

ORDINANCE NO. 233

AN ORDINANCE AMENDING TITLE 10, "ANIMAL CONTROL," CHAPTER ONE, " IN GENERAL" OF THE MOUNT CARMEL MUNICIPAL CODE.

WHEREAS, Mount Carmel Code Title 10, Chapter 1, provides for the Municipal Court rules and regulations for the purpose of animal control; and

WHEREAS, in order to comply with Article VI, Section 14 of the Tennessee Constitution by applying the standard that "no fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars"; and

WHEREAS, these changes are needed pursuant to the recent Supreme Court decision regarding Article VI, Section 14 of the Tennessee Constitution in The City Of Chattanooga v. Kevin Davis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN of the Town of Mount Carmel, Tennessee, as follows:

SECTION I. That the Mount Carmel Municipal Code be amended by deleting Title 10, "Animal Control," Chapter One, Section 10-108. Abandonment, and in its place, substituting the following:

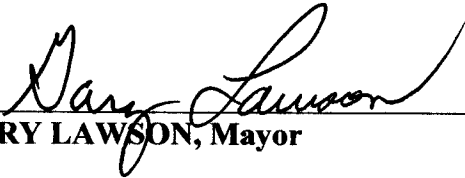
10-108. Abandonment. No owner shall abandon any animal. "Abandonment" means leaving such animal for a period in excess of twenty-four (24) hours without providing for food and water. No person shall leave an animal by roadside or other area, or shall leave such animal on either public or private property, 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 be 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 II. 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 section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

C. Effective Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it.



GARY LAWSON, Mayor

ATTEST:

Nancy Carter
NANCY CARTER, Recorder

APPROVED AS TO FORM:

Michael A. Faulk
LAW OFFICES OF MICHAEL A. FAULK

FIRST READING	AYES	NAYS	OTHER
PAUL HALE	✓		
HENRY BAILEY	✓		
EUGENE CHRISTIAN	✓		
GEORGE PIERCE	✓		
GARY LAWSON, MAYOR	✓		
THOMAS WHEELER	✓		
WANDA WORLEY	absent		
TOTALS	6	0	0

PASSED FIRST READING: 11-29-01

SECOND READING	AYES	NAYS	OTHER
PAUL HALE	✓		
HENRY BAILEY	✓		
EUGENE CHRISTIAN	✓		
GEORGE PIERCE	✓		
GARY LAWSON, MAYOR	✓		
THOMAS WHEELER	✓		
WANDA WORLEY	✓		
TOTALS	7	0	0

PASSED SECOND READING: 12-20-01

PUBLISHED ON:

DATE:	<u>1-9-02</u>
NEWSPAPER:	<u>Kingsport Times News</u>

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN January 9, 2002

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 01-09-02, and appearing 1 consecutive weeks/times, as per order of

Mayor of Mt. Carmel

Signed Karen C. Mulkey

THE following ordinances amending the Mt. Carmel Municipal Code were passed by the Mt. Carmel Board of Mayor and Aldermen at the December 20, 2001 Board meeting.

Ordinance 228, amending Title 3, "Municipal Court," Chapter two, "Court Administration"

Ordinance 229, Amending Title 18, "Water and Sewers," Chapter one, "Sewer Use"

Ordinance 230, Amending Title 18, "Water and Sewers," Chapter one, "Inspections"

Ordinance 231, Amending Title 13, "Property Maintenance Regulations," Litter

Ordinance 232, Amending Title 15, "Motor Vehicles, Traffic and Parking, "Enforcement"

Ordinance 233, Amending Title 10, "Animal Control" Chapter one, "In General"

Ordinance 234, Amending Title 16, "Streets, Sidewalks, Etc. Chapter two, Restoration"

Ordinance 235, Amending Title 12, "Building, Utility, Etc. Codes, Chapter six, Substandard"

Ordinance 236, Amending Title 16, "Streets, Sidewalks, Etc. Chapter two, Excavations"

Pub. 1T: 01/09/02

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 9th day of January, 2002, Karen C. Mulkey

of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

Karen C. Mulkey
NOTARY PUBLIC

My commission expires February 2, 2003