

TITLE 3

ANIMALS AND FOWLS

CHAPTER

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CHAPTER 1

IN GENERAL

SECTION

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3-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys or other domestic fowl, cattle or livestock, to knowingly or negligently permit any of them to run at large in any street, alley or unenclosed lot within the corporate limits.

3-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the health or welfare of the public. Any person affected by the decision in any such case may appeal the same of the municipal governing body.

3-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

3-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl of any kind shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition and wholesomeness for food, if so intended.

3-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (Ord. # 185, Sec. 3, 7/24/45).

3-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl.

3-107. Seizure and disposition of animals running at large. Any animal or fowl found running at large in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the municipal governing body. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last known mailing address. If the owner is not known, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. The notice shall advise the owner to appear within five (5) days and redeem his impounded animal or fowl by paying the pound costs or the same will be humanely disposed of. If not redeemed by the owner within the specified period, the animal or fowl shall be sold, humanely destroyed, or otherwise disposed of as authorized by the municipal governing body.

3-108. Concealing animals, interfering with duties of Rabies Control Officer. No person shall hide, conceal, or aid or assist in hiding or concealing any animal owned, kept, or harbored under the provisions of the chapter or any other animal, either wild or domestic, that shall be deemed a nuisance pursuant to the provisions of 3-105 or where such animal has bitten, scratched or broken the skin of a human being and where the doctor treating the patient so bitten is of the opinion that said animal should be quarantined. No person shall interfere with, tamper with, damage, or vandalize any City property used by the Rabies Control Officer in the performance of his duties. No person shall hinder, obstruct, or interfere with the Rabies Control Officer in the performance of his duties. Any persons violating the provisions of this section shall be guilty of a misdemeanor and shall be fined under the general penalty clause of the Paris Municipal Code. (Ord. #737, 08/17/90).

CHAPTER 2

ANIMALS RUNNING AT-LARGE

SECTION

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- 3-201.B Certain Animals to be Confined.
- 3-202. Noisy animals prohibited.
- 3-203. Display of vaccination tag required.
- 3-204. Rabies vaccination required.
- 3-205. Animal Control Officer.
- 3-206. Handling complaints.
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- 3-208. Enforcement, impoundment, etc.
- 3-209. Female animals.
- 3-210. Impounding, destruction of violating animals authorized.
- 3-211. Quarantine of animals.
- 3-212. Cruelty to animals – misdemeanor.
- 3-213. Citation in lieu of arrest.
- 3-214. Severability.
- 3-215. Violations – Misdemeanors – Penalties.

3-201.A. Animals running at large. Definitions. It shall be unlawful for any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his care or acts as its custodian, or who permits a dog or cat to remain on or about any premises occupied by such person, to allow such animal to run at large off the premises of said person unless the animal is under such control so as to reasonably provide for the protection of other animals, persons or property by means of a leash, cord, or chain secured to a stationary object or to the hand of the owner, or other

qualified person so that is shall not bite or injure any person or animal, or damage any property. For the purposes of this chapter a dog shall be defined as all members of the canine family and also all pet wolves, foxes, raccoons and like members of the canine family. For the purposes of this chapter a cat shall be defined as all members of the feline family and shall include all pet felines legally allowed to be kept as domestic animals by the state of Tennessee. For the purpose of this section the prohibition on cats running at large shall only apply to those cats that are not wearing the vaccination tag required by the provisions of 3-203. (Ord. #818, 02/04/93; Ord. #1055, 3/02/06).

3-201. B. Certain Animals To Be Confined.

1. Dogs declared vicious in accordance with Title 3, Chapter 4 of the Paris Municipal Code.
2. Pit Bull Dogs. Definitions. "Pit bull dog" means any and all the following dogs: (a) the Staffordshire Bull Terrier breed of dogs; (b) The American Staffordshire Terrier breed of dogs; (c) The American Pit Bull Terrier breed of dog; (d) any other breed commonly known as Pit Bull, Pit Bull Dog or Pit Bull Terrier or any mixed breed thereof; or (e) Dogs which have the appearance and characteristics of being predominately of the breeds of dogs known as the Staffordshire Bull Terrier, the American Staffordshire Terrier, or the American Pit Bull Terrier (Ord. #1055, 3/02/06).

A) Leash. No person shall permit a pit bull dog to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless an adult person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or building.

B) Confinement. All pit bull dogs shall be securely confined indoors or, if outdoors, in a securely enclosed and locked pen or kennel, except when leashed. Such pen or kennel shall have secure sides. All structures used to confine pit bull dogs must be locked. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be kept clean and in sanitary condition.

C) Confinement Indoors. No pit bull dog may be kept on a porch, patio, or any part of a house or structure or in any manner that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure (Ord. #1055, 3/02/06).

3-202. Noisy animals prohibited. No persons shall own, keep or harbor any animal which, by loud and frequent barking, whining or howling, annoys or disturbs the peace and quiet of any neighborhood. (Ord. #818, 02/04/93).

3-203. Display of vaccination tag required. All persons owning, keeping, or harboring any dog more than three (3) months old and any cat more than six (6) months old shall be required to retain evidence of such vaccination as is required in Section 3-204 and shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the dog or cat so vaccinated, pursuant to the provisions of T.C.A. 68-8-107 or any subsequent legislation. (Ord. #818, 02/04/93).

3-204. Rabies vaccination required. It shall be unlawful for any person to own, keep, or harbor any dog more than three (3) months old or cat more than six (6) months old that has not been vaccinated against rabies as required by this chapter. Only a vaccine that meets the standards prescribed by the Department of Public Health for the State of Tennessee shall be used. The vaccination shall be made by or under the supervision of a licensed veterinarian who shall thereupon issued a dated vaccination certificate in such form as is prescribed by the State Department of Public Health. Any veterinarian performing the vaccination required by the provisions of this chapter shall be required to retain the certificate evidencing such vaccination bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be revaccinated, description and sex of the animal vaccinated, type and lot of vaccine administered for a period of three (3) years from the date of said vaccination. Said records shall be maintained by the veterinarian performing such vaccination and shall be available to the Animal Control Officer for the purpose of identifying any animals that are in violation of this chapter for the purposes of determining the owner's name and address, or if there has been any violation of the terms and conditions of this chapter (Ord. #818, 02/04/93).

3-205. Animal Control Officer. The City Manager shall appoint an Animals Control Officer who shall be under the supervision of the department designated by the City Manager. The Animal Control Officer shall be vested with the authority to enforce the provisions of the Paris Municipal Code. He shall wear and display an identification badge at all times when on official duty. The Animal Control Officer is hereby authorized and empowered, in addition to all the other sections of this code, to dispose of any dog, with or without tags, which, after reasonable effort on his part he is unable to apprehend, so long as the action taken by the Animal Control Officer does not constitute a hazard or

threat to the life or property of any citizen, and his is directed to pay particular attention to dogs that travel in packs or groups (Ord. #824, 04/01/93).

3-206. Handling complaints. When any person complains that he is molested, disturbed, or their property rights have been violated by an animal governed by the provisions of this chapter, the Animal Control Officer shall not be required to pick up such animal unless said officer shall, from his own observation, determine that the animal is or appears to be responsible for such conduct complained of, or unless the person or persons so complaining shall swear out a warrant against the owner of such animal, in which event said animal will be picked up by the Animal Control Officer and held awaiting the trial of the issue between the owner of the animal and the person filing the complaint. Such trial shall be held promptly in the city court.

Any person appealing the decision of the city judge shall make an appeal bond adequate to cover the cost of maintaining the animal governed by the provisions of this chapter, in the city pound or such animal clinic as may be used by the city (Ord. #818, 02/04/93).

3-207. Concealing animals interfering with the duties of Animal Control Officer.

No person shall hide, conceal, or aid or assist in hiding or concealing any animal owned, kept, or harbored in violation of any of the provisions of this chapter. No person shall interfere with, tamper with, damage or vandalize any city property used by the Animal Control Officer in the performance of his duties.

Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be fined under the general penalty clause of the Paris Municipal Code (Ord. #737, 08/17/90, Ord. #818, 02/04/93).

3-208. Enforcement, impoundment, etc. The Animal Control Officer, all police officers and all other authorized city employees, working under the direction and supervision of the city manager or city manager's designee shall be charged with the enforcement of this chapter and it shall be his (their) duty to take charge of any animal at large or running at large, or any animal which is kept in violation of this chapter and he (they) shall convey the same to the city pound or animal clinic designated by the city manager. There, such animal shall be fed, watered, and otherwise cared for during a period of not less than five (5) days unless redeemed earlier by its owner. Any impounded animal may be redeemed by its owner upon payment to the city for each animal so seized and impounded, an impoundment fee in an amount set by the city manager, and such fee shall be paid by the owner prior to the release of the animal or animals. The second impoundment of an animal owned by him, and each subsequent impoundment shall cause the impoundment fee to increase by ten dollars (\$10.00) for each subsequent impoundment of an animal owned by such person. In addition to the above charges, the owner shall pay all daily charges for the care, feeding, maintenance and upkeep of said animal, which charges shall be set by the city manager and shall be paid by the owner prior to the release of the animal. If the animal is placed with a veterinarian, in addition the owner shall pay all reasonable charges of the veterinarian for boarding. If the animal so seized has not been vaccinated, the owner shall, before he is permitted to regain possession of such animal, have such animal vaccinated and present proof of vaccination to the Animal Control Officer.

The payment of the fees set forth herein, however, shall not relieve the owner from any other penalty for violation of this chapter.

The impounding officer shall, not later than the day following the impounding of any animal, serve written notice upon the owner thereof, if known, by mail or in person. If such owner is unknown, the Animal Control Officer shall post a written notice in the city hall describing the impounded animal.

If after a period of five (5) days from the date of service or posting of such notices the animal is not redeemed in the manner set forth herein, it shall be humanely destroyed or otherwise disposed of in the public interest.

Whenever any individual shall apply to the Animal Control Officer for permission to adopt or buy an impounded animal remaining unclaimed, the Animal Control Officer may sell to the individual such unclaimed animals or surrender such animals to the individual for adoption upon the payment of the fees set forth herein (Ord. #818, 02/04/93, Ord. #995, 03/07/02).

3-209. Female Animals. All female animals within the city upon coming in heat, shall be kept in a secure enclosure or under the complete control of the owner by the use of a leash for a minimum period of twenty-one (21) days beginning the first day the evidence of attraction is noticeable to the owner. Any such female animal, running at large, demonstrating evidence of attraction shall be picked up by the Animal Control Officer and confined in the city pound. If such animal cannot be identified, it shall be impounded in the city pound for five (5) days. If no person claims said animal it may be sold to new owners or destroyed by the Animal Control Officer. If the owner of the animal can be located, the owner shall be notified and may obtain said animal upon giving proof of good intention and ability to confine said animal as required herein and by paying the fees involved. If such animal is picked up by the Animal Control Officer for the third time, said animal shall be kept confined until no longer in heat and the owner, before being allowed to obtain the animal, shall pay all fees involved, including a signed legal consent and payment in advance to have said animal spayed by a veterinarian, otherwise, said animal shall be destroyed by the Animal Control Officer (Ord. #818, 02/04/93).

3-210. Impounding, destruction of violating animals authorized. Personnel operating under the supervision of the Animal Control Officer and/or Chief of Police shall take up and impound any animal found running at large in violation of this chapter of the code; provided, that if any animal so found is sick, injured or of a vicious nature, such personnel may humanely destroy such animal immediately.

If, in the attempt to seize any animal, it becomes impossible to secure it with the hands, such personnel, if convinced that the seizure of the animal is necessary to the public welfare and safety, may destroy it by shooting it, providing he is close enough to the animal to kill it humanely and so far removed from any bystander that no human life may be imperiled by the act (Ord. #818, 02/04/93).

3-211. Quarantine of animals. In all cases where an animal has bitten, scratched, or broken the skin of a human being, and where the doctor treating the patient so bitten is of the opinion that the animal should be quarantined, the animal shall be confined by the owner at an animal clinic approved by the Animal Control Officer for a period of confinement. For the purpose of enforcing this section the Animal Control Officer is authorized to go upon private property, if necessary, to pick up any animal known to have bitten, scratched, or broken the skin of a human being. Any person who shall, hide, kill, conceal or aid or assist in the hiding, killing or concealing or permit the same to be removed from the city for the purpose of preventing its quarantine, as provided herein, shall be guilty of a misdemeanor (Ord. #818, 02/04/93).

3-212. Cruelty to animals misdemeanor. No person shall:

- A. Willfully, wantonly, or knowingly torture, torment, cruelly beat, needlessly mutilate, unreasonably abandon, or wound any domestic animal (Ord. #824, 04/01/93).
- B. Willfully or maliciously administer to any such animal or offer to expose to such animal any poisonous substance with the intent that same should be taken.
- C. Keep any animal in any building, structure, corral, pen, enclosure, or open area which is not at all times maintained in a clean and sanitary condition.
- D. Keep or confine any animal in any place where food, water, shelter, and ventilation is not adequate and sufficient for the preservation of the animal's health and safe condition. All

such food and water shall be fresh and wholesome and shall not be allowed to stagnate, spoil, putrefy, or in any way become unfit for consumption by said animal.

- E. Keep an animal in such a place or condition as to become a nuisance, either because of noise, odor, contagious disease, or other reason prohibited by the provision of this chapter or the laws of the state of Tennessee (Ord. #818, 02/04/93).
- F. Withhold or fail to provide proper veterinary care when needed to prevent suffering (Ord. #858, 08/04/94).

3-213. Citation in lieu of arrest. Whenever the Animal Control Officer, or any police officer, determines there has been a violation of any of the provisions of this chapter, in lieu of obtaining a warrant for arrest of the offender, the officer may prepare a written notice to appear in city court, containing the name and address of such person, the offense charged, and the time when such person shall appear in city court. The time specified for appearance shall be not less than five (5) days from the date of issuance to appear, unless the person cited agrees to a shorter period. The cited person shall sign one copy of the notice to appear. Signing of the notice to appear shall constitute the cited person's promise to appear on the date specified in the notice.

One copy of the notice to appear shall be delivered to the cited person.

No person shall violate the written promise to appear upon issuance of a citation regardless of the disposition of the charge for which such citation was issued. Any person convicted of violation of the provisions of this paragraph shall be subject to a fine not to exceed fifty dollars (\$50.00) in addition to any penalty for a violation of the original charge.

The city clerk is hereby authorized to accept pleas of guilty for violations of this chapter, to accept designated fines in connection with such pleas, issue receipts therefore, and appear for such person in court for the purpose of entering pleas of guilty, all in accordance with such procedures as may be established by the judge of the city court.

Such fines shall be accepted upon entry of any plea of guilty before the city clerk. The amount of such fine to be accepted shall be so designated by rule of court promulgated by the judge of the city court; provided that no such fine may be accepted for a sum less than the minimum fine imposed by any section of this chapter for such offense.

Any person given a citation for violation of any provisions of this chapter may post the fine appropriate thereto and notify the city clerk that such person will appear before trial, in which case the matter may be entered on the docket for trial. In addition to the fines specified hereinabove, there shall be costs assessed in such cases in accordance with standard costs collected by the city court in any other such proceedings.

3-214. Severability. The provisions of this ordinance are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this ordinance shall continue in full force and effect, it being the intent now hereby declared that this ordinance would have been adopted even if such unconstitutional or void matter had not been included therein (Ord. #818, 02/04/93).

3-215. Violations – Misdemeanors – Penalties. Any violation of any section of this chapter, upon conviction, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Each individual violation and each occasion shall constitute a separate misdemeanor. Notwithstanding the provisions of this section, the impoundment fees and daily charges provided for in Section 3-208 shall be collected from the owner on all violations. (Ord. #393, 11/06/67; Ord. #660, 12/01/83; Ord. #645, 08/07/86; Ord. #652, 11/11/86; Ord. #737, 08/17/90; Ord. #818, 02/14/93; Ord. #824, 04/01/93).

CHAPTER 3

HOGS

SECTION

3-301. Prohibited.

3-301. Prohibited. It shall be unlawful for any person to own, keep or harbor any hog within the corporate limits. (Ord. #185, Section 3, 1945).

CHAPTER 4

DANGEROUS DOGS

SECTION

- 3-401. Definitions.
- 3-402. Procedure for Controlling Potentially Dangerous Dogs and Dangerous Dogs.
- 3-403. Requirements for Ownership of a Dangerous Dog or Potentially Dangerous Dog.
- 3-404. Confinement.
- 3-405. Exemptions.
- 3-406. Penalties and Enforcement.
- 3-407. Injunctive Relief.
- 3-408. Right of Entry by Animal Control Officer.
- 3-409. Severability.

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).

