

SECTION IX

VICIOUS AND DANGEROUS DOGS

9.1 Vicious and Dangerous Dog Definitions

A. A “dangerous dog” is defined as:

- a) Any dog that has, while off the property of its owner without provocation, bitten, attacked, or endangered the safety of a human, domestic animal, or livestock; including any dog that
- b) Has, while off the property of its owner, engaged in any behavior when unprovoked that would have required a person to take defensive action to avoid bodily injury; or
- c) Has, when unprovoked while off the property of its owner, bitten a person or domestic animal causing bodily injury (*bodily injury* to include a cut, abrasion, or disfigurement, and physical pain or temporary impairment of the function of a bodily member, organ, or mental faculty, *per TCA 39-11-106(a)(2)*).

B. A “vicious dog” is defined as:

- a) Any dog that has, without provocation, attacked or attempted to attack a person, domestic animal, or livestock on two (2) or more occasions; or
- b) Has, on two (2) or more occasions engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to avoid bodily injury; or
- c) Has, when unprovoked, bitten a person or domestic animal causing severe injury or death (*severe injury* to include bodily injury that involves a substantial risk of death; or protracted unconsciousness; or extreme physical pain; or protracted or obvious disfigurement; or protracted loss or substantial impairment of a function of a body member, organ, or mental faculty, *per TCA 39-11-106(a)(34)*); or
- d) Has previously been declared a dangerous dog but has not been kept in compliance with any restrictions placed by the court upon the owner of such dogs.

- b.** Released to the owner, who must comply with the restrictions enacted by the court.
- C.** The owner will be responsible for all fines, impound fees, boarding fees, veterinary fees, and other costs associated with impounding the dog. All monies must be paid prior to the owner reclaiming the dog. Failure to pay all associated fines and fees within 10 days will result in the dog being deemed abandoned to Animal Control. Euthanasia or surrender to Animal Control does not free the owner of responsibility for payment of all fees and fines.

C. Vicious and Dangerous dogs do NOT include:

- a) Any police dog that bites, attacks, or endangers the safety of a human when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duty; or
- b) Any dog that attacks a human in a secure pen or other enclosure in which the dog is being kept; or
- c) Any dog that was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack; or
- d) Any dog that attacks or attempts to attack when the victim was committing a willful trespass or other criminal offense upon the private property of the dog's owner or keeper; or
- e) Any dog that attacks or attempts to attack while being teased, tormented, assaulted, or abused; or
- f) Any dog that causes injury to a domestic animal or livestock while working as a hunting or herding dog on the property of or under the control of the owner, and the injury was appropriate to the work of the dog.

9.2 Identification of Dangerous or Vicious Dogs

- A. Upon receipt of complaint about a dog bite or attempted attack, the Animal Control Director (ACD) will check the dog's identifying information against the department data base to determine if the dog has a previous bite history.
- B. Upon completion of the investigation of the complaint, the ACD will make a determination as to whether the incident meets the definition of "dangerous" or "vicious" dog. If the incident meets the criteria, the ACD will refer the case to the county District Attorney (DA).

9.3 Impound/Seizure of Potentially Dangerous/Vicious Dog

- A. If the ACD determines that the case should be referred to the DA, the dog will be impounded at the county facility until completion of any hearing to determine the dog's status.
- B. If the dog is determined by any court to be dangerous or vicious, then the dog may be either
 - a. Humanely euthanized upon further order of the court, or

9.4 Mandatory Restrictions on Dangerous/Vicious Dogs

A. Dangerous Dogs

- a.** If kept outdoors, the dog must be confined on the owner's property by a fence (other than an electronic invisible fence) or locked pen or kennel capable of confining the dog, or any other method approved by the Animal Control Director.
- b.** If kept indoors, the animal must be securely confined to prevent the animal exiting the building, and must not be kept on a porch or patio.
- c.** The premises must have a clearly visible warning sign with reflective lettering at all entry points to the property where the dog is maintained stating "Warning: Dangerous Dog on Premises".
- d.** If taken outside or away from the owner's property, the dog must be on a leash and wearing a humane muzzle. The dog shall not be allowed to roam off leash in any area where the public may be encountered.

B. Vicious Dogs

- a.** The dog must be kept in a proper enclosure if the dog is maintained unattended out-of-doors. The enclosure must be within an outer fence. The pen or enclosure must have secure sides and a secure top. It must be constructed or secured in such a way as to prevent the dog's escape either over or under the fence.
- b.** If kept indoors, the animal must be securely confined to prevent the animal exiting the building, and must not be kept on a porch or patio.
- c.** The premises must have a clearly visible warning sign with reflective lettering at all entry points to the property where the dog is maintained stating "Warning: Vicious Dog on Premises."
- d.** If taken outside or away from the owner's property, the dog must be on a leash and be humanely muzzled. The dog shall not be allowed to run off leash in any area where the public may be encountered.

C. Additional restrictions

- a.** The dog may be spayed or neutered at the request of the Animal Control Director.
- b.** The dog will be photographed by Animal Control for future identification purposes.

- c. The dog must wear a tag that visually identifies the dog as dangerous or vicious.
 - d. The owner and dog may be required to attend and complete a dog obedience course, and may be required to attend and complete a training class that is designed to teach the owner how to deal with, correct, manage, and/or alter the problem behavior. The course(s) must be approved by the Animal Control Director.
 - e. The owner of the animal must provide proof of liability insurance to cover any injuries caused by the dog, and must provide a current certificate of insurance to the Animal Control Department.
- D. If the owner resides on rental property, the owner must obtain written permission from the landlord to keep the dog on the property. Such permission must be provided to the Animal Control Department.

9.5 Compliance Monitoring

- A. The owner must allow inspection of the dog and its enclosure by the Animal Control Department, and must provide proof of compliance with the above restrictions upon demand by the Animal Control Director.
- B. The owner must provide a record of the dog's owner or agent contact information, emergency contact persons and phone numbers, veterinarian, property/liability insurance carrier, vaccination status, photo of the dog, and any other information deemed necessary by the Animal Control Director. This information must be updated annually.
- C. The owner must notify the Animal Control Department of any change of address, ownership, or death of the dog. If the dog dies, the owner must present the animal for verification, or evidence of the dog's death to the Animal Control Department.
- D. The Animal Control Department will maintain a file on each dog designated as Dangerous or Vicious for a period of 5 years from the date of initial designation or subsequent extension of the designation, or any additional period of time at the discretion of the Animal Control Director.