

TITLE 10

ANIMAL CONTROL<sup>1</sup>

CHAPTER

1. IN GENERAL.
2. DOGS.
3. VICIOUS OR POTENTIALLY DANGEROUS ANIMALS.

CHAPTER 1

IN GENERAL

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.

10-101. 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. (1976 Code, § 3-101)

10-102. 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 city recorder. The city recorder shall issue a permit only when the health officer certifies that in his sound judgment the keeping of such an animal or fowl in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1976 Code, § 3-102)

10-103. 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. (1976 Code, § 3-103)

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<sup>1</sup>Charter reference: art. II, § 1(27).

10-104. 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. (1976 Code, § 3-104)

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 either because of noise, odor, contagious disease, or other reason. (1976 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1976 Code, § 3-106)

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 and disposed of in accordance with county provisions. (1976 Code, § 3-107, modified)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs 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 suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Prohibiting dogs from ball field areas in the municipal parks.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, sections 68-8-101 through 68-8-114) or other applicable law.

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1976 Code, § 3-204, modified)

10-203. Running at large prohibited.<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

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

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<sup>1</sup>State law reference

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

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

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1976 Code, § 3-209, modified)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized and disposed of in accordance with county provisions. (1976 Code, § 3-205, modified)

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.<sup>1</sup> (1976 Code, § 3-208, modified)

10-209. Prohibiting dogs from ball field areas in the municipal parks. It shall be unlawful for any person to permit any dog to be within the ball field areas in any municipal park, except as provided under the Americans with Disabilities Act. (as added by Ord. #2002-15, Oct. 2002)

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<sup>1</sup>State 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

VICIOUS OR POTENTIALLY DANGEROUS ANIMALS

SECTION

- 10-301. Definitions.
- 10-302. Confinement.
- 10-303. Maintenance of pen area.
- 10-304. Leash and muzzle.
- 10-305. Signs.
- 10-306. Insurance.
- 10-307. Animal control officer.
- 10-308. Impoundment and destruction.

10-301. Definitions. (1) "Animal control officer." An individual designated by the Loudon Chief of Police as the person who has primary responsibility for the administration of this chapter. The animal control officer may be an employee of either the City of Loudon or Loudon County.

(2) "Owner." Any person, firm, corporation, organization or department possessing or harboring or having the care or custody of an animal.

(3) "Vicious animal." (a) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(b) Any animal which, because of its physical nature or vicious propensity is capable of inflicting serious 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 chapter; or

(c) Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal.

(4) "Unconfined." A vicious animal is unconfined if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the animal. The pen or structure must have secure sides and a secure top attached to the sides which shall be made of 11 gauge wire, or stronger and inspected and approved by the animal control officer. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. (as added by Ord. #2002-14, Sept. 2003)

10-302. Confinement. The owner of a vicious animal shall not permit the animal to go unconfined. (as added by Ord. #2002-14, Sept. 2003)

10-303. Maintenance of pen area. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. (as added by Ord. #2002-14, Sept. 2003)

10-304. Leash and muzzle. The owner of a vicious animal shall not permit the animal to go beyond the premises of the owner unless the animal is securely and appropriately muzzled and restrained by a chain or leash, and under the physical restraint of a responsible adult. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or animal. (as added by Ord. #2002-14, Sept. 2003)

10-305. Signs. The owner of a vicious animal shall display, in a prominent place on his or her premises, a clearly visible warning sign indicating that there is a vicious animal on the premises. A similar sign is required to be posted on the pen or kennel of the animal. (as added by Ord. #2002-14, Sept. 2003)

10-306. Insurance. Owners of vicious animals must provide proof to the finance director of liability insurance in the amount of at least \$100,000, insuring the owner for any personal injuries inflicted by his or her vicious animal. (as added by Ord. #2002-14, Sept. 2003)

10-307. Animal control officer. The animal control officer shall have the authority to enforce this chapter without a warrant if he or she observes a violation occurring in his or her presence. He or she shall also have the authority to impound animals as authorized in the municipal code. (as added by Ord. #2002-14, Sept. 2003)

10-308. Impoundment and destruction. The Loudon City Judge may order the impoundment and destruction of an animal where:

- (a) The animal has attacked, bitten or injured a human being or domestic animal or;
- (b) The animal is a vicious animal as defined herein and the owner has failed to comply with the requirements and conditions for keeping a vicious animal as defined herein, or;
- (c) All fines or costs imposed under this chapter have become final orders, and remain unpaid, or;
- (d) The animal poses a threat of serious harm to the public health or safety. (as added by Ord. #2002-14, Sept. 2003)