

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Running at large prohibited.
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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, goats, or any 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. (1980 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 health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. Provided, however, it shall be unlawful to keep swine within the corporate limits; provided further, that it shall be unlawful for any person or persons to maintain apiaries or bee-hives, or swarms of bees, within the corporate limits within two hundred (200) feet of any residence or occupied building if a protest has been voiced by three (3) citizens in the neighborhood. (1980 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. (1980 Code, § 3-103)

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, safe condition and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1980 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 because of either noise, odor, contagious disease, or other reason. (1980 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1980 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 by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. 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. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted at the city hall. In either case the notice shall state that the impounded animal or fowl must be claimed within seven (7) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1980 Code, § 3-107, as amended by Ord. #96-9, Jan. 1997)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1980 Code, § 3-108)

10-109. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify

the city recorder and dispose of such animal in such manner as the city recorder shall direct. (Ord. # 87-02, _____)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination, registration, and tags required.
- 10-202. Muzzling.
- 10-203. Vicious dogs to be securely restrained.
- 10-204. Noisy dogs prohibited.
- 10-205. Confinement of dogs suspected of being rabid.
- 10-206. Seizure and disposition of dogs.
- 10-207. Dogs not allowed off premises of owner.
- 10-208. Enclosures of less than certain size required to be certain distance from residence.

10-201. Rabies vaccination, registration, and tags required. Every dog over two months of age within the corporate limits of the City of Humboldt, shall be vaccinated against rabies once each year, and a tag shall be issued by the vaccinating authority showing the age of the dog and when vaccinated; this tag shall be securely fastened around the neck of such dog, where it shall be worn at all times. (1980 Code, § 3-201)

10-202. Muzzling. Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog showing symptoms of hydrophobia running at large during the time of the proclamation shall be shot or otherwise killed or destroyed by the police officers. (1980 Code, § 3-202)

10-203. 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 reasonably to provide for the protection of other animals and persons. (1980 Code, § 3-203)

10-204. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (1980 Code, § 3-204)

10-205. 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, then the health officer or chief of police may cause such dog to be confined or isolated for such time as he

reasonably deems necessary to determine if such dog is rabid. (1980 Code, § 3-205)

10-206. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within seven (7) days and redeem his dog by paying a reasonable pound fee, to be fixed by the pound keeper, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within seven (7) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and a tag placed on its collar.

When because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded, it maybe summarily destroyed by the health officer or any policeman.¹ (1980 Code, § 3-206, as amended by Ord. #96-9, Jan. 1997)

10-207. Dogs not allowed off premises of owner. It shall be unlawful for any person to allow a dog belonging to him or under his control, or that may be habitually found on property occupied by him or immediately under his control, to leave such property. (1980 Code, § 3-207)

10-208. Enclosures of less than certain size required to be certain distance from residence. It shall be unlawful for any person to have for a dog a pen, cage, house, or other enclosure of less than four hundred (400) square feet in area nearer than fifty (50) feet to another person's residence. (1980 Code, § 3-208)

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).