of a dog subject to the provisions of this chapter.

B. Attack: 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.

C. Potentially Dangerous Dog: A potentially dangerous dog is:

1. Any dog as defined herein, which, when unprovoked causes minor injury to any person. Minor injury means an injury in which the victim suffers pain as a result of an attack by the dog but which does not produce any broken bone, bleeding, or death on the part of the victim.
2. Any unrestrained dog, which, when unprovoked, bites, injures, or kills another domestic pet or livestock.
3. Any dog which is declared to be a potentially dangerous under the procedures set forth in this chapter.

D. Dangerous Dog: A dangerous dog is:

1. Any dog, which when unprovoked commits a severe injury to any person. Severe injury means any injury in which the victim suffers pain as a result of an attack by the dog and which includes any broken bone, bleeding, or death on the part of the victim.
2. Any dog which maims or kills domestic pets or livestock when not under restraint.
3. Any dog which is used in the commission of a crime as provided by Tennessee Code Annotated including but not limited to dog fighting, threatening or menacing, or guarding the conduct of unlawful activity.

4. Any dog which is declared to be a dangerous dog under the procedures set forth in this chapter.

3-402 Procedures for Controlling Potentially Dangerous Dogs and Dangerous Dogs. The City Manager shall have the authority to perform all of the following administrative functions and shall use the resources of the Animal Control Officer, the City Police Department, and any other necessary City Departments to effectuate the provisions of this chapter.

A. On observation of a Potentially Dangerous or Dangerous Dog or upon receipt of a complaint of a Potentially Dangerous or Dangerous Dog, the identity of the owner of such Potentially Dangerous Dog or Dangerous Dog shall be determined. If the identity of the Potentially Dangerous Dog or Dangerous Dog's owner cannot be determined, the dog shall be immediately impounded.

B. If the dog's owner can be identified, the circumstances of the complaint shall be investigated. If probable cause is found to indicate that the dog is a Potentially Dangerous Dog or Dangerous Dog as defined in this Chapter, the dog shall be immediately impounded pending a final determination by the City Manager. However, the dog may be returned to the owner provided that (1) the dog is not an immediate threat to the public safety or welfare; (2) the owner signs an acknowledgement on a form provided by the City of Paris that he/she is the dog's owner and that the owner will confine the dog to the owner's property pending a final determination by the City Manager. If the owner(s) fail or refuse to sign such an acknowledgement, the dog shall be immediately impounded pending a final determination by the City Manager.

C. The City Manager shall forthwith determine if the dog under investigation is a Dangerous Dog or Potentially Dangerous Dog as defined in this Chapter.

D. If the City Manager determines that a dog under investigation is a Dangerous Dog or a Potentially Dangerous Dog as defined in this Chapter, the City Manager shall notify the owner(s) of the dog in writing, of this determination. The notice shall advise the owner of (1) the provisions of this chapter relating to the requirements for ownership of a Dangerous Dog or Potentially Dangerous Dog; (2) the owner(s) right to appeal the City Manager's determination to the Municipal Court for the City of Paris. Such notice shall be either delivered in person to the owner(s) of the dog by the Animal Control Officer or by Certified Mail with a Return Receipt which shows the date and place delivered.

E. The owner(s) of a dog which has been determined by the city manager to be a Dangerous Dog or a Potentially Dangerous Dog may appeal that determination to the Municipal Court for the City of Paris. The appeal shall be in writing and shall be filed within five (5) days of the receipt of notice of the city manager's determination. The City Judge's decision on the appeal shall be final for all purposes and may be appealed to the Circuit Court of Tennessee for Henry County.

3-403. Requirements for Ownership of a Dangerous Dog or a Potentially Dangerous Dog. The following requirements shall apply to a Dangerous Dog or a Potentially Dangerous Dog as determined by the procedures set out in 3-402.

A. Potentially Dangerous Dog. In addition to the restraints which apply to all dogs as defined in this Chapter and the provisions of 3-201 *et seq.* of the Paris Municipal Code, a dog classified as a Potentially Dangerous Dog shall only be kept in an enclosure as provided in 3-404. The enclosure shall be sufficiently secure to prevent trespass and to prevent children from coming in contact with the dog. When outside an approved enclosure, the dog must be kept at all times on a leash no more than four (4) feet in length and under the control of a person physically able to handle the dog. The owner

shall file photographs of the dog with the Animal Control Officer to facilitate monitoring and identification of the dog.

B. Dangerous Dog. In addition to the restraints which apply to all dogs as defined in this Chapter and the provisions of 3-201 *et seq.* of the Paris Municipal Code, a dog classified as a Dangerous Dog shall only be kept in an enclosure as provided in 3-404. The enclosure shall be sufficiently secure to prevent trespass and to prevent children from coming in contact with the dog. When outside an approved enclosure, the dog shall be kept at all times on a leash no more than four (4) feet in length, muzzled, and under the control of a person physically able to handle the dog. The owner shall file photographs of the dog with the Animal Control Officer to facilitate monitoring and identification of the dog.

C. Location; Transfer of Ownership. The location of any dog which has been classified as a Potentially Dangerous Dog or a Dangerous Dog shall not be changed for any period in excess of three (3) days without notification to the Animal Control Officer of the change of location of the dog. The ownership of any dog which has been classified as a Potentially Dangerous Dog or a Dangerous Dog shall not be changed without immediate notification to the Animal Control Officer of the new owner of the dog and the new physical location of the dog.

D. Transportation. No dog which has been classified as a Potentially Dangerous Dog or a Dangerous Dog shall be transported in any vehicle unless the dog is contained in a closed and locked cage or crate.

E. Additional Fees. The owner of any dog which has been classified as a Potentially Dangerous Dog shall pay annually to the City of Paris a fee of \$50.00 per dog to cover record keeping and monitoring costs incurred by the City of Paris. The owner of any dog which has been classified as a Dangerous Dog shall pay annually to the City of Paris a fee of \$100.00 per dog to cover record keeping and monitoring costs incurred by the City of Paris.

F. Violations of Requirements. It shall unlawful for the owner of any dog which has classified as a Potentially Dangerous Dog or Dangerous Dog to fail or refuse to carry out and perform all of the requirements of this Chapter. In addition to any other penalties provided for under this chapter the city manager shall immediately direct that any such dog be impounded.

3-404. Confinement. All Potentially Dangerous Dogs or Dangerous Dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five feet by ten feet (5' x 10') for dogs less than 40 pounds or eight feet by ten feet (8' x 10') for dogs 40 pounds and over, and must have secure sides, and a minimum height of six feet (6'). If no bottom is secured to the sides, the sides must be embedded into the ground not less than two feet (2'). All pens and structures must be kept clean and sanitary. The enclosure must also protect the dog from the elements.

3-405. Exemptions. A dog shall not be deemed to be a Potentially Dangerous Dog or a Dangerous Dog solely because it bites or attacks:

1. Anyone assaulting its owner. This shall not include any police officer attempting to subdue or effect the arrest of a suspect.
2. Any person who is in the act of tormenting or abusing the dog.
3. Any unrestrained animal which attacks the dog or its young while it is restrained in compliance with this chapter.

4. Anyone entering the owner's property to commit robbery, burglary, assault, or any other crime.
5. Simple trespass by a person onto private property shall not be considered provocation for any attack.
6. While performing work by a governmental law enforcement agency.
7. While seriously injured or incapacitated.

3-406. Penalties and Enforcement. If the owner of a dog impounded under the provisions of this Chapter fails to appear at the prescribed hearing or fails to request a hearing, the city manager may order the dog confined to the City Animal Control Shelter where such dog shall be fed, watered, and otherwise cared for for a period of five (5) days from the date of the notice of hearing. If the owner of the dog has taken no additional action with regard to the status of the dog then the dog shall be humanely destroyed or otherwise disposed of in the public interest.

If the city manager is of the opinion that a Dangerous Dog should be destroyed, the city manager may petition the Circuit Court of Tennessee for Henry County pursuant to the provisions of T.C.A. 44-17-120 for an Order authorizing that the dog shall be destroyed.

Any person who violates the provisions of this chapter shall pay all expenses, including shelter, food, handling, veterinary care, and any other court costs or other expenses necessitated by the enforcement of this Chapter.

In any action in the Municipal Court for the City of Paris, any owner of a dog found to be violating any provisions of this Chapter shall be fined not less than \$50.00 nor more than \$50.00 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The fine provided for in this section shall not be suspended, waived, or in any way commuted; it being the specific intent of Board of Commissioners of the City of Paris that said fine or penalty shall be assessed in all instances and shall be strictly enforced.

3-407. Injunctive Relief. Any violation of the provisions of this Chapter is hereby declared to be a nuisance. In addition to any other relief provided, the City Attorney may apply to a court of competent jurisdiction for Injunctive Relief to prohibit the continuation of any violation of this chapter. Any such application for relief may include seeking a temporary restraining order, temporary injunction, or permanent injunction.

3-408. Right of Entry by Animal Control Officer. It shall be the duty and the authority of the Animal Control Officer or his authorized representative to enter unto any premises, public or private, at any reasonable hour of the day to make inspections for the purpose of carrying out the provisions of this article.

3-409. Severability. If any section, sentence, clause or phrase of this regulation is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this regulation. (Ord. #1097, 11/18/2008).