

ORDINANCE NO. 150

AN ORDINANCE AMENDING THE MOUNT CARMEL
MUNICIPAL CODE, TITLE 10, ANIMAL CONTROL.

WHEREAS, the failure to properly keep and maintain domestic animals is a continuing problem; and

WHEREAS, the Town of Mount Carmel, Tennessee, has recently employed a part time animal control officer; and

WHEREAS, in order to more fully utilize the Animal Control Officer, it is necessary to amend the ordinances of the Town of Mount Carmel, Tennessee, to provide for additional enforcement authority, to provide for registration of domestic animals, and to provide more detailed regulations for the keeping and upkeep of animals; and

WHEREAS, the health, welfare, and best interests of the citizens of Mount Carmel, Tennessee, require it;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL, TENNESSEE, AS FOLLOWS:

SECTION ONE
"SECTION 10-102. KEEPING NEAR RESIDENCE
OR BUSINESS RESTRICTED. AMENDED

SECTION 10-102. "KEEPING NEAR RESIDENCE OR BUSINESS RESTRICTED." shall be deleted in its entirety and a new SECTION 10-102. "KEEPING NEAR RESIDENCE OR BUSINESS RESTRICTED." shall be added to the Mount Carmel Municipal Code as follows:

Section 10-102. Keeping near residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep any animal or fowl enumerated in the preceding section within five hundred (500) feet of any residence, place of business, or public street without a permit from the animal control officer of the Town. The animal control officer shall issue a permit only, when in his sound judgment, the keeping of such an animal in a yard or a building under the circumstances as set forth in the application for the permit will not injuriously affect public health. A fee for the issuance of such a permit shall be charged to the applicant. The City Recorder may set the permit fee not to exceed Ten Dollars (\$10.00).

SECTION TWO
CHAPTER 2 TO INCLUDE CATS AS WELL AS DOGS

- A. Mount Carmel Municipal Code, Title 10, "Animal Control", Chapter 2 "Dogs" shall be retitled: "Dogs and Cats."
- B. Section 10-201 shall be amended by adding after the word "dog" the words, ". . . or cat."
- C. Section 10-202 shall be amended by adding after the word "Dogs" the words, ". . . or cats" and after the word "dog" the words, "or cat."
- D. Section 10-203 shall be amended by adding after the word "dog" wherever it shall appear, the words, ". . . or cat."
- E. Section 10-206 shall be amended by adding after the word "dogs" the words, ". . . or cats" and after the word "dog" the words, ". . . or cat."
- F. Section 10-208 shall be amended by adding after the word "dogs" the words, ". . . or cats" and after the word "dog" the word, ". . . or cat."

SECTION THREE
SECTION 10-209. "DOG AND CAT REGISTRATION: REGISTRATION FEE." ADDED

There shall be added to the Mount Carmel Municipal Code the following section:

Section 10-209. Dog and cat registration; registration fee. All residents owning, keeping or harboring any dog or cat within the corporate limits which dog or cat is over three (3) months of age, shall pay to the Town a yearly registration fee of Two and One-Half Dollars (\$2.50) for each spayed or neutered dog or cat and Five Dollars (\$5.00) for each unspayed or unaltered dog or cat owned, kept or harbored within the corporate limits. This registration fee shall be payable annually on or before the date that the certification for rabies vaccination expires. No registration permit shall be issued until the applicant presents proof of current rabies vaccination for each such animal.

SECTION FOUR
MOUNT CARMEL MUNICIPAL CODE, SECTION 10-107 AMENDED

Mount Carmel Municipal Code, Section 10-107, shall be deleted in its entirety and in its place substituted the following:

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 any police officer or other properly designated officer or official and confined. 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 in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the maintenance 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.

SECTION FIVE

SECTION 10-106. "CRUEL TREATMENT PROHIBITED." AMENDED

Mount Carmel Municipal Code shall be amended by deleting in its entirety the existing Section 10-106 "Cruel treatment prohibited." and in its place substituted the following:

§10-106. Humane treatment of animals. (a) No person shall intentionally or knowingly:

- (1) Torture, maim, or grossly over-work an animal;
- (2) Fail to provide the minimum necessary food, water, care of shelter for an animal in that person's custody;
- (3) Transport or confine an animal in a cruel manner;
- (4) Inflict burns, cuts, lacerations, or other injuries or pain, by any method, on any animal;
- (5) Mutilate any animal whether alive or dead;
- (6) Place any poisonous substance which may be harmful to domestic animals, in any location where it may be readily found and eaten by such domestic animals; or
- (7) Permit any fight or other combat between animals.

(b) An animal involved in a violation of any portion of this section may be confiscated by the animal control officer or police officer and held. Upon the conviction of the owner of such domestic animal or animals, any animal so confiscated shall become the property of the animal control department, and the owner of the animal shall pay to or reimburse the animal control department all veterinary fees associated with the medical treatment provided the animal while in custody.

SECTION SIX

10-108. "ABANDONMENT." ADDED

There shall be added to the Mount Carmel Municipal Code the following section:

§10-108. Abandonment. No owner shall abandon any animal. "Abandonment" means leaving such animal for a period in excess of twenty-four (24) hours without providing for food and water. No person shall leave an animal by roadside or other area, or shall leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found abandoned, such animal may be taken by an animal control officer or police officer and impounded. Such animal shall be kept for not less than three (3) days

and then may be humanely destroyed. In the event that an animal is "abandoned", the owner or the person, if any, who has been charged with the animal's care, shall be subject to citation for violation of this section and fined not more than Fifty (\$50.00) Dollars if found guilty.

SECTION SEVEN
SECTION 10-210. "DOGS AND CATS IN HEAT." ADDED

There shall be added to the Mount Carmel Municipal Code the following section:

§10-210. Dogs and cats in heat. Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

SECTION EIGHT
LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.

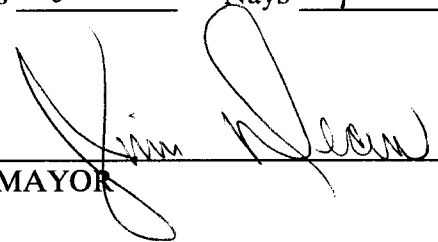
B. Validity

If any rule, section, or subsection of this ordinance is held by any court to be invalid or unconstitutional the same shall not invalidate or otherwise effect any of the other rules, sections, or subsections of this ordinance unless it clearly appears that such other rule, section or subsection is wholly or necessarily dependent for its operation upon the rule, section, or subsection so held invalid or unconstitutional.

C. Effective Date

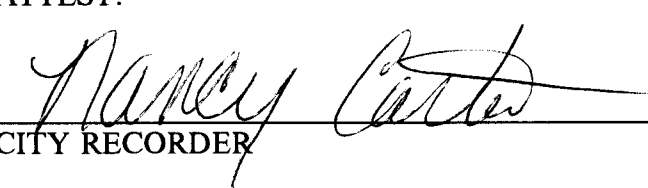
This ordinance shall become effective upon passage, the public welfare requiring it.

Passed 1st Reading FEBRUARY 24, 1994 Ayes 6 Nays Other 1
Passed 2nd Reading MARCH 24, 1994 Ayes 6 Nays 1 Other



MAYOR

ATTEST:



CITY RECORDER

TOWN OF MOUNT CARMEL, TENNESSEE
ANIMAL OR FOWL POSSESSION
APPLICATION AND PERMIT

Date _____

Applicant's name(s) _____
Applicant's address _____

Location where animal(s) to be kept
(if different than applicant's address)

Owner(s) of property where animal(s) to be kept

(if different than applicant)

Type animal(s) (check all that apply)

_____ Cows	_____ Hogs	_____ Chickens	_____ Turkeys	_____ Dog
_____ Swine	_____ Mules	_____ Ducks	_____ Domestic Fowl	_____ Cat
_____ Sheep	_____ Goats	_____ Geese	_____ Livestock	
_____ Other	_____ (describe animal)			

What is the maximum number of each type animal which you intend to keep on the above-noted property?

Type _____	Number _____
Type _____	Number _____
Type _____	Number _____

On how many acres, or fraction thereof, will these animals be kept? _____

I (we) certify 1) the keeping of the foregoing type and number of animals will not injuriously affect the public health; 2) that I (we) have read Title 10 of the Mount Carmel Municipal Code which is printed on the reverse side of this permit; 3) that I (we) will abide by, keep, and not violate any of these provisions; 4) that in the event I (we) fail to comply with these provisions and the terms of this permit, this permit may be revoked by the Animal Control officer in his sole discretion, and 5) I (we) may be fined for violation of the Mount Carmel Municipal Code should I (we) fail to fully comply with this permit and the Mount Carmel Municipal Code.

APPLICANT

APPLICANT

Permit Approved _____
Permit Denied _____

ANIMAL CONTROL OFFICER

APPROVED AS TO FORM:

Michael A. Faulk
CITY ATTORNEY

PUBLICATION:

DATE: Kingsport Times News

NEWSPAPER: 3-30-94