

**TITLE 10****ANIMAL CONTROL**<sup>1</sup>**CHAPTER**

1. DEFINITIONS.
2. DOGS AND CATS.
3. ANIMALS IN GENERAL.
4. CONTROLS AND ENFORCEMENT.

**CHAPTER 1****DEFINITIONS****SECTION**

10-101. Enumerated.

**10-101. Enumerated.** As used in this title the following terms shall mean:

(1) "Animal shelter." Any premises designated by action of the City of Maryville for the purpose of impounding and caring for all animals found running at large in violation of this title.

(2) "Animal control officer." The person or persons employed or designated by the city manager as the municipality's enforcement officer.

(3) "At large." Any animal shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

(4) "Exposed to rabies." An animal has been exposed to rabies within the meaning of this title if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

(5) "Kennel." Any person, group of persons, or corporations engaged in breeding, buying, selling, or boarding dogs or cats.

(6) "Owner." Any person, group of persons, or corporation owning, keeping, or harboring animals.

(7) "Restraint." A dog or cat is under restraint within the meaning of this title if he is controlled by a leash, under control of a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

(8) "Spayed female." Any bitch which has been operated upon to prevent conception. (1985 Code, § 3-101)

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

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs or cats to wear collars, choke chains, or harness with tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs and cats prohibited.
- 10-205. Noisy dogs prohibited.
- 10-206. Nuisance defined; actions constituting a nuisance.
- 10-207. Ignorance of a dog's or cat's habits no defense.
- 10-208. Leash requirement in certain areas of city parks or property.
- 10-209. Dogs and cats in food service establishments.
- 10-210. Dogs killing waterfowl.
- 10-211. Pet shop inspections.
- 10-212. Confinement of dogs or cats suspected of being rabid.
- 10-213. Seizure and disposition of dogs and cats.
- 10-214. Court proceedings against dog or cat owners.
- 10-215. Injured or killed dogs or cats.
- 10-216. Inspections of premises.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor within the City of Maryville any dog over three (3) months of age or any cat over three (3) months of age 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 to 68-8-114) or other applicable law. (1985 Code, § 3-201)

**10-202. Dogs or cats to wear collars, choke chains, or harness with tags.** It shall be unlawful for any person to own, keep, or harbor within the City of Maryville any dog or cat which does not wear a collar, choke chain, or harness with a tag evidencing the vaccination and registration as required by the preceding section. (1985 Code, § 3-202)

**10-203. Running at large prohibited.** It shall be unlawful for any person to permit any dog or cat owned by him or under his control or which may be found habitually on premises occupied by him to run at large within the corporate limits. (1985 Code, § 3-203)

**10-204. Vicious dogs and cats prohibited.** (1) It shall be unlawful for any person to own or in any way maintain a vicious dog or cat unless certain safety procedures are taken and approved by the animal control officer or a

police officer. If a dog or cat either attacks a person by biting or in any manner causing injury or habitually or repeatedly attacks livestock or other domestic animals without provocation, it shall be prima facie evidence that the dog or cat is vicious. After a notification by the animal control officer that the dog or cat is vicious, the owner or keeper of such dog or cat shall keep the same chained or muzzled, or in a secure enclosure at all times, or have it humanely destroyed or shall turn it over to the animal shelter for humane destruction.

(2) Any person who receives such a notice shall have the right to appeal this decision to the city manager. The city manager or his representative shall upon such appeal conduct a hearing within ten (10) days to determine if the animal is vicious. If the animal is judged not to be vicious, it may be returned to the owner. In the event of an appeal to the courts from the city manager's or his representative's decision, pending the appeal, the dog or cat shall be confined at the animal shelter or with a veterinarian, the cost of which shall be borne by the owner. (1985 Code, § 3-204)

**10-205. Noisy dogs prohibited.** It shall be unlawful for any person to keep or harbor any dog which, by loud and frequent barking, whining, or howling disturbs the peace and quiet of any neighborhood. (1985 Code, § 3-205)

**10-206. Nuisance defined; actions constituting a nuisance.** (1) The actions of a dog or cat constitute a nuisance when a dog or cat disturbs the rights of, threatens the safety of, or damages the property of or injures the person of a member of the general public, or interferes with the ordinary use and enjoyment of their property.

(2) It shall be unlawful for any person to own, keep, possess, or maintain a dog or cat in such a manner as to constitute a public nuisance. By way of example and not a limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance and, therefore, unlawful:

(a) Failure to exercise sufficient restraint necessary to control a dog or cat.

(b) Allowing or permitting a dog or cat to damage the property of any one other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, shrubs, lawns, flowers, or vegetables.

(c) Maintaining a vicious dog or cat. (See § 10-204 of this code.)

(d) Maintaining dogs or cats in an unsanitary environment which results in offensive odors or is dangerous to the animal or the public health, welfare, or safety.

(e) Maintaining property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare because of the number, type, variety, density, or location of the dogs or cats on the property.

(f) Maintaining a dog or cat that is diseased or dangerous to the public health.

(g) Maintaining a dog or cat that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(h) Failure to confine a female dog while in heat for twenty-four (24) days in a building or secure enclosure in such a manner that she will not be in contact with another dog, or create a nuisance by attracting other dogs. This subsection shall not be construed to prohibit the intentional breeding of dogs within an enclosed area on the premises of the owner of the dog which is being bred.

(3) Any dog, cat or other animal which has been determined by the animal control officer to be a public nuisance based on the criteria found in sub-section (2) of this section, and which has been found at large and impounded at the City of Maryville Animal Control Facility may not be redeemed by the owners, unless such impoundment and boarding fees as established by resolution of the city council are paid. However, if said dog, cat or other animal is impounded for a third or subsequent offense, redemption must be authorized by any court having jurisdiction. (1985 Code, § 3-206)

**10-207. Ignorance of dog's or cat's habits no defense.** It shall be the duty of any person owning, maintaining, or harboring any dog or cat to maintain close personal supervision of said animal and ignorance of the habits or character of the dog or cat on the part of such person shall be no defense in actions arising under this chapter. (1985 Code, § 3-207)

**10-208. Leash requirement in certain areas of city parks or property.** It shall be unlawful for any person who owns or has possession, charge, or custody of any dog to take the dog into or allow the dog to enter any public park or public property in the city without having the dog at all times under restraint of a leash in all areas of the parks or property where signs are posted requiring a leash. Where signs are not posted requiring a leash, the dog shall at all times be under control of the owner or other person having custody of the dog. (1985 Code, § 3-208)

**10-209. Dogs and cats in food service establishments.** No dog or cat shall be permitted or kept for any period of time in any room in which food is prepared, processed, stored, or sold in any restaurant or other food service establishment licensed by the city. This section shall not apply to guide dogs accompanied by blind customers of such establishments nor to police patrol dogs accompanied by a police officer in the course of his duties. (1985 Code, § 3-209)

**10-210. Dogs killing waterfowl.** Any dog found in the act of killing waterfowl in the city may be summarily destroyed by the animal control officer

or any police officer if such animal cannot be apprehended after reasonable effort. (1985 Code, § 3-210)

**10-211. Pet shop inspections.** The animal control officer or any police officer of the city shall have the right to inspect any pet shop within the city to determine whether the pet shop is in compliance with the provisions of this chapter and other ordinances of the city.

The chief of police, with the approval of the city manager, shall have the authority to set standards of cleanliness, humane treatment, and any other reasonable factor regarding the operation of a pet shop. (1985 Code, § 3-211)

**10-212. 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 animal control officer or chief of police may cause such dog or cat to be confined or isolated for a period of ten (10) days. (1985 Code, § 3-212)

**10-213. Seizure or disposition of dogs and cats.** Any dog or cat found running at large may be seized by the animal control officer or any police officer and placed in an animal shelter provided or designated by the city council. If said dog or cat is wearing a tag or if it is known that the dog or cat has an owner, the dog or cat may be held at the animal shelter for five (5) days, if not claimed sooner. The owner, if known, shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his or her dog or cat by paying the pound fee, in accordance with a schedule approved by the city council, or the dog or cat will be humanely destroyed or sold. If said dog or cat is not wearing a tag and it is not known that the dog or cat has an owner, it may be humanely destroyed or sold unless legally claimed by the owner within three (3) days. No dog or cat shall be released in any event from the animal shelter unless or until such dog or cat has been vaccinated against rabies and has a tag evidencing such vaccination placed on its collar.

When, because of his 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 policeman. (1985 Code, § 3-213)

**10-214. Court proceedings against dog or cat owners.** If a dog or cat is impounded, the animal control officer, or any police officer, may institute proceedings in the city court on behalf of the city against the owner charging the owner with a violation of this chapter. Nothing in this section shall be construed as preventing any person from instituting a proceeding in the city court for violation of this chapter where there has been no impoundment. (1985 Code, § 3-214)

**10-215. Injured or killed dogs or cats.** Dogs or cats injured or killed in the streets shall be considered as running at large, and the animal control officer or any police officer may remove all such animals. The owner of any injured dog or cat shall be liable for impoundment costs or veterinarian charges. The public works department may remove dead animals from any right of way. (1985 Code, § 3-215)

**10-216. Inspections of premises.** For the purpose of making inspections to ensure compliance with the provisions of this chapter, the animal control officer or any police officer shall be authorized to enter, at any reasonable time, any pet shop, food handling service or restaurant, or any other premises where he has reasonable cause to believe a dog or cat is being kept in violation of this chapter. (1985 Code, § 3-216)

## CHAPTER 3

### ANIMALS IN GENERAL

#### SECTION

- 10-301. Running at large prohibited.
- 10-302. Vicious animals other than dogs and cats.
- 10-303. Pen or enclosure to be kept clean.
- 10-304. Adequate food, water, and shelter, etc., to be provided.
- 10-305. Wild animals.
- 10-306. Cruel treatment prohibited.
- 10-307. Seizure and disposition of animals.
- 10-308. Prohibition of horses in public parks and exceptions.

**10-301. Running at large prohibited.** It shall be unlawful for any owner of any cows, swine, sheep, horses, donkeys, mules or goats, or other livestock, or any chickens, ducks, geese, turkeys, or other domestic fowl to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1985 Code, § 3-301)

**10-302. Vicious animals other than dogs and cats.** No one shall keep, possess, or harbor a vicious animal in the city. It shall be the duty of any animal control officer or policeman to impound any such animal, and if impoundment cannot be made with safety to the animal control officer, police officer, or other citizens, the animal may be destroyed without notice to the owner, keeper, or possessor. (1985 Code, § 3-302)

**10-303. 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, and it shall be unlawful for the owner thereof to keep the same otherwise. (1985 Code, § 3-303)

**10-304. Adequate food, water, and shelter, etc., to be provided.** It shall be unlawful for any person to allow any animal or fowl of any kind to 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. (1985 Code, § 3-304)

**10-305. Wild animals.** The animal control officer and/or any police officer are hereby authorized to apprehend any wild animal that may be at large within the city. Such wild animal may be impounded, released in wild areas outside the city, or destroyed, as the animal control officer, in his discretion, shall determine subject to the applicable state laws. Animal control officers are

authorized to use any tranquilizer guns, firearms, or any other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in his discretion, to be of a danger to itself or the public health and safety.

Any animal brought into the City of Maryville for purposes of display in any carnival, menagerie, or circus shall be fully confined in a secure cage and shall not be removed from the cage under any circumstances. (1985 Code, § 3-305)

**10-306. Cruel treatment prohibited.** It shall be unlawful for any person to intentionally or knowingly:

- (1) Torture, maim, or grossly overwork an animal; or
- (2) Fail to provide necessary food, water, care or shelter for an animal in the person's custody; or
- (3) Abandon unreasonably an animal in the person's custody; or
- (4) Transport or confine an animal in a cruel manner. (1985 Code, § 3-306)

**10-307. 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 animal control officer or by any police officer of the city and confined in a pound provided or designated by the City of Maryville. 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, and the animal or fowl will be humanely destroyed or sold if not claimed within ten (10) days. If the owner is not known, a notice describing the impounded animal or fowl will be posted at the entrance to the animal shelter. The notice shall state that the impounded animal or fowl must be claimed within ten (10) days by paying the pound costs or the same will humanely be destroyed or sold. If not claimed by the owner within the specified period, the animal or fowl shall be sold or humanely destroyed. (1985 Code, § 3-307)

**10-308. Prohibition of horses in public parks and exceptions.** It shall be unlawful for any person who owns or has possession, charge, control or custody of any horse or other mammal of the genus *Equus* to take the same into, allow the same to enter, or to permit the same to be ridden in, any public park in the city, except during special events occurring at any public park which events have been approved by the city manager or chief of police, or their designee, and which approval specifically authorizes the time and presence of such animals in said park or parks. (Ord. #97-35, May 1997)

## CHAPTER 4

### CONTROLS AND ENFORCEMENT

#### SECTION

- 10-401. Animal shelter.
- 10-402. Rabies control.
- 10-403. Reports of bite cases.
- 10-404. Responsibilities of veterinarians.
- 10-405. Exemptions.
- 10-406. Inspections of premises.
- 10-407. Interference with animal control officer.
- 10-408. Records of animal control officer.

**10-401. Animal shelter.** The word "shelter" as used in title 10 of the Maryville Municipal Code shall refer to the Animal Control Facility operated by the City of Maryville. (1985 Code, § 3-401)

**10-402. Rabies control.** (1) Every animal or rodent which bites a person shall be promptly reported to the animal control officer. It shall thereupon be securely quarantined at the direction of the animal control officer for a period of ten (10) days and shall not be released from such quarantine except by written permission of the animal control officer. At the discretion of the animal control officer, such quarantine may be on the premises of the owner, at the shelter designated as the city animal shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known such quarantine shall be at the shelter designated as the animal shelter.

(2) The owner upon demand by the animal control officer shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Said animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of the required fees, and upon compliance of the licensing provisions set forth in § 10-201.

(3) When rabies has been diagnosed in an animal under quarantine or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the animal control officer shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the proper public health officer of the city of the diagnosis.

(4) When one or both reports indicate a positive diagnosis of rabies, the animal control officer shall recommend an area-wide quarantine for a period of sixty (60) days, and upon the invoking of such quarantine, no pet animal shall be taken into the streets or permitted to be in the streets during such

period of quarantine. During such quarantine, no animal may be taken or shipped from the city without written permission of the animal control officer.

During this quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the city health officer shall require that all dogs or cats, three (3) months of age and older, shall be vaccinated against rabies with a canine rabies vaccine approved by the Biologics Control Section of the U. S. Department of Agriculture. The types of approved canine anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by the city health officer. All vaccinated dogs or cats shall be restricted (leashing or confinement on enclosed premises) for thirty (30) days after vaccination. During the quarantine period, the city health officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of the health jurisdiction.

No dog or cat which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted by the animal shelter during the period of rabies emergency quarantine, except by special authorization of the city health officer and the animal control officer.

(5) Dogs or cats bitten by a known rabid animal shall be immediately destroyed or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a kennel for six (6) months shall be enforced. If the dog or cat has been previously vaccinated, within time limits established by the city health officer or Public Health Service based on the kind of vaccine used, revaccination and restraint (leashing and confinement) for thirty (30) days shall be carried out.

(6) In the event there are additional cases of rabies occurring during the period of the quarantine, such period of the quarantine may be extended for an additional six (6) months.

(7) No person shall kill, or cause to be killed, or remove from the corporate limits, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided, without written permission from the animal control officer.

(8) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

(9) The animal control officer shall direct the disposition of any animal found to be infected with rabies.

(10) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the animal control officer.

(11) That each and every provision of this chapter relative to rabies control shall be applicable to all animals and rodents and the owners thereof in the City of Maryville. (1985 Code, § 3-402)

**10-403. Reports of bite cases.** It shall be the duty of every physician or other medical practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. (1985 Code, § 3-403)

**10-404. Responsibilities of veterinarians.** It shall be the duty of every licensed veterinarian to report to the animal control officer any animal considered by him to be a rabies suspect. (1985 Code, § 3-404)

**10-405. Exemptions.** (1) Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this title except where expressly stated.

(2) The licensing and vaccination requirements of this title shall not apply to any dog belonging to a non-resident of the city and kept within the city for not longer than thirty (30) days, provided all such dogs shall at all times while in the city be kept within a building, enclosure, or vehicle, or be under restraint by the owner. (1985 Code, § 3-405)

**10-406. Inspections of premises.** For the purpose of discharging the duties imposed by this title and to enforce its provisions, the animal control officer or any police officer is empowered to enter upon any premises upon which a dog or cat is kept or harbored and to demand the exhibition by the owner of such dog or cat or the exhibition of the license for such dog or cat. It is further provided that the animal control officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when in his opinion, it is required to insure humane treatment to such animal. (1985 Code, § 3-406)

**10-407. Interference with animal control officer.** No person shall interfere with, hinder, or molest the animal control officer in the performance of any duty imposed by this title or seek to release any animal in the custody of the animal control officer except as provided in this title. (1985 Code, § 3-407)

**10-408. Records of animal control officer.** (1) It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of the licensing, impoundment, and disposition of all animals coming into his custody.

(2) It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of all bite cases reported to him and his investigation of same. (1985 Code, § 3-408)