

ORDINANCE NO. 846

AN ORDINANCE AMENDING CHAPTER 90 ANIMALS, SECTION 90.01 DEFINITIONS THROUGH 90.34 Disposition of fees, civil penalties and the like.

WHEREAS, the City Commission of the City of Etowah desires ensure of wellbeing of both our citizens and animals residing within the City of Etowah, and;

WHEREAS, from time to time the Etowah City Commission will make adjustments to any and all ordinances effected by changes and or needs with Animal Control Matters;

NOW THEREFORE BE IT ORDAINED by the City Commission of the City of Etowah, Tennessee that the following amendments shall be implemented at the second reading;

Section 90.01 Definitions

The following definitions are hereby added as follows:

Abandon. Forsake, desert or absolutely give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to provide one (1) or more of the elements of adequate care for a period of twenty-four (24) hours or more consecutive hours.

Adequate care. The reasonable practice of good animal husbandry, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of animal and the provision of veterinary care when needed to prevent suffering, disease, or the impairment of health. Adequate Care shall also include the following obligations of care. Adequate food, adequate water, adequate exercise, adequate shelter, adequate space and adequate veterinary care.

Adequate Shelter. The provision of an access to shelter that is (a) suitable for the species, age, condition, size and type of animal. (b) Provides adequate space for said animal. (c) Is safe and protects each animal from injury, inclement weather, excessive heat and or sunlight.

Feral Animals. Any domesticated animal, such as a dog or a cat that has returned to live in wild conditions.

Owner: The term Owner means any person having a right of property in an animal, or who keeps or harbors an animal or who has it in his or her care, or acts as its custodian or who permits an animal to remain on or about the person's premises. If an animal has more than one (1) owner, all owners are jointly and serially liable for the acts or omission of an owner.

Deemed Owner: If any dog or cat is found on the premises of any person for a period of ten (10) days or more, this shall be prima facie evidence that such dog or cat belongs to the occupant of such

premises. Any person keeping or harboring a dog or cat for ten (10) consecutive days, shall for the purposes of this title, be declared to be the owner thereof and liable for violations of this chapter.

Section 90.06 WILD ANIMALS

Section 90.06 shall be hereby amended to read as *WILD/FERAL ANIMAL*, with the addition of Paragraph (C)

(C) It shall be unlawful for any person in the city to harbor or keep in his possession or under his control any feral animal. (See Feral Animal)

Section 90.09 RABIES; hydrophobia; duty of owner, custodian; procedures in suspected cases shall be hereby modified with the deletion of subsection A – B and replaced with the verbiage A – C herein.

- (A) Any animal suspected to be infected with rabies shall be apprehended immediately by the Animal Control Officer and or Police Officer and held for a period of no less than ten days so that medical determination of rabies can be made. If animal cannot be captured without maintaining the safety of the citizens of Etowah, the Animal Control Officers and or Police Officers the animal shall be destroyed by Animal Control or Police Officer to prevent any further spread of infection by said animal. Every effort shall be made, should the animal be destroyed to avoid any damage to the brain, so that appropriate medical testing can be made. Animals suspected of having rabies whether domesticated, feral or wild shall not be allowed to remain in the custody of anyone other than Etowah Animal Control and or authorized representative or medical facility.
- (B) It shall be the duty of the owner or custodian to immediately advise Animal Control and or the Etowah Police Department if their animal or animals are suspected to be infected with rabies.
- (C) Furthermore, it shall be the responsibility to report to Animal Control and or Etowah Police Department any sighting of animals suspected of being infected with rabies. (See Rabies/signs of).

Section 90.12 FEMALES CANINES TO BE CONFINED WHEN IN HEAT be hereby added as follows:

Every owner of a female canine is required to confine such female for the period of time during the canine's heat cycle in such a manner not to create a nuisance.

Section 90.25 RABIES VACCINATION REQUIRED shall be amended to read as

(A) It shall be a civil offense for any person to own, keep or harbor any dog and or cat more than three months old that has not been vaccinated against rabies as required in this section. Only a vaccine that meets the standards prescribed by the United States Department of Agriculture for interstate sale shall be used. The vaccination shall be made annually by or under the supervision of a licensed veterinarian. The veterinarian making the vaccination shall collect his or her fee for the same from the owner of the dog and or cat, shall issue a vaccination tag and shall sign and issue a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog and or cat should be revaccinated, description and sex of the dog and or cat vaccinated and the type and lot number of vaccine administered. The certificate shall be prepared in triplicate; the original shall be given to the owner, the first copy filed in the office of the local Health Department, and the second copy retained by

the person administering the vaccine. The certificate form shall be the same as prepared and distributed by the State Department of Public Health.

(B) It shall be unlawful for any owner to own, keep, harbor or to permit to remain on or about the premises of such owner any dog that does not wear a tag evidencing that the dog has been vaccinated. Owners of cats shall have the same requirements to vaccinate and register. Cats will not be required to wear tags. Owner shall still be required to bare proof of cats registration and vaccination.

Section 90.26 REGISTRATION AND LICENSE REQUIRED. Shall be amended to read as follows:

(A) (1) Except as hereinafter expressly provided, all persons owning, keeping or harboring any dog, within the corporate limits, more than three months old, shall annually register it with the city and apply for a license for such dog and or cat. The registration fee shall be \$5 per animal. The fee shall be due and payable within 5 days after the acquisition of such canine or the canine reaching three months of age and from that point forward for the canine's life span within the City of Etowah shall be renewed annually within 5 days of the original registration/expiration date. The city shall issue an annual license and tag for each dog or cat whose owner pays the above registration fee and exhibits a rabies vaccination certificate issued within the past 12 months. The license issued shall contain a description (to be furnished by the applicant) of the dog or cat for which it is issued, showing age, sex, name, color, breed and any special markings. A carbon copy of the license shall be retained by the city. The tag issued shall bear the serial number of the license and shall be colored. The color shall be changed each year so that the same color shall not be used for two consecutive years. Owners of cats make or may not wish to place tag on collar of animal.

(2) It shall be a civil offense to keep or harbor any dog does not at all times wear a current license and vaccination tags. It shall be a civil offense to not have your cats registered. Cats will not be required to wear tags. Owner shall still be required to bare proof of cats registration and vaccinations.

(B) In the event the license tag is lost, the city shall issue a duplicate tag for a fee of \$2.

Section 90.27 RUNNING AT LARGE PROHIBITED shall be hereby amended and read as follows:

RUNNING AT LARGE PROHIBITED AND AUTHORITY TO SEIZE with the addition of Paragraph (B)

(A) It shall be a civil offense for any person to knowingly or negligently permit any dog owned by him or her or under his or her control to run at large within the corporate limits. A dog shall be deemed to be running at large when it goes uncontrolled by the owner upon the premises of another without the consent of the owner of the premises or other person authorized to give consent or goes uncontrolled by the owner upon a highway, public road, street or any other place open to the public generally.

(B) Any animal, found running at large or otherwise being kept in violation of this chapter may be sized by any Animal Control Officer and or Police Officer and confined in an animal shelter provided or designated. If the animal is properly identifiable, or the owner is known, he or she shall be given notice in person, by telephone or by written notice that their animal has been seized by Animal Control and they will have 5 days to collected said animal and pay any associated fees for capture and or boarding.

If the animal is not identifiable the animal will be taken delivered to the local animal shelter and placed for adoption and or humanely euthanized based on its health condition.

SECTION 90.28 VICIOUS DOGS TO BE SECURELY RESTRAINED shall be hereby amended to read as follows:

(A) (1) It shall be a civil offense 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 reasonably provide for the protection of other animals and persons.

(2) If a dog or cat 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 and said animal will be removed from its location and held for a period of no less than 10 days for quarantine.

Any animals deemed vicious will not be returned to the Corporate Limits of the City of Etowah. Owner will have opportunity to rehome animal outside of the City Limits with providing verifiable proof that the new location/owner is not within city limits, that the new owner is aware of the animals traits to be vicious, and with the understanding that the animal will not be returned to the City Limits of Etowah, if owner cannot rehome animal it will be delivered to local animal shelter for euthanasia.

(3) If notification by the Animal Control Officer is given to an owner or deemed owner of a canine or feline that it has been viewed as "potentially vicious" , mean is has not bitten or harmed a person and or other animal but has shown traits that it could be 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.

(B) (1) Any person who receives such a notice of "Vicious Animal" shall have the right to appeal this decision to the City Manager.

(2) Appeals are to be made in writing to the attention of the City Manager.

(3) The City Manager or his or her representative shall, upon such appeal, conduct a hearing within ten days to determine if the animal is vicious. If the animal is judged not to be vicious, it may be returned to the owner.

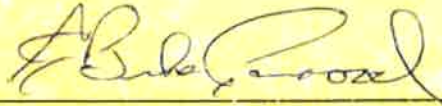
(4) In the event of an appeal to the courts from the City Manager's or his or her representative's decision, pending the appeal, the dog or cat shall be confined at the animal shelter or with a veterinarian, the cost of which shall be borne by the owner.

(1994 Code, § 10-204) (Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993) Penalty, see § 90.99

Passed on 1st reading: November 25, 2019

Passed on 2nd reading: December 16, 2019

This the 16th day of December, 2019



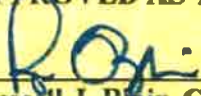
Burke Garwood, MAYOR

ATTEST:



Alison Bull, City Recorder

APPROVED AS TO FORM:



Russell J. Blair, City Attorney