

**ORDINANCE NO. 986**

**“AN ORDINANCE TO AMEND TITLE 10 OF THE ATHENS MUNICIPAL CODE, ENTITLED ‘ANIMAL CONTROL’, MORE SPECIFICALLY CHAPTER 1, SECTION 10-106 ‘CRUEL TREATMENT PROHIBITED’ AND BY ADDING CHAPTER 3 ENTITLED ‘SEIZURE AND IMPOUNDMENT OF ANIMALS’.”**

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE, AS FOLLOWS:

SECTION 1: That Title 10, Animal Control, Chapter 1, of the Athens Municipal Code, is hereby amended by deleting Section 10-106 (Cruel treatment prohibited) in its entirety and inserting in lieu of new Section 10-106 to read as follows:

10-106. Cruel treatment prohibited.

- (1) A person commits an offense who intentionally or knowingly:
  - (a) Tortures, maims or grossly overworks an animal;
  - (b) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person’s custody;
  - (c) Abandons unreasonably an animal in the person’s custody;
  - (d) Transports or confines an animal in a cruel manner; or
  - (e) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.
- (2) A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in Tennessee Code Annotated, § 39-11-106.
- (3) If the animal control officer has information that an animal or fowl is being so treated, then he may obtain a warrant and enter upon any premises where the animal or fowl is being kept and demand to examine such animals or fowls, to examine the license for such animals or fowls, and/or to take possession of such animals or fowls when such action is required to ensure their humane treatment. The animal control officer may dispose of such animals or fowls as provided in this chapter. If the animal requires a veterinarian’s care, the owner of said animal shall be responsible for all medical expenses.

SECTION 2: That Title 10, Animal Control, be amended by adding Chapter 3, “Seizure and Impoundment of Animals” as follows:

10-301. Seizure and Impoundment of Animals.

- (1) When there is a violation of any section of the Animal Control Ordinance in any Chapter of Title 10 of the Athens City Code or a violation of any state law with respect to animals, an officer of the City of Athens may seize the animal and impound such animal in the City Animal Shelter following the issuance of a warrant by the City Judge or any other Judge authorized to issue a warrant, or under circumstances where a warrant is not required under applicable law, when the seizure and impoundment is deemed reasonable and necessary by the officer to 1) remove the animal from a substantial risk of harm; 2) prevent the animal from causing harm or danger to other animals, persons or property; or 3) preserve evidence of a violation of a City Ordinance or State Law.

(2) When an animal is seized or impounded, the officer shall make a reasonable effort to determine the owner of the animal. When the owner of the animal is ascertained, the officer shall notify the owner in writing of the seizure and impoundment by delivery of such written notice in person or by posting mail to the last known address of the owner within 24 hours of ascertaining the owner of the animal.

(3) Any animal seized and impounded pursuant to this Section shall remain impounded under the circumstances as follows:

(a) If the animal has been seized pursuant to 10-107 for running at large and the owner cannot be ascertained, the provisions of 10-107 apply.

(b) If the owner has been issued a citation or been arrested for a violation of any Section of Title 10 of this Code or State Law, the animal shall remain impounded until the disposition of the case if the animal control officer for the City of Athens has reason to believe that the animal poses a threat of harm to other animals, persons or property if released to the owner prior to disposition of the case or the animal control officer has reason to believe that the animal had been abused or neglected prior to impoundment and returning the animal to the owner exposes the animal to a risk of further abuse and neglect which threatens the safety and health of the animal if released to the owner prior to disposition of the case.

(4) This Section shall not be interpreted to void any other Section of Title 10 with all Sections to be given full effect and enforcement and if there is any inconsistency, this Section shall control.

SECTION 3: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

SECTION 4: BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and as provided by law.

PASSED ON FIRST READING: March 18, 2010

PASSED ON SECOND READING: \_\_\_\_\_

DATE OF PUBLIC HEARING: March 18, 2010

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R. HAL BUTTRAM, Mayor

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MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

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H. CHRIS TREW, City Attorney