TITLE 10

ANIMAL CONTROL

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CHAPTER 1

IN GENERAL

SECTION
10-102. Swine prohibited.
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. 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, sheep, horses, mules, goats, dogs, cats, chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1981 Code, § 5-51, modified, as amended by Ord. of 7/23/2001)

10-102. Swine prohibited. Swine are prohibited within the corporate limits.

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. (1981 Code, § 5-92, modified)

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 and safety.
All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.
It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1981 Code, §§ 5-91 and 5-93, modified)

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.

10-106. 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 any police officer or other properly designated officer or official and confined in a shelter provided or designated by the city council. If the owner is known, the owner shall be given notice of the seizure in person, by telephone, or by a postcard addressed to the owner's last known mailing address. If the owner is not known or cannot be located, then no notice is required to be sent to the owner. If the owner is known, an impounded animal or fowl will be held for a period of five (5) days from its seizure before it is disposed of in accordance with this section. If the owner is not known, an impounded animal or fowl will be held for a period of three (3) days from its seizure before it is disposed of in accordance with this section. If the animal or fowl is not claimed within the applicable time period after its seizure, then the animal will be sold, adopted or humanely destroyed, or it may otherwise be disposed of as authorized by the city council. If an animal is claimed by its owner, then the owner must pay the shelter its costs. The shelter shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance. (1981 Code, § 5-52, as replaced by Ord. #2005-05, March 2005)
CHAPTER 2

DOGS AND CATS--ADDITIONAL SECTIONS

SECTION
10-201. Rabies vaccination and registration required.
10-203. Restraint of dogs.
10-204. Vicious dogs to be securely restrained.
10-205. Noisy dogs prohibited.
10-207. Seizure, impoundment and redemption of dogs running at large.
10-208. Destruction of vicious or infected dogs running at large.

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, §§ 68-8-101 through 68-8-114) or other applicable law. Any references to dogs within this chapter shall also be presumed to include cats. (1981 Code, § 5-27, modified)

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.

10-203. Restraint of dogs. Every person owning or having possession, charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises; provided, however, that such dog may be off such premises if it is under the control of a competent person and restrained by a chain, leash or other means of visible control.

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. (1981 Code, § 5-31, modified)

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. (1981 Code, § 5-32, modified)

\[1^\text{The title of this chapter was changed by Ord. of 7/23/2001.}\]
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. (1981 Code, § 5-35, modified)

10-207. Seizure, impoundment and redemption of dogs running at large. (1) Seizure. Any dog found running at large may be seized by the animal control officer or any police officer and placed in the animal shelter. (2) Impoundment. It shall be the duty of the Animal Control Officer of the City of Cleveland to immediately impound any and all dogs running at large in violation of the provisions of this chapter. All costs of said impoundment and all costs of any subsequent boarding of any dog shall be borne by the owner and shall be paid by the owner prior to the time any dog shall be released to the owner. (3) Redemption. (a) Dogs wearing rabies vaccination tag or other identification. If said dog is wearing a rabies vaccination tag, or other identification, all reasonable effort shall be made to notify the owner of the animal. Reasonable effort is defined to include a postcard addressed to the owner's last known mailing address or a telephone call to the owner if the owner's telephone number is known. The notice shall advise the owner that they are required to appear within five (5) days and redeem the animal by paying the animal shelter a fee for each day the animal has been impounded, plus an impoundment or pickup fee in accordance with the fee schedule adopted by the city council. If, after five (5) days, the dog has not been claimed, the animal control officer may destroy the same in a human manner and dispose of the remains in a sanitary manner. Alternatively, the animal shelter may offer the dog for adoption, consistent with the city's animal adoption program. (b) Dogs not wearing a rabies vaccination tag or other identification. If a dog is not wearing a rabies vaccination tag or other identification, the animal may be adopted or destroyed, unless legally claimed by the owner within three (3) days. No dog shall be released from the shelter without having proof of current vaccination or until it has been vaccinated and, where applicable, a tag issued. The owner must also pay the animal shelter a fee for each day the animal has been impounded, plus an impoundment or pickup fee in accordance with the fee schedule adopted by the city council. (1981 Code, § 5-34, modified, as amended by Ord. #2005-06, March 2005)

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.¹

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

WILD BIRDS

SECTION

10-301. City to supervise abatement of any nuisance created by wild birds.

10-301. City to supervise abatement of any nuisance created by wild birds. When any flock or group of wild birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property, and if such are found and declared by the city manager to be creating a public nuisance, appropriate action may be authorized by the city manager after a thorough investigation. However, trapping or killing of such birds shall not be resorted to unless the city manager is unable to find a satisfactory alternative. Remedial measures shall be taken only by authority of, and under supervision of the city. (1981 Code, § 5-96, modified)