

**ANIMAL CONTROL ORDINANCE
FAYETTE COUNTY
April 2017**

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SECTION 1. DEFINITIONS

The following definitions apply in the interpretation and enforcement of this Act.

Animal - Means any member of the lower species, as distinguished from man, required to have a rabies vaccination according to the standards contained in the rabies compendium or issued by the United States Department of Agriculture and not considered "livestock" pursuant to Tennessee law.

Animal control director – The person, named by the Sheriff of Fayette County, who has overall responsibility for the Fayette County animal control program and the Fayette County Animal Control Facility.

Animal control officer - Any person under the supervision of the Animal Control Director authorized to perform any and all duties assigned by the Animal Control Director related to animal control and the Fayette County Animal Control Facility.

Business Day - Any eight (8) hour day (Monday through Friday) that the Fayette Animal Control Facility is open to the public for regular business.

Compendium or rabies compendium - means the most recent issue of the national "Compendium of Animal Rabies Prevention and Control" published by the Association of State Public Health Veterinarians.

Own – Means have (property rights in and to), harbor, keep, have charge, custody, control or possession of an animal, and to cause or permit an animal to remain on your property, or provide food, water or shelter to an animal.

Owner - Means any person, partnership or corporation who has (property rights in and to), harbors, keeps, has charge, custody, control or possession of an animal, who causes or permits an animal to remain on their property and/or who feeds, waters or shelters an animal.

Specified fees: For the purposes of this section, specified fees are defined as all fees and expenses related to the impoundment, vaccination, and licensing of an animal and, if applicable, any and all other expenses related to the animal, including but not limited to any actual costs incurred for emergency medical attention needed to treat and make an animal comfortable during its impoundment incurred by Fayette County Animal Control. All specific fees are to be reviewed and set by the Fayette County Legislative Body annually after public hearing.

Vaccination – Means the injection of a rabies vaccine for animals that meets the guidance or standards contained in the rabies compendium or issued by the United States Department of Agriculture.

Volunteer – Means any person, under the direction and supervision of the Fayette County Animal Control Director, officer(s) or staff, providing aid in the care of animals or animal control facilities who: (1) performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered; (2) offers his or her service freely and without pressure or coercion; and (3) is not otherwise employed by Fayette County to perform the same services as those for which a person proposes to volunteer.

Veterinarian - Any veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee.

SECTION 2. ANIMAL CONTROL DIRECTOR

The Fayette County Sheriff shall see that the duties of the Animal Control Director, as described in this ordinance, are carried out.

SECTION 3. BUDGETING

The budget of the animal control program will consist of appropriations from county funds. Any gifts and contributions made by any individual or participating entity must designate the funds for the operation of animal control or for the construction, purchase or renovation of an animal control structure. The animal control program will be budgeted within the funds provided by the Fayette County Commission under supervision of the Fayette County Sheriff's Department.

Fees, charges, and penalties authorized by this act will be segregated and reserved for the purchase, construction, and/or renovation of a facility for use by Animal Control. These funds will be identified by an appropriate label in the Fayette County budget and in Fayette County's annual audit. These funds will be accessible only by an appropriation by the Fayette County Commission for a specific project. Once a facility has been purchased or constructed, then funds authorized by this act will go toward the operation and maintenance of the facility.

SECTION 4. CUSTODY OF FUNDS

All funds received by or in behalf of the Fayette County Animal Control by the Animal Control Director, its employee(s) or agent(s) on its behalf, and/or volunteers will be promptly deposited within three days with the Fayette County Trustee.

SECTION 5. LICENSING OF ANIMALS -- RABIES VACCINATION, CERTIFICATE, LICENSE AND TAG REQUIRED

It is unlawful for any person to own, keep or harbor any animal six (6) months of age or older that has not been vaccinated against rabies and licensed as required by this Act, or the rules and regulations promulgated pursuant to this Act, and state law.

Animal owners who have animal(s) in their possession for more than seven (7) days must have them vaccinated for rabies, or provide evidence of prior rabies vaccination, and obtain evidence of rabies vaccination to apply for and obtain a license from Fayette County Animal Control or a veterinarian. Evidence of rabies vaccination will consist of a certificate bearing the animal owner's name and address, number of the tag issued, date of vaccination, description (including species and sex of the animal), whether the animal is altered or intact, type and lot number of the vaccine administered, and the signature of the person administering the vaccine. The original is to be given to the animal owner; one copy is to be filed with Fayette County Animal Control, and another copy retained by the person administering the vaccine. All rabies vaccinations of animals as required by this Act will be administered by or under the supervision of a veterinarian.

Once an animal owner has met the requirements of this section and paid any and all specified costs for vaccination and licensing, Fayette County Animal Control or veterinarian(s) acting as issuing agent(s) on behalf of Fayette County Animal Control will issue a license for the animal to the owner along with a tag bearing the serial number on the rabies certificate and applicable twelve (12) month period for which the license is valid. The license must thereafter be purchased annually on the same basis in advance of its expiration date.

It is the duty of all dog owners to secure a license tag to their dog(s)'s collar(s), to be worn at all times. Cats are exempt from this provision.

It is the duty of the animal owner to keep the animal's current certificate of vaccination and license receipt ready for inspection and to present both when requested by a properly authorized animal control officer or sheriff's deputy designated to enforce the provisions of this section.

The provisions of this section will not apply to nonresidents traveling through the County or staying temporarily for a period of less than thirty (30) days.

All provisions of this section are to be construed to ensure compliance with Tennessee State law regarding rabies.

Exemption:

Any person or organization that provides shelter, food and medical care for ten or more abused, abandoned and/or rescued cats and/or dogs may apply for an exemption from the licensing fee for the animals in their care by submitting an Application for Exemption annually to the Animal Control Director. Upon receipt of an Application for Exemption, the Animal Control Director or his designee shall conduct an on-site inspection of the applicant's premises to insure that the animals are adequately housed and cared for and that the animals have been vaccinated for rabies. If the applicant passes the on-site inspection, the applicant shall pay the exemption fee set forth in the current fee schedule and shall be issued a License Fee Exemption Certificate bearing an expiration date of one year from the date of issuance. Upon presentation of a valid License Fee Exemption Certificate at the time that an animal is vaccinated for rabies, a license and a tag as set forth in this section shall be issued for the animal at no charge. Any person or organization that has been issued a License Fee Exemption Certificate is subject to all other regulations contained in the Act.

This exemption shall not apply to breeders or to owners of animals maintained for sport.

SECTION 6. FEE TO LICENSING AGENT, LOST TAGS

Veterinarians acting as issuing agents of Fayette County Animal Control for the purpose rabies licensing are entitled to an issuing fee for each license issued, which will be deducted from the fee due to the county.

No veterinarian(s), as issuing agent(s) of Fayette County Animal Control, who provides services to vaccinate animals against rabies at a rabies clinic sponsored by Fayette County Animal Control will, by such participation, assume any responsibility or liability for the supervision of the site or location where the rabies program is conducted. Such responsibility and liability will be borne by Fayette County Animal Control.

Lost tag: In the event an animal's rabies tag or license is lost, stolen or unavoidably mutilated, damaged or destroyed, Fayette County Animal Control may, upon sworn application of the animal owner setting forth the facts in connection therewith and after investigation thereof, issue a duplicate license and tag upon payment of a five (5) dollar fee.

SECTION 7. ADMINISTRATION OF RABIES CONTROL PROGRAM

It is the duty of Fayette County Animal Control to administer the rabies control program for the county, under the direction and supervision of the State Department of Public Health as provided by state law.

SECTION 8. SUSPICION OF RABIES, CONFINEMENT OR QUARANTINE, INVESTIGATION

As required by state law TCA 68-8-109:

(a) If any animal has bitten any person, is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal shall be required to be placed under observation

either by confinement or by quarantine for a period of time deemed necessary by Fayette County Animal Control and pursuant to State Law.

(b) Fayette County Animal Control is responsible for investigating any and all bite(s) or rabies exposure and for placing the animal under observation either by confinement or quarantine.

(c) The confinement, quarantine or other disposition of the animal will follow the current recommendations in the national rabies compendium unless more specific guidelines are designated by duly promulgated rules of Fayette County Animal Control to protect the public's health.

(d) The observation period by confinement or quarantine may occur at the animal owner's home at the discretion of the department or the animal control program.

SECTION 9. IMPOUNDMENT AUTHORIZED

The animal control officer and/or Fayette County Sheriff's deputies are authorized to capture, confine and/or impound any animal found in the county whose animal owners are in violation of the provisions in this Act. Also, all stray animals may be captured, confined, impounded and returned to the animal owner, if known, or disposed of (euthanized or adopted out) in accordance with the provisions of this Act. The owner of an animal impounded by animal control is required to correct any and all deficiencies in compliance with the provisions of this Act and remit all specified fees. If proof of rabies vaccination cannot be shown, the animal owner is required to have the animal vaccinated and pay all specified fees prior to redemption of the animal by the animal owner.

SECTION 10. EMERGENCY DISPOSAL AUTHORIZED – CONSENT

When it is not practical or too dangerous for animal control officers to capture, confine and/or impound an animal(s); when the animal has sustained injuries and/or is ill; and/or if the animal poses an immediate and eminent threat of death or injury to a human, a Fayette County Sheriff's Deputy may humanely dispose of the animal immediately if the animal owner is unknown. If the animal owner is known, the owner is to be notified, if reasonably practicable given the situation, and the animal will not be disposed without the consent of the animal owner unless the Fayette County Sheriff's Deputy, in his/her discretion, believes the immediate disposal of the animal is necessary to protect the public welfare, in which case he or she may dispose of the animal in a humane manner as long as doing so poses no risk of injury or death to others.

SECTION 11. CHARGES AND FEE SCHEDULE

- a) The fee for registering a dog or cat shall be raised to ten (10) dollars for spayed or neutered animals, or fifteen (15) dollars for unaltered animals. Any veterinarian who collects the fee may charge a one (1) dollar administration fee to the owner of the animal.
- b) Exception for all animals registered will be granted once ten registered animals have been documented.

SECTION 12. ENFORCEMENT OF ACT

It is the duty of Fayette County Animal Control and/or the Fayette County Sheriff's Department to enforce the required provisions of this Act in Fayette County and each will have the power and authority to issue a citation(s) to appear in a court of the State of Tennessee having jurisdiction against any animal owner not in compliance with the provisions of this Act. Animal owners failing to comply with the provisions of this Act are subject to a civil penalty of fifty dollars (\$50.00) per day, each day being