

TITLE 10
ANIMAL CONTROL^{1, 2}

CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.
3. KEEPING OF DOMESTIC BEES.

CHAPTER 1
IN GENERAL³

SECTION

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc. to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Restrictions on selling or giving away domestic animals.
- 10-109. Disposal of animal waste in any city park or other public places.

10-101. Running at large prohibited. No person owning or being in control shall knowingly or negligently permit to run at large any cows, swine, sheep, horses, mules, goats, chickens, ducks, geese, turkeys, other domestic fowl, cattle, livestock, cats, dogs, or any other domestic animal, or any other animal kept or maintained within the City of Dickson. (Ord. #1126, Oct. 2002, modified)

10-102. Keeping near a residence or business restricted. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand feet (1,000') 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 public health. (1995 Code)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits of the City of Dickson, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1995 Code)

¹Wherever this title mentions dogs it pertains to dogs and cats.

²Municipal code reference

Health officer to issue ordinance summonses in area of animal control: title 3, chapter 3.

³Municipal code reference

Domestic animals regulated within city parks: title 11, chapter 1.

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl 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. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1995 Code)

10-105. 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 because of either noise, odor, contagious disease, or other reason. (1995 Code)

10-106. Cruel treatment prohibited. It shall be unlawful for any person unnecessarily to beat or otherwise abuse or injure any dumb animal or fowl. (1995 Code)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept 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 city council. 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 or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council. The pound keeper shall collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1995 Code)

10-108. Restrictions on selling or giving away domestic animals.

- 1) It is unlawful for any person to sell, offer for sale, barter, or to give away any domestic dogs, domestic cats, or any other animal in a public place.
- 2) This section shall not be construed to prohibit the sale of such animals by the operators of business possessing a license to sell animals or as authorized by the commissioner of agriculture. (Ord. #1258, July 2008)

10-109. Disposal of animal waste in any city park or other public place. The owner or any person having control of any animal defined in § 10-101 shall remove any animal waste and properly dispose of such. (1995 Code, modified)

CHAPTER 2 DOGS AND CATS

SECTION

10-201. Rabies vaccination and registration required.

10-202. Dogs and cats to wear tags.

10-203. Running at large prohibited.

10-204. Vicious dogs to be securely restrained.

10-205. Noisy dogs prohibited.

10-206. Confinement of dogs or cats suspected of being rabid.

10-207. Seizure and disposition of dogs or cats.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the “Tennessee Anti-Rabies Law¹” or other applicable law. (1995 Code, modified)

10-202. Dogs and cats to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1995 Code, modified)

10-203. Running at large prohibited.² It shall be unlawful for any owner or other person who has control or custody over a dog or cat, whether such control or custody shall be temporary or otherwise, to allow a dog or cat to run at large. Running at large shall mean a dog or cat who is off the premises of the owner and that is not under the control of an owner by leash. (1995 Code, modified)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. (1995 Code, modified)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1995 Code)

10-206. Confinement of dogs or cats suspected of being rabid. If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog or cat to be confined or isolated for such time as he reasonably deems necessary to determine if such dog or cat is rabid. (1995 Code, modified)

¹State law reference

Tennessee Code Annotated, §§ 68-8-101 through 68-8-114.

²State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

10-207. Seizure and disposition of dogs or cats. Any dog or cat found running at large may be seized by the animal control officer or any police officer and placed in a pound provided or designated by the city council. If said dog or cat is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within three (3) days and redeem his dog or cat by paying a twenty-five dollar (\$25.00) pick up fee and five dollars (\$5.00) for each day the dog or cat has been impounded, or the dog or cat will be humanely destroyed or sold. If said dog or cat is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog or cat shall be released in any event from the pound unless or until such dog or cat has been vaccinated and a tag placed on its collar. When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded, it may be summarily destroyed by the animal control officer or any police officer.¹ (1995 Code, modified)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see *Darnell v. Shapard*, 156 Tenn. 544, 3 S.W.2d 661 (1928).

CHAPTER 3 KEEPING OF DOMESTIC BEES

SECTION

- 10-301. Definitions.
- 10-302. Registration requirements.
- 10-303. Genetic stock.
- 10-304. Creating nuisance.
- 10-305. Colony density.
- 10-306. Property lines.
- 10-307. Water supply.
- 10-308. Apiaries.
- 10-309. Violations and penalty.

10-301. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. The word “shall” is always mandatory and not merely directory.

- 1) “Apiary” means a place where bees are kept, or a collection of honey bee colonies.
- 2) “Bee” means any stage of the common honey bee, *Apis Mellifera* species.
- 3) “Beekeeper” means a person who owns, leases, or manages one (1) or more colonies of bees for pollination or the production of honey, beeswax, or other by-products, either for personal or commercial use.
- 4) “City” means the City of Dickson, Tennessee.
- 5) “Colony” means the hive and its equipment and appurtenances including bees, comb, honey, pollen and brood.
- 6) “Hive” means a structure for housing honey bees.
- 7) “Lot” means the minimum lot areas as defined in the current Dickson Zoning Ordinance.
- 8) “Person” means any individual, business entity, partnership, corporation, governmental agency or political subdivision.
- 9) “Regulatory authority” means the city codes enforcement officer or his designated representative. (1995 Code, modified)

10-302. Registration requirements.

- 1) It shall be unlawful for any beekeeper to keep or harbor any colonies of bees within city limits without being properly registered with the Codes Enforcement Division of the City of Dickson to keep such bees.
- 2) Beekeepers with existing apiaries shall have one hundred eighty (180) days from the adoption date of this chapter to register all apiaries with numbers of colonies within kept or harbored under their supervision within the city limits with the codes enforcement division of the city.
- 3) After the one hundred eighty (180) days from the adoption of this chapter, all apiaries and colony numbers shall be registered annually with the codes enforcement division of the city before the bee colonies are kept or harbored within the city limits. (1995 Code)

1This chapter was taken from Ord. #795. An amendment to Ord. #795 states “this ordinance shall not apply to require a reduction in the number of hives presently in existence for any beekeeper maintaining bee hives in excess of the limit requirements allowed by this ordinance.”

10-303. Genetic stock.

- 1) Beekeepers shall use only strains of known European origins to comprise colonies of honey bees located within the city limits.
- 2) Once Africanized honey bees have been confirmed by a recognized authority as inhabiting any area of Tennessee, beekeepers shall be required to re-queen their colonies annually with queens of known European origin. Queen stock is to be obtained from a reputable queen breeder who produces queens from European stock and is not under federal quarantine. Beekeepers are prohibited from obtaining bees from such areas.
- 3) Beekeepers will be required to keep and maintain receipts of purchases to be produced upon request by the regulatory authority. (1995 Code)

10-304. Creating nuisance. It shall be unlawful and considered a nuisance for any person or beekeeper to keep or harbor colonies of bees under their supervision within the city limits in a manner or condition that would render the enjoyment of life or property uncomfortable to others, or interfere with the public peace and comfort of others, or to be unhealthy or offensive to others. (1995 Code)

10-305. Colony density. Beekeepers shall maintain no more than the following number of colonies of bees in the following size lots within city limits:

- 1) Less than one-fourth (1/4) acre (ten thousand eight hundred ninety (10,890) square feet)
-one (1) colony.

- 2) One-fourth to one-half ($1/4$ to $1/2$) acre (ten thousand eight hundred ninety (10,890) square feet) - twenty-one thousand seven hundred eighty (21,780) square feet) - two (2) colonies.
- 3) One-half to one ($1/2$ to 1) acre (twenty-one thousand seven hundred eighty (21,780) square feet - forty-three thousand five hundred sixty (43,560) square feet) - four (4) colonies.
- 4) Greater than one (1) acre lots will be determined on individual basis. (1995 Code)

10-306. Property lines. Beekeepers shall keep no colonies of bees within twenty-five feet (25') of public or private property lines except when:

- 1) The colonies are placed behind a solid fence or dense hedge at least six feet (6') in height that is parallel to the property line and extends six feet (6') beyond the colonies in each direction; and
- 2) That all bee fly-ways are forced over a six foot (6') level. (1995 Code)

10-307. Water supply. Beekeepers shall provide a convenient source of water available at all times, especially when colonies are actively rearing brood, and in times of extreme heat. (1995 Code)

10-308. Apiaries. Beekeepers operating apiaries within the city limits shall comply with all Tennessee Bee Regulations and Laws. (1995 Code)

10-309. Violations and penalty.

- 1) Any person who violates a provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction in the Municipal Court of Dickson shall be subject to a fine not to exceed fifty dollars (\$50.00) for each offense, and each and every day such violation continues, it shall constitute a separate offense.
- 2) In addition to and cumulative of all other penalties, the City of Dickson shall have the right to seek injunctive relief for any or all violations of this chapter. (1995 Code, §§ 10-309 and 10-310)