

TITLE 10

ANIMAL CONTROL

CHAPTER

1. DEFINITIONS.
2. ANIMAL CONTROL DEPARTMENT.
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CHAPTER 1

DEFINITIONS

SECTION

- 10-101. Definitions.
- 10-102. [Repealed.]
- 10-103. [Repealed.]
- 10-104. [Repealed.]
- 10-105. [Repealed.]
- 10-106. [Repealed.]

10-101. Definitions. The following definitions shall apply to the interpretation and the enforcement of this chapter:

(1) "Abandon." To forsake, desert or give up or leave on a street, road, highway, public place or private property, an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care for twenty-four (24) or more consecutive hours.

(2) "Abuse." (a) Failing to provide an animal with adequate food and potable water for more than twenty-four (24) hours without written instructions from a veterinarian who has recommended withholding food and water for medical reasons, or failing to consistently provide food at intervals sufficient to maintain the animal's health and well-being;

(b) Overworking or overdriving any animal causing physical pain, suffering, or death to the animal;

(c) Beating, teasing, provoking, torturing, molesting, harassing, injuring, tormenting, poisoning, or mutilating any animal causing physical pain, suffering, or death to the animal;

(d) Intentionally training, breeding, possessing, harboring or keeping an animal for the purpose of animal fighting;

(e) Keeping any animal under conditions which cause danger, physical pain, suffering, disability or death to the animal or which increase the probability of the transmission of disease; or

(f) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.) and which is large enough to allow the animal to make normal body movements.

(3) "Animal." Excluding fish, any non-human vertebrate species, domestic or non-domestic.

(4) "Animal bite." An animal bite occurs when the teeth of the animal scratch or break the skin of a human being or animal, regardless of the location of the scratch or bite on the body.

(5) "Animal shelter." Any premises designated by the city for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of the ordinance comprising this title.

(6) "At large." Any animal shall be deemed to be at large when it is off the owner's real property or premises and not under the restraint of a competent person.

(7) "Attack." An approach to person by an unrestrained animal in a vicious, terrorizing or threatening manner or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured, or otherwise harmed.

(8) "Confined." An animal is confined within the meaning of this title if it is contained in a secure enclosure.

(9) "Dangerous animal." Any animal that has demonstrated a fierce or dangerous propensity or tendency to do any act, which may endanger persons, property and/or other animals. Exceptions: No animal is dangerous pursuant to this definition if at the time of the threat, the person attacked was teasing, provoking, tormenting, abusing or assaulting the animal or has in the past teased, provoked, tormented, abused or assaulted the animal or was committing or attempting to commit a crime. Nor shall an animal be considered dangerous pursuant to this definition if it has threatened another animal in defense of an attack by the other animal or in protecting or defending its young.

(10) "Dealer." Any person who is licensed by the U.S. Department of Agriculture as a dealer.

(11) "Exhibitor." Any person who is licensed by the U.S. Department of Agriculture as an exhibitor.

(12) "Impoundment." The placement of an animal in the custody of the City of McMinnville Animal Control Department or person or entity duly authorized by ordinance of the board of mayor and aldermen or by state law for such purpose.

(13) "Inherently dangerous animal." Any animal, which, due to its inherent nature, may be considered dangerous to humans and which includes

all animals designated as Class I pursuant to Tennessee Code Annotated, § 70-4-403.

(14) "Kennel, dealer or breeder." Any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding animals.

(15) "Livestock." Any domestic or domesticated animal including bovine (including buffalo and bison), ovine, porcine, caprine, equine, and poultry raised for food or in the production of food.

(16) "Neutered." Any male animal which has been operated upon to prevent reproduction.

(17) "Owner." Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal for more than five (5) days. In the event that the owner of an animal is a minor, the parent or guardian of such minor shall be responsible for compliance with the provisions of this title.

(18) "Owner's real property." Any real property owned or leased by the owner of the animal, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(19) "Pet." A domesticated animal kept for pleasure rather than utility.

(20) "Premises." A definite portion of real estate including land with its appurtenances, a building or part of a building; cartilage.

(21) "Restraint." An animal is under restraint within the meaning of this title if it is:

- (a) Controlled by means of a chain, leash or other like device;
- (b) On or within a vehicle being driven or parked;
- (c) Within a secure enclosure; or
- (d) Within the dwelling house of the owner.

(22) "Secured enclosure." A fence or structure of adequate height and construction, forming or causing a humane enclosure suitable to prevent the animal from jumping, climbing, tunneling, or otherwise escaping and to prevent the entry of children. A home, mobile home, underground fence or separate garage is not a secure enclosure.

(23) "Spayed." Any female animal which has been operated upon to prevent conception.

(24) "Sterilization." Any surgical or chemical procedure performed by a licensed veterinarian that renders any male or female animal permanently incapable of reproducing.

(25) "Stray." Any animal which is running at large and appears to be lost, unwanted or abandoned; or whose owner is unknown or not readily ascertainable.

(26) "Vicious animal." Any animal that has attacked or injured persons, property and/or other animals without provocation or justification. This would include, but not be limited to, any animal which:

(a) Has bitten, attacked or inflicted serious injury on a human being without provocation on public or private property; and/or

(b) Which has killed or injured a pet or livestock. Exceptions: No animal is vicious pursuant to this definition if at the time of the attack or injury, the person attacked was teasing, provoking, tormenting, abusing or assaulting the animal or has in the past teased, provoked, tormented, abused or assaulted the animal or was committing or attempting to commit a crime. Nor shall an animal be considered vicious pursuant to this definition if it attacked another animal in defense of an attack by the other animal or in protecting or defending its young. (1982 Code, § 3-101, as replaced by Ord. #1583, March 2009)

10-102. [Repealed.] (1982 Code, § 3-102, as repealed by Ord. #1583, March 2009)

10-103. [Repealed.] (1982 Code, § 3-103, as repealed by Ord. #1583, March 2009)

10-104. [Repealed.] (1982 Code, § 3-104, as repealed by Ord. #1583, March 2009)

10-105. [Repealed.] (1982 Code, § 3-105, as repealed by Ord. #1583, March 2009)

10-106. [Repealed.] (1982 Code, § 3-106, as repealed by Ord. #1583, March 2009)

CHAPTER 2

ANIMAL CONTROL DEPARTMENT

SECTION

- 10-201. Establishment and composition of the animal control department.
- 10-202. Duties of the animal control department.
- 10-203. Setting humane animal traps and receiving trapped animals.
- 10-204. Destruction of animals that cannot be seized by reasonable means.
- 10-205. [Repealed.]
- 10-206. [Repealed.]
- 10-207. [Repealed.]
- 10-208. [Repealed.]
- 10-209. [Repealed.]
- 10-210. [Repealed.]
- 10-211. [Repealed.]
- 10-212. [Repealed.]
- 10-213. [Repealed.]
- 10-214. [Repealed.]
- 10-215. [Repealed.]
- 10-216. [Repealed.]
- 10-217. [Repealed.]
- 10-218. [Repealed.]
- 10-219. [Repealed.]

10-201. Establishment and composition of the animal control department. (1) There is hereby created the Animal Control Department of the City of McMinnville, which shall be composed of such employees and/or officials as shall be determined by the city. Such animal control department shall function within the department of public works.

(2) Employees or agents enforcing this chapter shall be designated as animal control officers. In the performance of their duties, animal control officers shall have all the powers, authority and immunity granted under this chapter and by the general laws and statutes of this state to enforce the provisions of this chapter, relating to the care, treatment, control, impounding and disposition of animals.

(3) Except as may be otherwise provided by statutes, laws or ordinances, no officer, agent or employee of the city charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.

(4) The animal control department, its officers, agents and designees, shall not be liable for any accidents, diseases, injuries or deaths of any animal

while being confiscated or impounded at the city animal shelter. (1982 Code, § 3-201, as replaced by Ord. #1583, March 2009)

10-202. Duties of the animal control department. (1) The animal control department shall be charged with the responsibility of:

(a) Enforcing all state and local laws, ordinances and resolutions relating to the care, custody and control of animals.

(b) Assisting in the enforcement of the laws of the state with regard to vaccination of animals against rabies and the confinement or controlling of dangerous dogs and inherently dangerous animals within the city.

(c) Investigating complaints arising under this title.

(d) Making such canvasses of the city, including the homes in the city, as it deems necessary or as requested by law enforcement of the city for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or state statute.

(e) Operating, pursuant to policies of the board of mayor and aldermen, the city animal shelter.

(2) It shall be the duty of the animal control department to keep, or cause to be kept, accurate and detailed records of:

(a) Impoundment and disposition of all animals coming into the animal shelter.

(b) Bite cases; complaints, investigations and violations.

(c) All monies belonging to the city derived from impoundment fees, penalties and sales of animals.

(d) All other records deemed necessary by the public works director or designee. (1982 Code, § 3-202, as replaced by Ord. #1583, March 2009)

10-203. Setting humane animal traps and receiving trapped animals. (1) The animal control department is authorized to place, upon request of the property owner or lessee, live-capture animal traps on private or public property to trap and remove stray, at large, abandoned or nuisance animals.

(2) The animal control department is authorized to receive and impound animals that are trapped by other agencies or persons within the city. (1982 Code, § 3-203, as replaced by Ord. #1583, March 2009)

10-204. Destruction of animals that cannot be seized by reasonable means. Notwithstanding any other provision of this chapter, an animal that cannot be seized by reasonable and normal means, retrieved by an animal control officer, trapped in a humane, live-capture animal trap provided by the animal control department, or tranquilized by animal control personnel, may be humanely destroyed in the field upon the authorization of the public

works director or the director's designee. Provided, a vicious animal or dangerous animal so designated by the animal control department, or an animal attacking a person, another pet or livestock may be immediately destroyed if, in the opinion of the public works director or designee or animal control officer, such destruction is necessary for the protection of the public health and safety of the public or livestock. (1982 Code, § 3-204, as replaced by Ord. #1583, March 2009)

10-205. [Repealed.] (1982 Code, § 3-205, as repealed by Ord. #1583, March 2009)

10-206. [Repealed.] (1982 Code, § 3-206, as repealed by Ord. #1583, March 2009)

10-207. [Repealed.] (1982 Code, § 3-207, as repealed by Ord. #1583, March 2009)

10-208. [Repealed.] (1982 Code, § 3-208, as repealed by Ord. #1583, March 2009)

10-209. [Repealed.] (1982 Code, § 3-209, as repealed by Ord. #1583, March 2009)

10-210. [Repealed.] (1982 Code, § 3-211, as repealed by Ord. #1583, March 2009)

10-211. [Repealed.] (1982 Code, § 3-212, as repealed by Ord. #1583, March 2009)

10-212. [Repealed.] (1982 Code, § 3-213, as repealed by Ord. #1583, March 2009)

10-213. [Repealed.] (1982 Code, § 3-214, as repealed by Ord. #1583, March 2009)

10-214. [Repealed.] (1982 Code, § 3-215, as repealed by Ord. #1583, March 2009)

10-215. [Repealed.] (1982 Code, § 3-216, as repealed by Ord. #1583, March 2009)

10-216. [Repealed.] (1982 Code, § 3-217, as repealed by Ord. #1583, March 2009)

10-217. [Repealed.] (1982 Code, § 3-218, as repealed by Ord. #1583, March 2009)

10-218. [Repealed.] (1982 Code, § 3-219, as repealed by Ord. #1583, March 2009)

10-219. [Repealed.] (1982 Code, § 3-220, as repealed by Ord. #1583, March 2009)

CHAPTER 3

PROHIBITED ACTIVITIES

SECTION

- 10-301. Failure to care for animals.
- 10-302. Allowing dogs to roam at large.
- 10-303. Abandonment.
- 10-304. Poisoning.
- 10-305. Cruelty to animals.
- 10-306. Encouraging, watching or betting on animal fighting.
- 10-307. Animals creating nuisance.
- 10-308. Dangerous animals.
- 10-309. Inherently dangerous animals.
- 10-310. Vicious animals.
- 10-311. Animals used for sentry or guard duty.
- 10-312. Luring animals off owner's property.
- 10-313. Interference with traps.
- 10-314. Interference with enforcement of ordinance.
- 10-315. Penalties.
- 10-316. Law enforcement dogs excluded.

10-301. Failure to care for animals. It shall be unlawful for a person owning or having possession, charge, custody or control of an animal to fail to provide the animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, and humane care and treatment. (1982 Code, § 3-301, as replaced by Ord. #1583, March 2009)

10-302. Allowing dogs to roam at large. It shall be unlawful for an owner to knowingly allow a dog to roam at large. The animal control officer is empowered to confiscate and impound any dog found to be at large in accordance with chapter 5 of this title. (1982 Code, § 3-302, as replaced by Ord. #1583, March 2009)

10-303. Abandonment. It shall be unlawful for a person owning or having possession, charge, custody or control of an animal to abandon such animal. (as added by Ord. #1583, March 2009)

10-304. Poisoning. It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall be liable to be eaten by a pet. (as added by Ord. #1583, March 2009)

10-305. Cruelty to animals. It shall be unlawful for any person to abuse, molest, torture, torment, deprive of necessary sustenance, beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food; nor to prohibit an animal's owner, a veterinarian, the director of public works or animal control officer from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit the lawful use of animals in scientific research. Violation of this section shall result in a fifty dollar (\$50.00) fine for each offense. (as added by Ord. #1583, March 2009)

10-306. Encouraging, watching or betting on animal fighting. It shall be unlawful for any person to be a spectator at, bet on, or in any way encourage an animal fighting activity. (as added by Ord. #1583, March 2009)

10-307. Animals creating nuisance. (1) It shall be unlawful for any person to own, keep, possess or maintain an animal in such manner so as to constitute a nuisance.

(2) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages the property of a member of the general public; or interferes with the ordinary use and enjoyment of private or public property. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a nuisance and are therefore unlawful:

- (a) Maintaining an animal that habitually or repeatedly disturbs, interferes with or annoys human beings;
- (b) Maintaining an animal that tips over garbage pails or damages garden flowers or vegetables;
- (c) Maintaining an animal that creates excessive offensive odor;
- (d) Allowing livestock to roam at large;
- (e) Failing to confine in a secure enclosure a female pet while in estrus;
- (f) Allowing or permitting an animal to bark, whine, howl or yowl in an excessive, continuous or untimely fashion, or to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises;
- (g) Maintaining an animal that chases, snaps at, attacks or otherwise molests or annoys pedestrians, bicyclists, motor vehicle occupants or other livestock or pets;

(h) Maintaining an animal that habitually or continuously loiters on public places;

(i) Maintaining an animal that is diseased and dangerous to the health of the public unless under the care of a licensed veterinarian;

(j) Breeding, selling, giving away or allowing to reproduce any animal with a disease contagious to animals or human beings.

(3) The animal control officer is empowered to confiscate any animal creating a nuisance and impound such animal in accordance with chapter 5 of this title. (as added by Ord. #1583, March 2009)

10-308. Dangerous animals. (1) It shall be unlawful for any person to have, own or harbor a dangerous animal unless the dangerous animal is confined in a secure enclosure.

(2) An owner is on notice that an animal is dangerous if that animal has demonstrated a fierce or dangerous propensity or tendency to do any act, which may endanger persons, property and/or other animals.

(3) The owner of an animal shall notify the animal control department as soon as practicable, but not later than twenty-four (24) hours after notice of the occurrence of any of the following:

(a) A threat against a human committed by such animal;

(b) A threat against a pet or livestock while the animal is off the owner's property;

(c) The destruction of or damage to property of another by such animal; or

(d) The roaming or escape of any animal required to be confined to a secure enclosure.

(4) The animal control officer has full authority to determine that an animal is dangerous for purposes of this section. Written notice that an animal has been determined to be dangerous shall be given to the owner by the animal control officer.

(5) It shall be unlawful for any person owning or harboring a dangerous animal to fail to have the animal spayed/neutered within thirty (30) days after notice that the animal is dangerous and to provide proof that the animal has been spayed/neutered to the animal control department. If the owner fails to provide such proof that the animal has been spayed/neutered within thirty (30) days, then the animal control officer shall confiscate and humanely dispose of the animal.

(6) If an owner cannot immediately provide a secure enclosure for a dangerous animal, the animal control officer is empowered to confiscate the dangerous animal and harbor it at the owner's expense pending the owner's construction of a secure enclosure. If any dangerous animal is confiscated under this provision, the owner of the dangerous animal shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure

upon the expiration of thirty (30) days from confiscation, the animal control department is authorized to humanely dispose of the animal.

(7) If the owner constructs a secure enclosure that is approved by the animal control department, the animal may be redeemed within thirty (30) days from confiscation so long as all fees and costs, as may be set from time to time by city ordinance or resolution, are paid to the animal control department.

(8) The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous animal is on the premises. Said sign shall not exceed one foot by two feet (1' x 2') or two (2) square feet in area and shall be deemed an incidental sign for the purposes of the City of McMinnville Zoning Ordinance.

(9) Any dangerous animal not kept in accordance with the requirements of this section may be confiscated by the animal control officer and impounded in accordance with chapter 5 of this title. (as added by Ord. #1583, March 2009)

10-309. Inherently dangerous animals. (1) It shall be unlawful to have, own, harbor, sell, keep or maintain an inherently dangerous animal.

(2) **Exemptions.** The following shall be exempt from this section:

(a) Any nonprofit institution or exhibitor or dealer which owns or harbors inherently dangerous animals for research, provided that such institution is licensed, including its facility and premises, by the U.S. Departments of Agriculture or Interior.

(b) Traveling fairs, circuses and carnivals, provided that any such fair, circus and/or carnival registers with and obtains approval from the animal control department.

(3) The animal control officer is empowered to confiscate any inherently dangerous animal and impound and dispose of such animal in accordance with chapter 5 of this title. (as added by Ord. #1583, March 2009)

10-310. Vicious animals. (1) It shall be unlawful for any person to have, own, harbor, sell or maintain a vicious animal.

(2) An owner is on notice that an animal is vicious if that animal has attacked or inflicted serious injury on a person or animal without provocation or justification.

(3) The owner of an animal shall notify the animal control department as soon as practicable, but not later than twenty-four (24) hours after notice of the occurrence of any of the following:

(a) An attack against a human committed by such animal;

(b) An attack against a pet or livestock while such animal is off the owner's property;

(c) The roaming or escape of any vicious animal.

(4) The animal control officer has full authority to determine that an animal is vicious for purposes of this section.

(5) A vicious animal shall be immediately confiscated and impounded by the animal control officer. The animal control officer will make reasonable efforts to notify the owner of the confiscation and impoundment of the vicious animal. The animal shall be held for ten (10) days in accordance with chapter 4 of this title. After ten (10) days, unless the owner has obtained a stay from the municipal court, the vicious animal shall be humanely euthanized. (as added by Ord. #1583, March 2009)

10-311. Animals used for sentry or guard duty. (1) It shall be unlawful for any person owning, maintaining or harboring an animal for sentry or guard purposes to fail to register such animal with the animal control department.

(2) A sign warning that there is a guard or sentry animal on the premises shall be displayed. Said sign shall not exceed one foot by two feet (1' x 2') or two (2) square feet in area and shall be deemed an incidental sign for the purposes of the City of McMinnville Zoning Ordinance. (as added by Ord. #1583, March 2009)

10-312. Luring animal off owner's property. It shall be unlawful to entice or lure any animal out of an enclosure or off the property of its owner or keeper. (as added by Ord. #1583, March 2009)

10-313. Interference with traps. It shall be unlawful for any person other than an animal control officer or the officer's designee to remove any animal from a humanely set trap placed by the animal control department or to damage, destroy, move or tamper with such trap. (as added by Ord. #1583, March 2009)

10-314. Interference with enforcement of ordinance. It shall be unlawful for any person to interfere with, hinder or molest the animal control department agents or officers or veterinarians in the performance of any duty authorized by this title. (as added by Ord. #1583, March 2009)

10-315. Penalties. Unless otherwise specified herein, any person who violates any provision of this title shall be fined up to fifty dollars (\$50.00) for each violation. Each day's violation of this section is a separate offense. The owner of a confiscated or impounded animal must also pay all fees and costs incurred as a result of the confiscation or impounded in such amounts as may, from time to time, be established by ordinance or resolution of the board of mayor and aldermen, and in accordance with the provisions of this title. (as added by Ord. #1583, March 2009)

10-316. Law enforcement dogs excluded. Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in

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the enforcement of the law is excluded from requirements of this chapter. (as added by Ord. #1583, March 2009)

CHAPTER 4

RABIES CONTROL

SECTION

- 10-401. Compliance with state law, chapter as supplement to state law.
- 10-402. Inoculation of dogs, cats and other pets.
- 10-403. Inoculation tag and proof of vaccination for dogs and cats.
- 10-404. Evidence of inoculation of cats.
- 10-405. Report and confinement of animals biting persons or showing symptoms of rabies.
- 10-406. Destruction of infected pets, protection of vaccinated pets.
- 10-407. Area-wide emergency quarantine.
- 10-408. Post-mortem diagnosis.
- 10-409. Unlawful killing, releasing, etc. of certain animals.
- 10-410. Failure to surrender animal for quarantine or destruction.

10-401. Compliance with state law, chapter as supplement to state law. (1) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

(2) It is the purpose of this chapter to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties by state law. (as added by Ord. #1583, March 2009)

10-402. Inoculation of dogs, cats and other pets. (1) It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the state public health department that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

(2) When a licensed veterinarian administers rabies vaccine to a dog or cat, the dog or cat shall be re-vaccinated one (1) year later and every three (3) years thereafter, if a rabies vaccine licensed by the U.S. Department of Agriculture as a three (3) year vaccine is used. Annual re-vaccination shall be required for all rabies vaccine used other than the U.S. Department of Agriculture three (3) year vaccine. When a certified rabies vaccinator administers rabies vaccine to a dog or cat, the dog or cat shall be re-vaccinated annually. (as added by Ord. #1583, March 2009)

10-403. Inoculation tag and proof of vaccination for dogs and cats. (1) Upon complying with the provision of this chapter, there shall be issued to the owner of the animal inoculated a numbered metallic tag, stamped

with the number and the year of issuance, and indicating the animal has been inoculated against rabies.

(2) It shall be unlawful for any dog owner to fail to provide the dog with a collar to which a current tag issued under this section is securely attached. The collar with attached tag, must be worn at all times, except during grooming, the time the dog is hunting or performing at shows, obedience trials, tracking tests, field trials, schools or other events sanctioned and supervised by a recognized organization.

(3) It shall be unlawful to use for an animal a rabies inoculation tag issued for another animal.

(4) It shall be unlawful for the owner or custodian of a dog or cat to fail to provide written proof that the animal has a current rabies inoculation when the animal control department demands written proof. (as added by Ord. #1583, March 2009)

10-404. Evidence of inoculation of cats. Cats shall not be required to wear the metallic tag referred to in § 10-403 of this chapter, but the owner of a cat shall maintain the rabies vaccination certificates as written evidence to prove that the cat has a current rabies inoculation. (as added by Ord. #1583, March 2009)

10-405. Report and confinement of animals biting persons or showing symptoms of rabies. (1) Every pet which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the animal control department, and thereupon shall be securely quarantined, at the direction of the animal control department, for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the animal control department.

(2) It shall be unlawful for any person to fail to report as soon as possible that an animal has bitten a person. It shall be unlawful for any person to fail to inform the animal control department of the whereabouts of an animal that has bitten a person, if the owner or keeper has given the animal away or in any way caused the animal to be taken from the owner's or keeper's premises.

(3) If there is any evidence that an animal bite may have occurred, it shall be assumed by law that a bite did occur and quarantine procedures shall apply if required.

(4) Every pet quarantined under this section shall be confined at the expense of its owner or keeper in a veterinary hospital or at the city animal shelter, if space is available; provided, however, that, if an animal control officer determines that the owner or keeper of a pet which must be quarantined has adequate confinement facilities upon his own premises, the animal control officer may authorize the pet to be confined on such premises upon proof of current vaccination against rabies. If the pet is confined on its owner's or keeper's premises, an animal control officer shall revisit the premises for

inspection purposes on the fifth and tenth day of the confinement period. If the owner or keeper fails to provide continuous quarantine of the pet on his premises as instructed, the animal shall be removed by an animal control officer and quarantined at a veterinary hospital or at the city animal shelter at the owner's cost. The owner or keeper shall agree in writing to the above conditions prior to the animal control officer authorizing confinement on the owner or keeper's property.

(5) In case of stray animals of unknown or reasonably unascertainable ownership, the supervised quarantine required shall be at the city animal shelter or at a licensed veterinary hospital.

(6) In case of stray pets whose ownership is not known and not reasonably ascertainable, the pet may be euthanized and the head examined for rabies or kept for the supervised quarantine period required by this section at the city animal shelter or at a licensed veterinary hospital.

(7) If rabies does not develop within ten (10) days after a pet is quarantined under this section, the pet may be released from quarantine with the written permission of the animal control department and upon payment of any fees, including veterinary fees, and costs, which may, from time to time, be set by ordinance or resolution of the board of mayor and aldermen.

(8) In the case of a carnivore or bat, the animal may be euthanized and the head examined for rabies.

(9) Stray, owner-surrendered, or abandoned animals that have bitten a person shall not be considered adoptable and shall be disposed of as otherwise provided in this chapter. (as added by Ord. #1583, March 2009)

10-406. Destruction of infected pets, protection of vaccinated pets. When the director of public works or his designee reasonably suspects that a pet has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the pet shall be considered to have been exposed to rabies. If the pet has a current rabies vaccination and the first vaccination was administered not less than three (3) weeks prior to the exposure, it must be given a booster dose of rabies vaccine within three (3) days (seventy-two (72) hours) of the exposure and may be returned to the owner. If the pet does not have a current rabies vaccination or does not get a booster dose within three (3) days (seventy-two (72) hours) of exposure it shall be destroyed immediately. As an alternative to destruction, the dog or cat may be quarantined at a licensed veterinary hospital or approved boarding kennel for a period of six (6) months. Neither the city animal shelter nor the owner's premises may be used for the purpose of this quarantine. (as added by Ord. #1583, March 2009)

10-407. Area-wide emergency quarantine. (1) When reports indicate a positive diagnosis of rabies, the director of public works may order an area-wide quarantine for such period as he deems necessary. Upon invoking of

said emergency quarantine, no pet shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no animal may be taken or shipped from the city without written permission of the animal control department, and the police department is hereby directed during such emergency, to impound any pet found running at large in the city. During the quarantine period, the animal control department or local health authorities shall provide for a section of mass immunization by the establishment of temporary emergency rabies vaccination facilities located throughout the city.

(2) In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the director of public works. (as added by Ord. #1583, March 2009)

10-408. Post-mortem diagnosis. (1) If an animal dies while under observation for rabies, the head of such animal shall be submitted to the department of public health for shipment to the state laboratory of public health for rabies diagnosis.

(2) The carcass of any animal suspected of dying of rabies shall be surrendered to the animal control department. The head of such animal shall be submitted to the department of local health for shipment to the state laboratory of public health for rabies diagnosis. (as added by Ord. #1583, March 2009)

10-409. Unlawful killing, releasing, etc. of certain animals. It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the city without written permission from the animal control department. (as added by Ord. #1583, March 2009)

10-410. Failure to surrender animal for quarantine or destruction. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required by this chapter or when the animal control department makes demand. (as added by Ord. #1583, March 2009)

CHAPTER 5

IMPOUNDMENT

SECTION

10-501. Generally.

10-502. Notice to owner.

10-503. Redemption by owner generally.

10-504. Destruction or adoption of unredeemed animals generally.

10-505. Procedure for redemption or adoption of unvaccinated pet.

10-506. Suspected rabid animals not to be redeemed or adopted.

10-507. Destruction of wounded or diseased animals.

10-508. Immediate placement for adoption or destruction of animal surrendered by owner.

10-501. Generally. Any animal which appears to be lost, stray or unwanted, or which is not wearing a valid rabies vaccination tag, as required by the state law or this title, and found at large, shall be impounded by the animal control department and confined in an animal shelter. Impoundment of such an animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this title. (as added by Ord. #1583, March 2009)

10-502. Notice to owner. Immediately upon impounding an animal, the animal control department shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the animal may be redeemed. If the owner is unknown or cannot be located, the animal shall be assigned an impoundment identification number and release date. The impoundment identification number and release date shall be posted on the animal's cage or kennel at the animal shelter for a minimum of three (3) business days and any information about the animal, including the time and place of the capture of such animal and the time and date of posting the notice of impoundment, shall be available at the city animal shelter by reference to the impoundment identification number. (as added by Ord. #1583, March 2009)

10-503. Redemption by owner generally. (1) The owner of an animal impounded under this chapter may redeem the animal and regain possession thereof within seventy-two (72) hours or three (3) business days after notice of impoundment is given or posted, as required by § 10-502, by complying with all applicable provisions of this chapter and paying any fines or penalties, and any fees, including veterinary fees, and costs as may be set, from time to time, by ordinance or resolution of the board of mayor and aldermen.

(2) No animal owner may be permitted to adopt his own animal under the provisions of § 10-504 in order to reclaim an animal that has been

impounded pursuant to state law or this title. (as added by Ord. #1583, March 2009)

10-504. Destruction or adoption of unredeemed animals generally. (1) If an impounded animal is not redeemed by the owner within the period prescribed in § 10-503, it may be destroyed in a humane manner or shall become the property of the city animal shelter and offered for adoption. A new adult owner who agrees to comply with this title may acquire an impounded animal; however, any prospective new owner shall not be an animal dealer who acquires animals for resale. The prospective new owner must pay any required fees as may be set by the board of mayor and aldermen. The city will not purposefully release for adoption any animal that is aggressive, dangerous or vicious. Fees may be waived at the discretion of the public works director or designee for rescue groups and other animal welfare groups that apply in writing to the animal control department. The placement of animals with these organizations will be determined on a case-by-case basis.

(2) All unsterilized dogs and cats five (5) months of age or older adopted from the city animal shelter shall be either spayed or neutered within thirty (30) days of their adoption. All animals adopted under five (5) months of age shall be spayed or neutered at six (6) months of age. The adopter shall promptly provide written proof of the sterilization to the animal control department. The adoption of any animal not sterilized pursuant to this section shall be deemed to violate the provision of this section and must be returned by the applicant for re-adoption to the city animal shelter. The animal control department is authorized to obtain an adoption agreement from an applicant to implement the provisions of this section.

(3) The city animal shelter shall require from the adopter a sterilization deposit fee established by the board of mayor and aldermen to insure that sterilization is obtained in addition to the established adoption fee if the animal has not been sterilized prior to its being adopted.

(4) No animal which has been impounded by reason of it being a stray and unclaimed shall be allowed to be adopted from the city animal shelter during a period of emergency rabies quarantine invoked pursuant to chapter 4 of this title except by special authorization of the director of public works.

(5) Any animal that exhibits fierce, aggressive or dangerous behavior will not be offered for adoption. (as added by Ord. #1583, March 2009)

10-505. Procedure for redemption or adoption of unvaccinated pet. (1) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a pet at the city animal shelter shall have his animal vaccinated for rabies. If the owner or adopter wishes to receive the vaccine for his animal at a veterinary practice of his choice, he will be given a "proof of rabies vaccination card" at the time of the redemption or adoption. This card will be stamped with a date stating the maximum time limit allowed to

take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sundays and holidays excluded. For puppies and kittens under four (4) months, the animal control officer or his designee will determine the time limit according to their age within seventy-two (72) hours of the designated date.

(2) The "proof of rabies vaccination card" will be completed and returned to the animal shelter by the veterinarian. If this card is not returned to the animal shelter within the time limit specified on the card, an animal control officer will be dispatched to retrieve the dog or cat.

(3) The adoption agreement will be completed at the time of the adoption. If the adopter fails to comply with the agreement, an animal control officer may be dispatched to retrieve the pet if corrective action has not been taken by the animal's owner.

(4) Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal. (as added by Ord. #1583, March 2009)

10-506. Suspected rabid animals not to be redeemed or adopted.

Notwithstanding any other provision of this chapter, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with chapter 4 of this title. (as added by Ord. #1583, March 2009)

10-507. Destruction of wounded or diseased animals.

Notwithstanding any other provision of this chapter, any animal impounded, which is seriously wounded or diseased (not a rabies suspect) and the owner is not known or reasonably ascertainable, shall be destroyed immediately. If the animal has identification, the animal control department shall attempt to notify the owner prior to disposing of such, but if the owner cannot be reached readily, and the animal is suffering, the animal control department may destroy the animal at its discretion in a humane manner. The animal control department has the authority to humanely destroy severely injured livestock upon the owner's request or when the owner is unknown. (as added by Ord. #1583, March 2009)

10-508. Immediate placement for adoption or destruction of animal surrendered by owner. An animal surrendered by its owner to the animal control department may be immediately placed for adoption or humanely destroyed at the discretion of the public works director or designee without compliance with § 10-502 when the owner:

(1) Affirmatively represents in writing that he is the legal owner of said animal;

(2) Agrees to hold the city and its officials and employees harmless from any liability, claims, or damages that may be sustained by reason of the adoption or destruction of said animal; and

(3) Transfers ownership of said animal to the animal control department. (as added by Ord. #1583, March 2009)

CHAPTER 6

BIRD SANCTUARY

SECTION

10-601. Bird sanctuary designated.

10-602. Restrictions.

10-601. Bird sanctuary designated. The entire area embraced within the corporate limits of the City of McMinnville be and is hereby designated as a bird sanctuary. (as added by Ord. #1583, March 2009)

10-602. Restrictions. It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot or molest in any manner, any bird or wild fowl or to rob a bird's nest; provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the City of McMinnville, then in such event, the city may take such action as deemed appropriate. (as added by Ord. #1583, March 2009)