

ORDINANCE NO. 2006-08

AN ORDINANCE AMENDING CHAPTER 90 OF THE NASHVILLE CODE OF ORDINANCES

Be it Ordained by the Nashville Town Council:

Section 90.01 shall read as follows:

It shall be unlawful to keep a dog, within the town limits without obtaining a license for the dog, or dogs, annually. In addition to other license requirements found in this chapter, each license applicant shall be required to obtain and provide certified proof of liability insurance amount of Fifty Thousand Dollars (\$50,000.00) per occurrence in order to be granted a license or post proof of financial responsibility.

Section 90.05 shall read as follows:

Section 90.05 – Confinement of female dogs in heat, dangerous dogs, sick or diseased dogs.

- a) The owner or keeper of any female dog in heat, dangerous dog, or sick or diseased or non-vaccinated dog, shall confine the dog within a secure enclosure in such a manner as to prevent it from becoming a nuisance.**
- b) Confinement of a dog means enclosure of the dog within a completely enclosed building or secure enclosure with no means of escape. Such an animal may be confined in the owner's home. The animal's confinement must be such as will prevent the animal from harassing neighbors or passers-by and may not constitute either a sight, smell or noise nuisance. The enclosure shall be located on the owner's property not less than ten (10) feet from the nearest edge of any municipal right of way. Chaining or tethering is not an acceptable form of confinement, unless the dog is attended.**

- c) **The owner of a female dog in heat, dangerous dog, sick, diseased or non-vaccinated dog may not cause, suffer, or allow it to go unconfined, unrestrained, or to run at large on any public street or by-way, right of way, or any municipally owned or public land or public building at any time or upon any private property without the permission of the owner of such private property.**
- d) **Upon reasonable suspicion to believe that a female dog in heat, dangerous dog, non-vaccinated dog or sick or diseased dog has violated this section, an animal control officer or any law enforcement officer shall seize the dog and deliver it to the custody and control of the County Humane Society.**
- e) **The Council shall conduct a public hearing within five (5) business days to determine whether this Section was violated. In the event that the Council finds that this Section has been violated, the following penalties shall be imposed upon the owner or keeper of the animal.**
 - 1) **The owner or keeper of the animal shall be ordered to pay any and all costs associated with the Humane Society's care and treatment of the dog during the seizure period.**
 - 2) **The dog shall be required to undergo a certified re-training program not to exceed a cost of Twenty-Five Hundred Dollars (\$2,500.00) at the owners or keeper's expense or the dog shall be destroyed at the owner or keeper's expense.**

Section 90.07 shall read as follows:

Any dog which is found unlicensed or creating a disturbance as described in Section 90.07 is hereby declared to be a nuisance.

A new Section 90.09 entitled "Definitions" shall read as follows:

- (A) A dangerous dog, for purposes of this chapter, is any dog which, because of its nature, training, or characteristic behavior, is capable of inflicting physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this Ordinance. The term dangerous dog includes any dog which has:**
 - 1) Attacked a person.**
 - 2) Attacked at a place other than its owner's property; or**
 - 3) Chased or approached a person at some place other than its owner's property in a menacing fashion or apparent attitude of attack.**
- (B) A sick or diseased dog for purposes of this chapter is any dog sick with or liable to communicate Rabies or any other contagious or infectious disease.**
- (C) A sick or diseased dog for the purpose of this chapter is any dog with a highly contagious disease including but not limited to canine parvovirus and canine distemper virus.**
- (D) A non-vaccinated dog shall be any dog whose owner can not provide proof of current legal rabies vaccination as defined by state law.**

Section 90.99 shall read as follows:

Any person who violates any provision of this chapter including the obligation upon the owner to pay the Humane Society for dog care and treatment, shall be fined, upon conviction thereof, any sum of money not exceeding Two Thousand Dollars (\$2,000.00).

This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Nashville.

JULY, 2006.

Brenda Young
Brenda Young, Clerk/Treasurer


 Roger Kelso, Council President

Robert Kirilin, Council Vice President

R. Dale Cassidy yea nay abstain
R. Dale Cassidy, Council Member

_____ yea nay abstain
Charles King, Council Member

~~Arthur Omer, Council Member~~ yea nay abstain

Roger Bush
Roger Bush, Acting Town Superintendent

Roger Bush, Acting Town Superintendent


James T. Roberts, Town Attorney

James T. Roberts, Town Attorney