

**TITLE 10****ANIMAL CONTROL****CHAPTER**

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**CHAPTER 1****IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
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- 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.** (1) Swine are prohibited within the corporate limits.

(2) Prohibition on keeping certain other types of animals. The following animals are prohibited within the corporate limits of the city, and these animals shall not be kept within the corporate limits of the city unless they are kept on a parcel of land that is zoned RA (Residential Agriculture), or on a parcel of land that is five (5) acres or more that is not zoned RA, but only where the applicable private subdivision regulations in effect on the date of the final adoption of this section specifically allow one (1) or more of these types of animals. In that event these types of animals may be kept on said parcel of land

that is five (5) acres or more, but only to the extent specifically allowed by the applicable private subdivision regulations.

Cattle, cows, sheep, horses, goats, donkeys, mules, and any other large livestock. (as amended by Ord. #2021-26, Aug. 2021 *Ch18\_01-10-22*)

**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<sup>1</sup>

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Restraint of dogs.
- 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, 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)

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<sup>1</sup>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.<sup>1</sup>

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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****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)

## CHAPTER 4

### DOMESTICATED FOWL

#### SECTION

- 10-401. Purpose.
- 10-402. Definition.
- 10-403. Number and type of fowl allowed.
- 10-404. Noncommercial use only.
- 10-405. Fenced enclosures and henhouses.
- 10-406. Food storage and removal.
- 10-407. Waste removal.
- 10-408. Keeping of fowl on property zoned Residential Agricultural (RA).
- 10-409. Supplemental nature of this chapter.

**10-401. Purpose.** The purpose of this chapter is to provide standards for the keeping of domesticated fowl. It is intended to enable residents to keep a small number of female fowl on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The city recognizes that adverse impacts may result from the keeping of domesticated fowl as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects or parasites, and non-confined animals leaving the owner's property. (as added by Ord. #2021-22, Aug. 2021 *Ch18\_01-10-22*)

**10-402. Definition.** For purposes of this chapter, "fowl" is defined as chickens, ducks, geese, guinea, turkeys, or any exotic domestic fowl. (as added by Ord. #2021-22, Aug. 2021 *Ch18\_01-10-22*)

**10-403. Number and type of fowl allowed.** (1) Number and type of fowl allowed.

(a) As of January 1, 2022, up to a total of twelve (12) fowl (hens) may be allowed. The provisions of this section apply to all residential lots regardless of how many dwelling units are on the lot. Fowl are not allowed in multi-family residential units.

(b) As of January 1, 2023, up to a total of six (6) fowl (hens) may be allowed. The provisions of this section apply to all residential lots regardless of how many dwelling units are on the lot. Fowl are not allowed in multi-family residential units.

(c) Only female fowl (hens) are allowed in the city.

(d) There are no restrictions on the type of domestic fowl breeds (hens).

(e) Roosters and peacocks are specifically prohibited within the city limits. (as added by Ord. #2021-22, Aug. 2021 *Ch18\_01-10-22*)

**10-404. Noncommercial use only.** Hens shall be kept for personal use only; no person shall sell eggs or engage in fowl breeding or fertilizer production for commercial purposes.

The slaughtering of fowl is prohibited. (as added by Ord. #2021-22, Aug. 2021 *Ch18\_01-10-22*)

**10-405. Fenced enclosures and henhouses.** (1) Hens must be kept in a fenced enclosure at all times. The fenced enclosure must be either:

(a) Covered; or

(b) At least forty-two inches (42") high, in which case, all hens must be wing-clipped to prevent escape. Hens shall be secured within the henhouse during non-daylight hours.

(2) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse.

(3) A minimum of two (2) square feet per hen, but not greater than twelve (12) square feet, shall be provided for henhouses; and a minimum of six (6) square feet per bird for fenced enclosures, but not greater than thirty-six (36) square feet of fenced enclosure.

(4) Fenced enclosures and henhouses must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary conditions at all times in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact.

(5) The henhouse and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.

(6) Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one inch (1") openings.

(7) The materials used in making the henhouse and fence shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and windows or openings are constructed using the same materials. The henhouse shall be well-maintained.

(8) The fenced enclosure may not be located within fifteen feet (15') from any abutting property line.

(9) Henhouses and enclosures shall not be permitted in front yards. (as added by Ord. #2021-22, Aug. 2021 *Ch18\_01-10-22*)

**10-406. Food storage and removal.** All stored food for the hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Un-eaten food shall be removed daily. (as added by Ord. #2021-22, Aug. 2021 *Ch18\_01-10-22*)



**10-407. Waste removal.** Provisions must be made for the removal of fowl manure. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings at all times. (as added by Ord. #2021-22, Aug. 2021 *Ch18\_01-10-22*)

**10-408. Keeping of fowl on property zoned Residential Agricultural (RA).** Fowl are permitted on parcels zoned Residential Agricultural (RA) provided that the parcel is on a city lot of five (5) acres or more, and there is not more than five (5) fowl per total acres of the lot. No person shall keep any fowl on an RA zoned parcel within three hundred feet (300') of any residence, place of business, or public street. This will be measured from henhouse to the nearest portion of the residence building, place of business building, or public street. (as added by Ord. #2021-22, Aug. 2021 *Ch18\_01-10-22*)

**10-409. Supplemental nature of this chapter.** The rules and regulations in this chapter are supplemental in nature. All other rules and regulations of the Cleveland Municipal Code apply to the keeping of fowl. In addition to the requirements of this chapter, any person or entity keeping fowl must also follow all of the other rules provided for in title 10 of the Cleveland Municipal Code pertaining to animals. (as added by Ord. #2021-22, Aug. 2021 *Ch18\_01-10-22*)