

**ANDERSON COUNTY
REGULAR SESSION
COUNTY COMMISSION
JULY 16, 2018**

BE IT RESOLVED THAT THE ANDERSON COUNTY BOARD OF COMMISSION MET IN REGULAR SESSION ON JULY 16, 2018 WITH THE FOLLOWING COMMISSIONERS PRESENT: CHUCK FRITTS, TRACY WANDELL, MARK ALDERSON, RICK MEREDITH, STEVE EMERT, PHIL WARFIELD, SHAIN VOWELL, TIM ISBEL, ROBERT MCKAMEY, JERRY WHITE, CATHERINE DENENBERG, STEVE MEAD, JERRY CREASEY, THERESA SCOTT, PHIL YAGER AND BOB SMALLRIDGE. ABSENT: NONE.

Prayer was led by Commissioner Creasey.

Pledge of Allegiance was led by Commissioner Scott.

1. Commissioner Alderson made a motion to approve the Consent Agenda. Seconded by Commissioner Warfield. Motion carried by voice vote.

- June 18, 2018 County Commission Minutes
- Notary and Notary Bonds
- Courtesy Resolutions/Proclamations
 - Proclamation-Billy Wade Brock
- Reports
 - Director of Schools
 - County Mayor
 - Law Director
- Waste Management Funds
 - Oak Ridge Schools Preschool is requesting funds to purchase books.
 - Jefferson Middle School Orchestra program is requesting funds to purchase books and music.
 - Clinton Middle College and Career Academy is requesting \$375.00 to be used to purchase tools for students to learn skills with food prep as well as food safety and storage.
 - Clinton High School Business/Technology is requesting funds for calculators for ACT Prep class.
- Committee Reports
 - ADA Oversight Committee Minutes (6/4/18, 7/2/18)
 - Finance Committee Minutes (7/9/18)
 - Anderson County Fire Commission Minutes (7/26/18)
 - Anderson County Tourism Board Minutes (6/28/18)
 - Veteran's Services Advisory Committee Minutes (7/2/18)

Notaries

Alicia L Bailey

Connie Ball

Angela Buckner

Elizabeth a Chinique

Kelly Elizabeth Dake

Taylor Wilson

Christie Jane Glymp

Latosha Hoskins

Tina M Loflin

Joseph A Sheetz

Brenda Smith

Priscilla Witmer

Brenda J Farmer

Notary Bonds

RLI

Jan L Marshall

Patricia V Connell

Leah Baird

Linda Marie Hunley

Western Surety Co

Andy S Boyer

Jane M Holt

David S Bradshaw

Melanie M Kent

Merchants

Gabrielle Shonette Ward

Liberty Mutual

Yvonne C Kutchera

State Farm

Bonnie L Matekovic

Amy Allen

SBCA

Sandra Kay Clary

Tina Stanley

Mary Lisa Parris

Travelers

Nancy L White

Nationwide

Kandice Holman

Lesha Golden

2. Commissioner Alderson made a motion to approve the Regular Agenda. Seconded by Commissioner Warfield.

Commissioner Fritts made a motion to add at end of Budget report an amendment to increase the clean-up fund for Anderson County by \$10,000.00 and the funding would be from increase to the Building Permits code. Seconded by Commissioner Wandell.

Motion carried by voice vote to approve amended Regular Agenda.

Purchasing

3. Commissioner Fritts made a motion to approve the following contracts. Seconded by Commissioner McKamey. Motion carried by voice vote.

- Home Way, Detention Facility-Five year revenue-generating contract for the lease of video conference equipment for inmates.
- Roane State Community College, Board of Education-Five year contract to provide clinical experience to students enrolled in the nursing program.

4. Commissioner Fritts made a motion to approve the following contracts. Seconded by Commissioner McKamey. Motion carried by voice vote.

- Superior Drainage Products, Highway Department-Two year contract with renewal options for culverts.
 - G & C Supply Company, Highway Department-Two year contract with renewal options for culverts.
5. Commissioner Fritts made a motion to approve items on surplus list. Seconded by Commissioner Scott. Motion carried by voice vote.
6. Commissioner Fritts made a motion to add a desk to surplus list. Seconded by Commissioner Mckamey. Motion carried by voice vote.
7. Commissioner Meredith made a motion to approve the following contract. Seconded by Commissioner Warfield. Motion carried by voice vote.
- City of Clinton, Board of Education-Three year contract for use of city amenities.

Mayor

8. Commissioner White made a motion to approve the Mayors request to add to the Public Record Policy under page 1, section a that the County Mayor and Subordinate Departments requests will be addressed to acmayor@andersontn.org with no change at all to the policy. Seconded by Commissioner Fritts.

Commissioner Warfield made a motion to refer this to the HR Committee. Seconded by Commissioner Emert.

Commissioner Warfield made a motion to withdraw his motion to refer this matter to the HR Committee.

Original motion approved by voice vote.

Law Director

No action at this time.

Elected Officials

Trustee Myron Iwanski

9. Commissioner Meredith made a motion to relieve liability for the collection of delinquent taxes turned over to the Clerk & Master of Anderson County for 2016. Seconded by Commissioner Scott. Motion carried by voice vote.

10. Commissioner Meredith made a motion to release the 2016 property taxes and property assessed in error. Seconded by Commissioner McKamey. Motion carried by voice vote.

Highway Department

11. Commissioner Alderson made a motion to approve to post a 25MPH sign as speed limit on Liles Road. Seconded by Commissioner Mead. Motion carried by voice vote.

12. Commissioner Alderson made a motion to designate a bridge on Park Road in memory of Austin J. McReynolds. Seconded by Commissioner Warfield. Motion carried by voice vote.

Budget Committee

13. Commissioner Meredith made a motion to approve the following non-school appropriations. Seconded by Commissioner McKamey. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: none. Motion passed.

Increase Expenditure Code:

| | | |
|---------------|--------------------------------------|-------------|
| 101-55120-399 | Contracted Services – Animal Holding | \$30,000.00 |
|---------------|--------------------------------------|-------------|

Decrease Reserve Code:

| | | |
|-----------|-------------------------|-------------|
| 101-39000 | Unassigned Fund Balance | \$30,000.00 |
|-----------|-------------------------|-------------|

(amendment will be from 101-34530-ANML and a JE will replenish the reserve for 39000)

Increase Expenditure Code:

| | | |
|---------------|---------------------------------|-------------|
| 171-58500-316 | Contributions to other Agencies | \$10,000.00 |
|---------------|---------------------------------|-------------|

Decrease Reserve Code:

| | | |
|-----------|---|-------------|
| 171-34575 | Restricted for Capital Outlay - Property Tax Revenue | \$10,000.00 |
|-----------|---|-------------|

Increase Revenue Code:

| | | |
|-----------|-----------------|-------------|
| 101-44110 | Interest Earned | \$10,000.00 |
|-----------|-----------------|-------------|

Increase Expenditure Code:

| | | |
|---------------|--------------------|-------------|
| 101-52400-162 | Clerical Personnel | \$10,000.00 |
|---------------|--------------------|-------------|

Decrease Reserve Code:

| | | |
|-----------|----------------------------|------------|
| 115-34635 | Library Undesignated Funds | \$4,000.00 |
|-----------|----------------------------|------------|

Increase Expenditure Codes:

| | | |
|--------------------|-------------------------------|-----------------|
| 115-56500-129-1000 | Briceville Full Time Salary | \$1,000.00 |
| 115-56500-129-2000 | Clinton Full Time Salary | 1,000.00 |
| 115-56500-129-3000 | Rocky Top Full Time Salary | 1,000.00 |
| 115-56500-129-4000 | Norris Full Time Salary | <u>1,000.00</u> |
| | Total Increased Expenditures: | \$4,000.00 |

Increase Expenditure Code:

| | | |
|--------------------|--|-------------|
| 101-51900-399-3311 | Other General Admin. Other Contracted Services – Legal Services | \$38,211.00 |
|--------------------|--|-------------|

Decrease Reserve Code:

| | | |
|-----------|---------------------------|-------------|
| 101-39000 | Undesignated Fund Balance | \$38,211.00 |
|-----------|---------------------------|-------------|

(amendment will be from 101-34710-BVREM and a JE will replenish the reserve for 39000)

Increase Revenue Code:

| | | |
|----------------|-----------------------------------|-------------|
| 101-49980-TRGR | TnECD – Tourism Enhancement Grant | \$50,000.00 |
|----------------|-----------------------------------|-------------|

Increase Expenditure Code:

| | | |
|--------------------|------------------------------------|-------------|
| 101-51240-791-TRGR | Other Contracted Park Improvements | \$97,500.00 |
|--------------------|------------------------------------|-------------|

Decrease Reserve Code:

| | | |
|-----------|-------------------------|-------------|
| 101-39000 | Unassigned Fund Balance | \$47,500.00 |
|-----------|-------------------------|-------------|

(amendment will be from 101-34635-TRGR and a JE will replenish the reserve for 39000)

14. Commissioner Fritts made a motion to approve the following general fund unassigned fund balance appropriations. Seconded by Commissioner Warfield. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: none.

Increase Expenditure Codes:

| | | |
|--------------------|-------------------------------|--------------|
| 101-51800-166-TEMP | Custodial Personnel | \$4,840.00 |
| 101-51800-201-TEMP | Social Security | 300.00 |
| 101-51800-210-TEMP | Unemployment | 48.00 |
| 101-51800-212-TEMP | Medicare | <u>70.00</u> |
| | Total Increased Expenditures: | \$5,258.00 |

Decrease Reserve Code:

| | | |
|-----------|-------------------------|------------|
| 101-39000 | Unassigned Fund Balance | \$5,258.00 |
|-----------|-------------------------|------------|

Increase Expenditure Code:

| | | |
|---------------|---------------------------|------------|
| 101-51800-399 | Other Contracted Services | \$1,500.00 |
|---------------|---------------------------|------------|

Decrease Expenditure Code:

| | | |
|-----------|-------------------------|------------|
| 101-39000 | Unassigned Fund Balance | \$1,500.00 |
|-----------|-------------------------|------------|

Decrease Reserve Code:

| | | |
|-----------|-------------------------|------------|
| 101-39000 | Unassigned Fund Balance | \$2,898.18 |
|-----------|-------------------------|------------|

Increase Expenditure Code:

| | | |
|---------------|---------------------------------|------------|
| 101-52600-307 | Data Processing – Communication | \$2,898.18 |
|---------------|---------------------------------|------------|

15. Commissioner McKamey made a motion to approve the following miscellaneous items. Seconded by Commissioner Smallridge. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: none. Motion passed.

Increase Expenditure Code:

| | | |
|---------------------|---|--------------|
| 171-91130-718-SHERF | Public Safety Projects – Motor Vehicle | \$450,000.00 |
|---------------------|---|--------------|

Decrease Reserve Code:

| | | |
|-----------|---|--------------|
| 171-34575 | Restricted for Capital Outlay - Property Tax Revenue | \$450,000.00 |
|-----------|---|--------------|

Increase Expenditure Code:

| | | |
|--------------------|---|-------------|
| 171-91140-718-ANML | Public Health & Welfare Projects – Motor Vehicle | \$25,456.00 |
|--------------------|---|-------------|

Decrease Reserve Code:

| | | |
|-----------|---|-------------|
| 171-34575 | Restricted for Capital Outlay - Property Tax Revenue | \$25,456.00 |
|-----------|---|-------------|

Increase Expenditure Code:

| | | |
|---------------------|---|-------------|
| 171-91110-718-PARKS | General Administration – Motor Vehicle | \$30,000.00 |
|---------------------|---|-------------|

Decrease Reserve Code:

| | | |
|-----------|---|-------------|
| 171-34575 | Restricted for Capital Outlay - Property Tax Revenue | \$30,000.00 |
|-----------|---|-------------|

Increase Expenditure Code:

| | | |
|---------------------|--|--------------|
| 171-91110-707-JROOF | General Administration Projects – Building Improvements | \$150,000.00 |
|---------------------|--|--------------|

Decrease Reserve Code:

| | | |
|-----------|---|--------------|
| 171-34585 | Restricted for Capital Projects | \$100,000.00 |
| 171-34575 | Restricted for Capital Outlay - Property Tax Revenue | \$50,000.00 |

Increase Expenditure Code:

| | | |
|---------------------|---|-------------|
| 171-91130-790-MPOOL | Public Health & Welfare Projects – Other Equipment | \$19,000.00 |
|---------------------|---|-------------|

Decrease Reserve Code:

| | | |
|-----------|---|-------------|
| 171-34575 | Restricted for Capital Outlay - Property Tax Revenue | \$19,000.00 |
|-----------|---|-------------|

16. Commissioner McKamey made a motion to earmark \$800,000.00 for the EMS. Seconded by Commissioner Smallridge. Voting aye: Fritts, Alderson, Meredith, Warfield, Vowell, Isbel, McKamey, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: Wandell and Emert. Absent: none. Motion passed.

Increase Expenditure Code:

| | | |
|-------------------|---|--------------|
| 171-91140-790-EMS | Public Health & Welfare- Other Equipment | \$800,000.00 |
|-------------------|---|--------------|

Decrease Expenditure Code:

| | | |
|-----------|--|--------------|
| 171-34575 | Restricted for Capital Outlay- Property Tax Revenue | \$800,000.00 |
|-----------|--|--------------|

| | | |
|-------|--|--------------|
| Total | | \$800,000.00 |
|-------|--|--------------|

17. Commissioner Fritts made a motion to pass an amendment to increase the fund for clean-up Anderson County by \$10,000.00. Seconded by Commissioner Wandell. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: none. Motion passed.

Increase Expenditure Code:

| | | |
|---------------|---|-------------|
| 101-51720-399 | Public Works-Other Contracted Services | \$10,000.00 |
|---------------|---|-------------|

Increase Expenditure Code:

| | | |
|-----------|--------------------------|-------------|
| 101-41520 | Revenue-Building Permits | \$10,000.00 |
| Total | | \$10,000.00 |

Operations

18. Commissioner McKamey made a motion to have the Law Director to draw up a lease for a month to month lease on the current Senior Center location (Portwood Bldg) current lease ends in October. Seconded by Commissioner Warfield. Voting aye: Fritts, Wandell, Alderson, Meredith,

Emert, Warfield, Vowell, Isbel, McKamey, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: none. Motion passed.

19. Commissioner McKamey made a motion that we forward to the Purchasing Committee the property at 205 Main Street to be surplus. Seconded by Commissioner Wandell. Voting aye: Fritts, Wandell, Alderson, Meredith, Warfield, Vowell, Isbel, McKamey, Denenberg, Mead, Yager and Smallridge. Voting no: Emert, White, Scott and Creasey. Motion passed.

20. Commissioner Wandell made a motion to add to the minutes the appraisal he received from the Law Director on 7/6/2018 for the property on 205 Main Street for \$675,000.00.(Exhibit C) Seconded by Commissioner Emert. Motion carried by voice vote.

21. Commissioner Wandell made a motion that the document that was given to them in the Operations Committee by the EMS pertaining to the 2018/2019 business plan be made part of the minutes.(Exhibit D) Seconded by Commissioner Scott. Motion carried by voice vote.

22. Commissioner Wandell made a motion to accept the lease drawn up by the Law Director for the Tuppertown Building. Seconded by Commissioner Scott. Motion carried by voice vote.

23. Commissioner Wandell made a motion to allow the Mayor to pursue a grant to fund an Emergency Operations Center Joint Project with the City of Clinton. Seconded by Commissioner Scott. Motion carried by voice vote.

24. Commissioner Wandell made a motion to approve resolution 18-07-700 to designate the "Little Ponderosa Zoo" as a nature center, rehabilitation center, animal educational exhibit center and the official zoo of Anderson County for animals identified as Classes I through V as defined by Tennessee law. Seconded by Commissioner Scott. Motion carried by voice vote.

25. Commissioner Wandell made a motion to allow the Mayor to pursue a Multimodal Access Grant for sidewalk/crosswalk for 25W at the Health Department. Seconded by Commissioner Mead. Motion carried by voice vote.

Old Business

No action at this time.

New Business

No action at this time.



Tim Isbel

Tim Isbel, Chairman
County Chairman

Jeff Cole

Jeff Cole
County Clerk

EXHIBIT PAGE

JULY 16, 2018

EXHIBIT A: PROCLAMATION FOR BILLY WADE BROCK

EXHIBIT B: RESOLUTION 18-07-700 DESIGNATING THE "LITTLE PONDEROSA ZOO" AS A NATURE CENTER, REHABILITATION CENTER, ANIMAL EDUCATIONAL EXHIBIT CENTER AND THE OFFICIAL ZOO OF ANDERSON COUNTY FOR ANIMALS IDENTIFIED AS CLASS I-V AS DEFINED BY TENNESSEE LAW

EXHIBIT C: APPRAISAL FOR 205 S MAIN STREET (COMPLETE APPRAISAL FILED IN COUNTY CLERK'S OFFICE WITH COUNTY COMMISSION MINUTES FOR THIS MONTH)

EXHIBIT D: EMS 2018/2019 BUSINESS PLAN

*ALL ORIGINAL CERTIFIED COPIES OF DOCUMENTS ARE FILED IN THE COUNTY CLERKS CLINTON LOCATION LOCATED IN COURTHOUSE ROOM 111

Proclamation Anderson County Board of Commissioners

WHEREAS, having been born here on November 23, 1933, Billy Wade Brock is a life-long resident of Anderson County; and

WHEREAS, Billy Wade Brock served his country in the United States Army and is a Korean War Veteran; and

WHEREAS, Wade has been actively involved in the local community, from his membership at St. Mark United Methodist Church; serving as past Master of Clinton Alpha Masonic Lodge 376; his continued membership in the Independent Order of Odd Fellows Lodge #15, and the Order of the Eastern Star 193; and

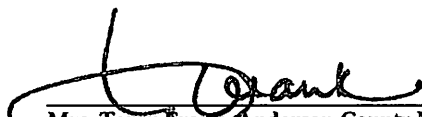
WHEREAS, Wade has served Anderson County citizens for the last 16 years as Constable for District 3; has been an active participant in the Anderson County Relay for Life since 1998; has been a longtime volunteer with the Anderson County Fair; and is a member of the Anderson County Senior Center Council on Aging; and

WHEREAS, Wade retired from working at Clinton Utilities Board after 44 years, and now is learning to play the guitar at the age of 84 – proving to us all that we are never too old to learn new things; and

WHEREAS, Billy Wade Brock and his wife, Lynda, have been married for 62 years, and have two children, son, Billy Cris Brock, and daughter, Lisa Hancock, and one granddaughter, Kennedy Hancock.

NOW THEREFORE, WE, Anderson County Mayor Terry Frank and members of the Anderson County Board of Commissioners, do hereby recognize Mr. Billy Wade Brock for his selfless service to the residents of Anderson County and his unwavering dedication to his family and, as such, proclaim August 1, 2018, as Billy Wade Brock Day in Anderson County to thank Mr. Brock for his commitment to his community over the years.

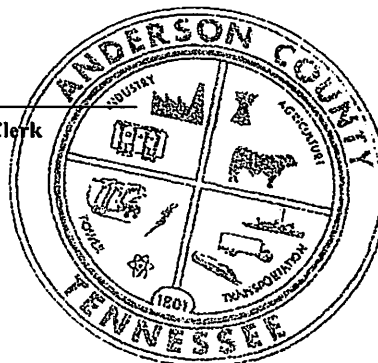
IN WITNESS WHEREOF, we have hereunto set our hands and caused the official seal of Anderson County, Tennessee to be affixed on this, the 16th day of July, 2018.


Mrs. Terry Frank, Anderson County Mayor


Mr. Tim Isbel, Commission Chairman

ATTEST:


Mr. Jeff Cole, County Clerk



Anderson County, Tennessee

EXHIBIT

Board of Commissioners

B

RESOLUTION No: 18-07-700

RESOLUTION DESIGNATING THE "LITTLE PONDEROSA ZOO" AS A NATURE CENTER, REHABILITATION CENTER, ANIMAL EDUCATIONAL EXHIBIT CENTER AND THE OFFICIAL ZOO OF ANDERSON COUNTY FOR ANIMALS IDENTIFIED AS CLASSES I THROUGH V AS DEFINED BY TENNESSEE LAW.

WHEREAS, the Little Ponderosa Zoo has been operating in Anderson County as a not-for-profit entity since 1996; and

WHEREAS, currently law enforcement officers and the Tennessee Wildlife Resources Agency (TWRA) have no centers in the Anderson County area to provide emergency medical care and rehabilitate injured wildlife. The Little Ponderosa Zoo has agreed to accept this responsibility and allow sick, injured and orphaned wildlife to be received at the facility for emergency medical care and rehabilitation; and

WHEREAS, the owner, in conjunction with the TWRA now desires to declare this facility as the official zoo of Anderson County in order to treat and rehabilitate these sick, injured or orphaned animals and become a certified Nature, Rehabilitation and Educational Exhibit Center as defined by Tennessee Code Annotated §§ 70-1-101 et. seq. including the official Rules and Regulations of the TWRA codified at §§ 1660-1-18-.01 et. seq. and specifically § 1660-1-18.05 (See Exhibit 1); and

WHEREAS, such designation will authorize the facility to legally, receive, treat, house, exhibit, rehabilitate wildlife, as well as, educate the general public for animals, birds and reptiles identified in Classes I -V for the purposes set forth under Tennessee law.

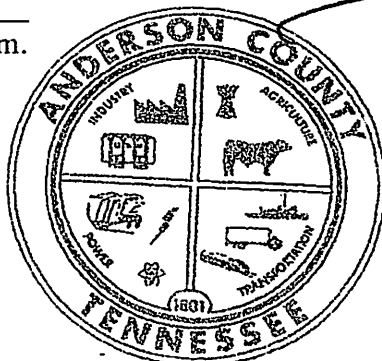
NOW, THEREFORE BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 16th day of July 2018 that we officially declare the Little Ponderosa Zoo as the official zoo of Anderson County in order to designate this facility as a certified Nature, Rehabilitation, Educational Exhibit Center as authorized by Tenn. Code Ann. §§ 70-1-101 et. Seq. and official TWRA Rules and Regulations codified at §§ 1660-1-18-.01 et seq. provided the owner and facility staff operate the facility in accordance with all provisions of Tennessee law.

BE IT FURTHER RESOLVED, the Anderson County Sheriff is authorized to allow inmate work crews to assist as needed at the facility with activities that benefit the public at large pursuant to Tenn. Code Ann. §§ 41-2-101 et. seq.

DULY PASSED, APPROVED AND EFFECTIVE this 16th day of July 2018.

[Signature of Timothy Isbel]
Timothy Isbel, Chair, AC Comm.

[Signature of Terry Frank]
Terry Frank, Anderson County Mayor



ATTEST:

[Signature of Jeff Cole]
Jeff Cole, Anderson County

Tenn. Code Ann. § 70-1-101

Copy Citation

Current through Chapter 922 (effective May 1, 2018), of the 2018 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text. Those changes will appear on Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA.

Tennessee Code Annotated Title 70 Wildlife Resources Chapter 1 General and
Administrative Provisions Part 1 General Provisions

70-1-101. Title definitions -- Construction of dates and provisions.

(a) As used in this title, unless the context otherwise indicates, the definitions and rules of construction in this section shall govern the construction of this title, and proclamations and rules and regulations made or adopted by the commission:

- (1) "Agency" means the wildlife resources agency;
- (2) "Angling" means any effort made to take, kill, injure, capture, or catch any fish and every act of assistance in any effort;
- (3) "Bag limit" means the maximum number of wildlife other than fish that may be taken, caught, killed, or possessed, by any person for any particular period of time, as provided by rule and regulation adopted by the commission;
- (4) "Big game" means deer, bear, wild turkey, and all species of large mammals that may be introduced or transplanted into this state for hunting;
- (5) "Bullfrog" means jumbo frog (*rana catesbiana*);
- (6) "Carcass" means the dead body of any wildlife or a portion of any such dead body;
- (7) "Chumming" means placing fish, parts of fish, or other material upon which fish might feed,

in the waters of this state for the purpose of attracting fish to a particular area in order that they may be taken, but "chumming" does not include angling;

(8) "Commission" means the Tennessee fish and wildlife commission, and "commissioner" means a member of the fish and wildlife commission;

(9) "Creel limit" means the maximum number of fish that may be taken, caught, killed, or possessed, by any person for any particular period of time, as provided by rule and regulation adopted by the commission;

(10) [Deleted by 2017 amendment.]

(11) "Executive director" means the executive director of the wildlife resources agency;

(12) "Falconry" means hunting by means of a trained raptor;

(13) "Fish" means all species of trout, salmon, walleye, northern pike, bass, crappie, bluegill, catfish, perch, sunfish, drum, carp, sucker, shad, minnow, and such other species of fish that are presently found in the state or may be introduced or transplanted into this state for consumptive or nonconsumptive use;

(14) "Fishing" means any effort made to take, kill, injure, capture, or catch any fish and every act of assistance in any effort;

(15) "Fur bearer" means beaver, raccoon, skunk, groundhog, coyote, gray fox, red fox, mink, muskrat, otter, weasel, bobcat, and opossum, and all subspecies or variations of the foregoing, and any other animals that may be declared by the commission under regulation to be a fur bearer;

(16) "Game birds" means all species of grouse, pheasant, woodcock, wilson snipe, crow, quail, waterfowl, gallinules, rails, mourning dove, and all species of birds that may be introduced into this state for hunting;

(17) "Harvest tag" means the certificate that is required either by law or rule or regulation of the commission to be secured to the carcass of wildlife as evidence of legal taking and ownership;

(18) "Hours" means the hours of the day or night when wildlife may be taken lawfully;

(19) "Hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, shooting at, stalking, or lying in wait for, any wildlife, whether or not such wildlife is then or subsequently captured, killed, taken, or wounded and every act of assistance to any other person, but "hunting" does not include stalking, attracting, searching for, or lying in wait for, wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures of wildlife;

(20) "Motor vehicle" means any self-propelled vehicle, and any vehicle propelled or drawn by a self-propelled vehicle, wherever operated, but does not include any vessel;

(21) "Nongame birds" means all species of birds not classified as game birds;

(22) "Nongame mammal" means all species of wild mammals not classified as big game, small game, or fur bearers. Domestic dogs and cats when running at large and apparently unclaimed

and not under human control, whether licensed or unlicensed, shall come within this subdivision (a)(22) for control and regulation by law or commission rule or regulation not inconsistent with Tennessee Anti-Rabies Law, compiled in title 68, chapter 8, to the extent such dogs and cats are endangering or harassing wildlife;

(23) "Nonresident" means any person who is not a resident;

(24) "Person" means an individual, association, partnership, or corporation;

(25) "Personally attended rod or line" means a rod or line that is used for fishing or angling, and that is under the personal control of a person who is in proximity to such rod or line;

(26) "Possession" means both actual and constructive possession, and any control of the object or objects referred to;

(27) "Possession limit" means the maximum limit in number or amount of wildlife that may be lawfully in the possession of any one (1) person;

(28) "Public hunting area" means a specific land or water area, or both, not intensively managed that is established for the protection of wildlife species and public use by both consumptive and nonconsumptive users;

(29) "Public road" means the traveled portion of, and the shoulders on each side of, any road or highway maintained for public travel by a county, city, city and county, the state, or the United States government, and includes all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road or highway;

(30) "Raptor" means all birds found in the wild that are members of the order of falconiformes, strigiformes, and specifically, but not by way of limitation, means falcons, hawks, owls, and eagles, except the golden and bald eagle;

(31) "Refuge" means a specific land or water area, or both, that is established for the protection of one (1) or more species of wildlife with no, or limited forms of, consumptive uses, and limited nonconsumptive use to the degree compatible with desired wildlife protection;

(32) "Resident" means any person who resides in this state for a period of ninety (90) consecutive days with the genuine intent of making this state that person's place of permanent abode, and who, when absent, intends to return to this state. For the purposes of this subdivision (a)(32), the following are deemed residents of this state:

(A) Members of the armed services of the United States or any nation allied with the United States, who are on active duty in this state under permanent orders;

(B) Personnel in the diplomatic service of any nation recognized by the United States, who are assigned to duty in this state; and

(C) Students who are attending and have been enrolled at least six (6) months in any school, college, or university in this state;

(33) "Sell" includes the offering or possessing for sale, bartering, exchanging or trading;

(34) "Small game" means fur bearers, game birds, swamp rabbits, bullfrogs, cottontail rabbits, fox squirrels, gray squirrels, red squirrels, and all species of small mammals and birds that may

be introduced into this state for hunting;

(35) "Snagging" means fishing, without the use of either bait or artificial lure or any other device designed to attract fish, by snatching with hooks, gang hooks, or similar devices;

(36) "State fishing area" means a body of water where environmental conditions are such that relatively high fish production is possible and where fishing is the principal public use of the water;

(37) "Transport" means to carry or convey from one place to another, and includes an offer to transport, or receipt or possession for transportation;

(38) "Trapping" means taking, killing, and capturing wildlife by the use of any trap, snare, deadfall, or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting, or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls, or other devices;

(39) "Waters of the state" means any waters within the territorial limits of the state of Tennessee;

(40) "Wild bird" means all game birds, nongame birds, and raptors;

(41) "Wildlife" means wild vertebrates, mollusks, crustaceans, and fish;

(42) "Wildlife management area" means a specific land or water area, or both, that is established for the intensive management of both habitat and wildlife species for optimum enhancement and use by both consumptive and nonconsumptive users; and

(43) "Zoological institution" or "zoo" means an institution operated wholly or in part by a political subdivision of the state to display wildlife to the public. For the purposes of § 70-4-403(1), permitted permanent and temporary exhibitors are regarded as zoos.

(b) Whenever in this title, or proclamation and rules and regulations adopted under this title, the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time indicated includes both dates specified. The first date specified designates the first day of the period, and the second date designates the last day of the period.

(c) Every provision relating to any fish or wildlife shall be deemed to apply to any part of the fish or wildlife with the same force and effect as it applies to the whole of any fish or wildlife.

History

Acts 1974, ch. 481, § 3; 1975, ch. 185, §§ 1, 2; 1981, ch. 514, § 2; 1982, ch. 738, § 1; T.C.A., § 51-122; Acts 1985, ch. 148, § 1; 2005, ch. 92, § 1; 2011, ch. 283, § 1; 2012, ch. 993, § 11;

Tenn. Code Ann. § 70-4-403

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Current through Chapter 922 (effective May 1, 2018), of the 2018 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text. Those changes will appear on Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA.

Tennessee Code Annotated Title 70 Wildlife Resources Chapter 4 Miscellaneous Regulations Part 4 Exotic Animals

70-4-403. Classifications of wildlife.

Live wildlife, kept and maintained for any purpose, shall be classified in the following five (5) classes:

(1) Class I -- This class includes all species inherently dangerous to humans. These species may only be possessed by zoos, circuses and commercial propagators, except as otherwise provided in this part. The commission, in conjunction with the commissioner of agriculture, may add or delete species from the list of Class I wildlife by promulgating rules and regulations. The following is a listing of animals considered inherently dangerous:

(A) Mammals:

(i) Primates -- Gorillas, orangutans, chimpanzees, gibbons, siamangs, mandrills, drills, baboons, Gelada baboons;

(ii) Carnivores:

(a) Wolves -- All species;

(b) Bears -- All species; and

(c) Lions, tigers, leopards, jaguars, cheetahs, cougars -- All species;

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- (iii) Order Proboscidea: Elephants -- All species;
- (iv) Order Perissodactyla: Rhinoceroses -- All species; and
- (v) Order Artiodactyla: Hippopotamus, African buffalo;
- (B) Reptiles:
 - (i) Order Crocodylia: Crocodiles and alligators -- All species; and
 - (ii) Order Serpentes: Snakes -- All poisonous species; and
- (C) Amphibians: All poisonous species;
- (2) Class II -- This class includes native species, except those listed in other classes;
- (3) Class III -- This class requires no permits except those required by the department of agriculture, and includes all species not listed in other classes and includes, but is not limited to, those listed in subdivisions (3)(A)-(Q). The commission, in conjunction with the commissioner of agriculture, may add or delete species from the list of Class III wildlife by promulgating rules and regulations:
 - (A) Nonpoisonous reptiles and amphibians except alligators and crocodiles;
 - (B) Rodents -- Gerbils, hamsters, guinea pigs, rats, mice, squirrels and chipmunks;
 - (C) Rabbits, hares, moles and shrews;
 - (D) Ferrets and chinchillas;
 - (E) Llamas, alpacas, guanacos, vicunas, camels, giraffes and bison;
 - (F) Avian species not otherwise listed, excluding North American game birds, ostriches and cassowary;
 - (G) Semi-domestic hogs, sheep and goats;
 - (H) All fish held in aquaria;
 - (I) Bovidae not otherwise listed;
 - (J) Marsupials;
 - (K) Common domestic farm animals;
 - (L) Equidae;
 - (M) Primates not otherwise listed;
 - (N) Bobcat/domestic cat hybrids;
 - (O) Hybrids resulting from a cross between a Class II species and a domestic animal or Class III species;
 - (P) Cervidae except white-tailed deer and wild elk. Elk originating from a legal source while held in captivity for the purpose of farming shall be regarded as Class III wildlife. All other elk shall be wild elk and shall be regarded as Class II wildlife. No person shall possess elk in captivity within the eastern grand division of the state as defined in § 4-1-202 without having documentary evidence indicating the origin of the elk being held. This documentary evidence will be presented to the agents of the department of agriculture or the wildlife resource agency upon request. Sale documentation of offspring of purchased elk is not required; and
 - (Q) Furbearing mammals, including those native to Tennessee, raised solely for the sale of fur;

(4) Class IV -- This class includes those native species that may be possessed only by zoos and temporary exhibitors; provided, that rehabilitation facilities may possess Class IV wildlife as provided by rules established by the commission if authorized by a letter from the director of the agency:

- (A) Black bear (*Ursus americanus*);
- (B) White-tailed deer (*Odocoileus virginianus*);
- (C) Wild turkey (*Meleagris gallapavo*), including the eggs of wild turkey;
- (D) Hybrids of a Class IV species other than bobcat shall be Class IV; and
- (E) Animals that are morphologically indistinguishable from native Class IV wildlife shall be Class IV; and

(5) Class V -- This class includes such species that the commission, in conjunction with the commissioner of agriculture, may designate by rules and regulations as injurious to the environment. Species so designated may only be held in zoos under such conditions as to prevent the release or escape of such wildlife into the environment.

History

Acts 1991, ch. 487, § 1; 1996, ch. 992, § 1; 2001, ch. 103, § 5.

▼ Annotations

Notes

Compiler's Notes.

Former part 4, §§ 70-4-401 -- 70-4-416 (Acts 1986, ch. 882, §§ 1-16; 1989, ch. 591, § 113; 1991, ch. 298, § 1), concerning exotic animals, was repealed by Acts 1991, ch. 487, § 1.

Case Notes

Cited:

Bd. of Comm'rs of Roane County v. Parker, 88 S.W.3d 916, 2002 Tenn. App. LEXIS 122 (Tenn. Ct. App. 2002).

Exhibit 1

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Document: Tenn. Code Ann. § 70-4-404

Tenn. Code Ann. § 70-4-404

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Tennessee Code Annotated Title 70 Wildlife Resources Chapter 4 Miscellaneous Regulations Part 4 Exotic Animals

70-4-404. Permits -- Fees.

- (a) The agency shall issue permits for possessing live wildlife as defined in this part.
- (b)
 - (1) The commission shall adopt reasonable rules for issuing permits to possess live wildlife and establishing the conditions of possessing wildlife. The conditions shall be directed toward assuring the health, welfare, and safety of animals, the public and, where necessary, the security of facilities in which the animals are kept.
 - (2) The executive director of the agency may authorize by letter permission to possess any class of wildlife for approved research studies or for the temporary holding of animals in the interest of public safety. The executive director may exempt specific events from the caging and handling requirements established for Class I wildlife. Approval of an exemption will be based on a written request that outlines safety precautions that must be implemented during the specified activity.
- (c) Class I wildlife.
 - (1) Persons legally possessing Class I wildlife prior to June 25, 1991, shall obtain annually a

Exhibit 1

personal possession permit to keep such Class I wildlife. To obtain a personal possession permit, such persons shall comply with all of the provisions of this part. After June 25, 1991, no new animals shall be brought into possession under authority of a personal possession permit. Persons in legal possession of one (1) or more species of Class I wildlife as of June 25, 1991, may maintain the lineage of such species up to a maximum of three (3) animals per species. Persons in legal possession of the offspring of such Class I wildlife shall have a maximum of twelve (12) months from the date of birth of such offspring to obtain appropriate permits for such offspring, or to dispose of such offspring through an appropriate commercial propagator, or by any other manner permitted by law within the state. This section applies solely to persons in legal possession of Class I wildlife as of June 25, 1991, and shall not be construed to authorize new personal possession of Class I wildlife.

(2) The executive director shall issue a permit upon a satisfactory showing of qualifications to possess live wildlife under the following conditions:

(A) The applicant must be at least twenty-one (21) years of age;

(B) The applicant must have at least two (2) years of experience in the handling or care of the Class I species for which the applicant is applying, or, in the alternative, must take a written examination, developed and administered by the agency, evidencing basic knowledge of the habits and requirements, in regard to proper diet, health care, exercise needs and housing of the species to be covered by the permit. Experience gained while in violation of this part shall not be considered qualifying experience;

(C) The facilities for holding Class I wildlife must be located on the premises on which the permit holder resides or shall have a full-time resident caretaker to supervise the care and security of the facilities. Facilities for Class I animals may not be on premises of less than one (1) acre for a personal possession permit and three (3) acres for a commercial propagator facility permit, and may not be located in a multi-unit dwelling or trailer park; and

(D) The applicant must have a plan for the quick and safe recapture of the wildlife, or if recapture is impossible, for the destruction of any animal held under the permit. The applicant must have the legal authority to possess weapons or other equipment necessary to carry out the plan and, in fact, possess such weapons or other equipment.

(3) The permittee shall control and maintain Class I wildlife at all times in such a manner as to prevent direct exposure or contact between the animal or animals and the public; provided, that a trained elephant may be brought into contact with the public under the close supervision of a qualified trainer or handler.

(d) No person shall hold live wildlife in captivity without first obtaining the appropriate permit as provided in this part. The annual permits and fees for holding live wildlife are as follows:

(1) Personal Possession.

(A) Class I: \$150/animal or \$1,000/facility; and

(B) Class II: \$10.00/animal or \$100/facility;

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- (2) **Transfer of Ownership.** A permit for transferring any Class I or II animal held under a personal possession permit. If the transfer of the animal is ordered by the agency, no transfer permit is required;
- (3) **Commercial Propagator.** \$1,000/facility for Class I wildlife;
- (4) **Propagator.** \$25.00/facility for small game birds and waterfowl; and \$100/facility for all Class II wildlife except small game birds and waterfowl;
- (5) **Importation.** \$10.00/shipment or \$100 per year;
- (6) **Temporary Exhibitor.** \$100/30 day period;
- (7) **Permanent Exhibitor.** \$500/year/facility;
- (8) **Commercial Wildlife Preserve.** \$150/year for big game; and \$75.00/year for small game;
- (9) **Falconry.** \$40.00/year or other time period as might coincide with federal permit requirements;
- (10) **Qualification Examination.** \$10.00/examination; and
- (11) **Zoos, Nature Centers, Rehabilitation Centers, and Educational Exhibits Certified As Nonprofit.** No charge.

History

Acts 1991, ch. 487, § 1.

▼ Annotations

Notes

Compiler's Notes.

Former part 4, §§ 70-4-401 -- 70-4-416 (Acts 1986, ch. 882, §§ 1-16; 1989, ch. 591, § 113; 1991, ch. 298, § 1), concerning exotic animals, was repealed by Acts 1991, ch. 487, § 1.

TENNESSEE CODE ANNOTATED

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Exhibit 1

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Document: Tenn. Code Ann. § 70-4-411

Tenn. Code Ann. § 70-4-411

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Tennessee Code Annotated Title 70 Wildlife Resources Chapter 4 Miscellaneous Regulations Part 4 Exotic Animals

70-4-411. Importation of wildlife -- Permits -- Papers.

- (a) All persons wishing to possess Classes I and II live wildlife obtained outside the state of Tennessee shall have in their possession the importation permit required by this part. The permit and all bills of lading and shipping papers relating to any wildlife that such person may have in such person's possession shall be open and available for inspection at all reasonable times by authorized agency officers and employees for the purpose of ensuring compliance with this part.
- (b) Animals brought into this state under the authority of an annual importation permit must be reported to the agency within five (5) days of the date of importation.
- (c) An importation permit is required for all interstate movement of live wildlife except Class III, except no permit is required for zoos and temporary exhibitors.

History

Exhibit 1

RULES
OF
THE TENNESSEE WILDLIFE RESOURCES AGENCY
WILDLIFE RESOURCES

CHAPTER 1660-1-18
RULES AND REGULATIONS OF LIVE WILDLIFE

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1660-1-18-.01 GENERAL PROVISIONS GOVERNING POSSESION OF LIVE WILDLIFE.

- (1) All wildlife possessed within the State of Tennessee must be held in accordance with provisions of Public Chapter No. 487 of 1991, except in those instances where species are addressed under other existing statutes.
 - (a) All imported wildlife must be legally obtained in the State of origin. Applicants must provide sources of wildlife being imported.
- (2) The possession of any state or federally threatened or endangered species is permitted only when such species have been legally obtained in the state or country or origin.
- (3) No wildlife may be taken from the wild in Tennessee except as provided for by statute, proclamation, and/or rule.
- (4) All individuals possessing wildlife must be able to produce proof of legal ownership. Legal documentation may consist of evidence of legal importation (importation permit), purchase receipts from licensed propagation facility, or possession and/or evidence of disposition of parent animals.
- (5) The following species may be legally released if approval is obtained in advance from TWRA:
 - (a) Bobwhite Quail
 - (b) Red Fox
 - (c) Grey Fox
 - (d) Raccoon
 - (e) Non-native game birds
 - (f) Mallard ducks
 - (g) Native species of fish in private lakes and ponds
 - (h) Cottontail rabbit

Authority: T.C.A. §§70-1-206, 70-4-403, 70-4-404, and 70-4-405. Administrative History: Original rule filed July 25, 1986; effective September 8, 1986. Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed April 20, 1992; effective June 4, 1992.

1660-1-18-.02 PERMITS.

- (1) A propagation permit is not required for holders of a fish farming license.
- (2) While all other permits do apply, a possession permit is not required for the following species regulated as Class II wildlife:
 - (a) Bobwhite Quail
 - (b) Non-native game birds that are released in Tennessee or other states for the purpose of hunting (chukar, ringneck pheasant...etc.)
 - (c) Waterfowl defined in Part 1, Title 50, of the U. S. Code of Federal regulations as in North American migratory game birds.
 - (d) Legally obtained native aqualic species held in aquaria.
 - (e) Legally obtained nonpoisonous reptiles and amphibians indigenous to the state of Tennessee.
- (3) All information requested on application for permits must be completed accurately.
- (4) Permits shall expire on the 30th day of June each year.
- (5) An Importation permit is required for all fish species except the following:
 - (a) Any species (including their hybrids) native to Tennessee
 - (b) Triplold grass carp
 - (c) Goldfish
 - (d) Rainbow trout
 - (e) Brown trout
 - (f) All species of salmon
 - (g) Golden orfe
- (6) Class I and Class II species not listed on the permit issued for a facility other than a zoo may not be possessed at the facility until approved and added to the permit by letter from the director of TWRA.
- (7) Permanent exhibitors cannot engage in the commercial trade of captive wildlife without a valid commercial propagators permit.
- (8) All temporary exhibitors must submit a completed application and an itinerary of intended dates and locations of their exhibition twenty-one (21) days prior to first scheduled exhibition.

Authority: T.C.A. §§70-1-206, 70-4-401, 70-4-403, 70-4-404, and 70-4-405. **Administrative History:** Original rule filed July 25, 1986; effective September 8, 1986. Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed April 20, 1992; effective June 4, 1992. Amendment filed February 3, 1995; effective April 19, 1995.

1660-1-18-.03 CLASSES OF WILDLIFE.

- (1) The following species or groups of wildlife are added to the existing listing designated by legislation as Class I:
 - (a) Hybrids resulting from the cross of two Class I species shall be considered Class I.
- (2) Native species of wildlife are considered to be Class II unless specifically designated otherwise by T.C.A. §70-4-403 or rules and regulations authorized therein.
- (3) The following species or groups of wildlife are added to the existing listing designated by legislation as Class III:
 - (a) All waterfowl species except those defined in Part I, Title 50, of the U. S. Code of Federal regulations as North American migratory game birds.
 - (b) Ostriches, cassowaries, calmans, and gavials.
- (4) The following species or groups of wildlife are added to the group of animals designated by legislation as Class V:
 - (a) Nandaya or Black-Hooded parakeets (*Nandayus nanday*)
 - (b) Quaker or Monk parakeets (*Myiopsitta monachus*)
 - (c) African clawed frog- (*Xenopus laevis*)
 - (d) All non-native freshwater aquatic life except the following:
 1. Goldfish
 2. Triploid grass carp
 3. Salmon – all species
 4. Species approved for fish farming
 5. Fish, crustaceans, and mollusks held in aquaria. This exception does not apply to the following species which shall be regarded as Class V:
 - (i) Zebra mussels (*Dreissena polymorpha*)
 - (ii) Black Carp (*Mylopharyngodon piceus*)
 - (iii) Blueback Herring (*Alosa aestivalis*)
 - (iv) Ruffe (*Gymnocephalus cernua*)
 - (v) Bighead carp (*Aristichthys nobilis*)
 - (vi) Silver carp (*Hypophthalmichthys molitrix*)
 - (vii) Snakeheads (all members of the Family *Channidae*)
 - (viii) New Zealand mud snail (*Potamopyrgus antipodarum*)

(Rule 1660-1-18-.03, continued)

- (vii) Round goby (*Neogobius melanostomus*)
 - (x) Rudd (*Scardinius erythrophthalmus*)
 - (xi) Swamp eels (all members of the Family *Synbranchidae*)
 - (xii) Marbled crayfish (Marmorokreb) (*Procambarus fallax f. virginalis*)
- (5) Hybrids involving two species from different Classes of animals shall be regulated as a member of the least restrictive Class involved, unless otherwise specified.

Authority: T.C.A. §§70-1-206, 70-4-107, 70-4-401, 70-4-404, and 70-4-405. Administrative History: Original rule filed July 15, 1986; effective September 8, 1986. Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed April 20, 1992; effective June 4, 1992. Amendment filed December 18, 2002; effective March 3, 2003. Amendment filed July 22, 2015; effective October 22, 2015.

1660-1-18-.04 FACILITIES.

- (1) A man-made body of water contained within the boundary of a privately owned parcel of land may be considered a propagating facility for the purpose of rearing amphibians and reptiles.
- (2) Permanent facilities for the purpose of these rules as they pertain to Class I animals shall be defined as the permanent enclosures, cages or exhibit areas located on premises owned or leased by the permittee as described on the inspection form attached to the application for a Class I permit on file at the Nashville office of TWRA.
- (3) Tigers may be held in cages without a top only when the strength of materials and the construction meets the specifications as required by law and the sides of the cage are a minimum of 16 feet high with the top three feet turned inward at a 45 degree angle. There shall be no trees or any other structures which could in any way assist the animal in climbing or jumping located within 15 feet of the cage side.
- (4) Facilities, whether permanent or temporary, for holding or exhibiting Class I animals shall be inspected and approved by TWRA personnel prior to any Class I animals being placed in the facility or a permit being issued.
- (5) Exhibits of Class I animals shall be in a manner that provides for the protection of the animals and the public at all times. Such exhibits shall have exclusionary barriers and trained uniformed guards or caretakers in a position to deter unauthorized public access to the animals; to prevent any escape of animals; and to prevent any direct physical contact of the animals with the public. A barrier system of moats and/or deterrent fencing of a design sufficient to prevent the escape of the animals, deter any unauthorized entry, and prevent any direct physical contact with the public shall be required for all exhibits that do not have trained uniformed guards or caretakers on duty in view of the exhibit area when open to the public. Such deterrent fencing shall be a least eight feet in height to deter the throwing of foreign objects into the cage area and prevent the entry of any unauthorized person.
- (6) Exhibitors of Class I animals must have a mobile facility in accordance with state law for any species of Class I animals that is taken out of a stationary facility. These animals shall not be allowed out of a caged area at any time. The animals may be placed in a caged arena for the purpose of exhibiting, as long as the sides and top meet specifications as required by law for a stationary facility. Also, the animals must remain in the mobile facility until the mobile facility is either brought into or up to the arena in such a fashion as to allow for the animal to be directly released into the arena. These animals may be led from a holding facility, either

(Rule 1660-1-18-.04, continued)

mobile or stationary, into a caged area through a totally enclosed caged corridor. Elephants are exempt from the requirement of this paragraph as long as they are maintained in accordance with this law.

- (7) Permanent exhibitors may exhibit their Class I animals outside their permanent facility only after giving notification to the TWRA regional office where the exhibition is to be held a minimum of 24 hours before the exhibition. Such exhibitions shall be given only in facilities that meet the standards set forth herein or as otherwise provided by law.
- (8) Any Class I Felidae or Ursidae that is under twenty-five (25) pounds in weight and less than three (3) months of age may be brought into contact with the public. Permittees who allow such animals to have contact with the public can do so only under the following conditions:
 - (a) An individual animal can be brought into contact with the public not more than one (1) hour during an eight (8) hour interval.
 - (b) Animals brought into contact with the public must be done in a manner that insures the good health of the animals.
 - (c) Permittees that intend to conduct off-site exhibitions involving public contact, must notify the Agency (TWRA) three (3) days prior to such exhibitions.
 - (d) Permittees who allow such animals to have contact with the public assume all responsibility for the safety of the public.

Authority: T.C.A. §§70-1-206, 70-4-401(a), 70-4-403, 70-4-404, and 70-4-405. Administrative History: Original rule filed July 25, 1986; effective September 8, 1986. Amendment filed April 20, 1992; effective June 4, 1992. Amendment filed April 22, 1994; effective July 6, 1994. Amendment filed May 20, 1998; effective August 3, 1998.

1660-1-18-.05 SPECIAL PROVISIONS.

- (1) All Nature Centers, Rehabilitation Centers, Educational Exhibits, and Zoos meeting provisions which exempt them from the fees for necessary permits must complete an application and provide requested information. No Class III Wildlife may be possessed by a Nature Center, Rehabilitation Center or Educational Exhibits, nor may these permittees hold any other Captive Wildlife Permits issued by the Tennessee Wildlife Resources Agency, unless authorized by the Executive Director of the Tennessee Wildlife Resources Agency. This prohibition does not apply to facilities deemed as a bona fide zoo.
- (2) A zoo shall be defined as a facility where any class of wildlife is exhibited to the public while meeting provisions set forth in T.C.A. §70-4-107.
 - (a) Zoos must be accredited by the American Association of Zoological Parks and Aquariums (AAZPA) and/or be designated as the official zoo of a municipality.
 - (b) Zoos provided for in this provision must maintain an annual visitation rate of 100,000 visitors annually.
 - (c) Animals may not be sold or transferred to the general public in Tennessee.
- (3) A nature center shall be defined as a facility which operates in order to educate the general public about natural ecosystem interrelationships, in which man's action are an integral part, and which has as its chief goal the protection and enhancement of all populations of Tennessee animal life.

(Rule 1660-1-18-.05, continued)

- (a) Class II wildlife may be utilized at these facilities for educational purposes. Authorization must be obtained annually from the executive director of TWRA if animals are maintained.
 - (b) Any program using wildlife originating from the wild in Tennessee must be done at no charge, which would include an exchange for goods or services.
- (4) Rehabilitation centers are defined as those facilities which house and treat injured, diseased and displaced Class II and Class IV wildlife (except wild turkeys) which are temporarily incapable of surviving in the wild. The objective of the centers will be to return such wildlife to their natural habitat.
- (a) A permit or letter of authorization from the Tennessee Wildlife resources agency (TWRA) is required for rehabilitation centers.
 - (b) The applicant shall provide TWRA with information about the proposed rehabilitation of Class II and Class IV wildlife (except wild turkey), including:
 1. categories (e.g. raptors) of wildlife proposed for rehabilitation
 2. Documentation showing one of the following qualifications has been met in order to be eligible for a Rehabilitation and/or Education exhibit permit:
 - (i) Two hundred hours of experience in rehabilitation or handling of the species in which the person wishes to be permitted; or
 - (ii) One year of full time employment as a Veterinary Technician; or
 - (iii) Be licensed to practice veterinary medicine in the State of Tennessee; or
 - (iv) Possess a valid permit for Wildlife Rehabilitation or Education from another state for the species in which the person wishes to be permitted. Also, individuals in this
 3. at least one reference from a knowledgeable person (e.g. veterinarian, permitted rehabilitator, or TWRA official) regarding qualifications of the applicant
 4. description of the physical facilities to be used
 5. availability of veterinary care for use as needed
 6. whether the facility is to be used as a non-profit operation and whether it is certified as non-profit by the U. S. Internal revenue Code [26U.S.C. 501(C)]
 7. the extent to which wildlife can be accepted for rehabilitation
 - (c) Prior to issuance of a permit or letter of authorization to wildlife rehabilitators not charging for their services, their facilities must be certified as nonprofit on application forms provided by TWRA.
 - (d) Cages and facilities must be provided of such quality material, and of such strength as appropriate for the animals involved. Minimum facility guidelines of the National Wildlife Rehabilitators Association (see "Wildlife Rehabilitation Minimum Standards and Accreditation Program") are acceptable, except as may be specified by the Tennessee Wildlife Resources Agency.

(Rule 1660-1-18-.05, continued)

- (e) Temperature shall be regulated by heating or cooling as may be needed, to protect the animal from extremes and to provide for its health and comfort.
- (f) If the facilities are outdoors, the cages should be constructed in a manner to protect the animals from excessive sunlight and from inclement weather.
- (g) Cages and/or enclosures shall be of sufficient size to give the confined animal(s) ample space for exercise and to avoid overcrowding.
- (h) Nails or other sharp protrusions, which might injure or impair the animal, shall not be allowed within the cage. Bird cages shall be of a design (e.g. vertical bars or netting) to minimize fraying of feathers.
- (i) Adequate perches shall be provided for any raptors or other perching birds.
- (j) Provisions shall be made for prompt removal and disposal of animal and food wastes.
- (k) A suitable method shall be provided to rapidly eliminate excess water from housing facilities.
- (l) Food and water receptacles shall be of sufficient number and size as appropriate for the animals being served. Such receptacles shall be kept clean and sanitary at all times. If self-feeders are used adequate measures should be taken to prevent the contamination or deterioration of food.
- (m) A safe and effective program for the control of insects, ectoparasites, and other pests shall be established and maintained.
- (n) Rehabilitation techniques shall be in accordance with standards generally accepted by veterinarians, TWRA, and/or other persons recognized as having expertise with care of the affected species.
- (o) Minimum human contact shall be provided with "releasable wildlife in order to avoid imprinting on humans.
- (p) After a 90 day rehabilitation period, all class II wildlife must be released, except:
 - 1. Permission may be sought for extension of possession for rare species listed as Endangered, Threatened, or "In Need of Management", for wildlife indicating likelihood of recovery and release with the foreseeable future, or for use for educational purposes.
 - 2. Animals authorized by the Executive Director of Tennessee Wildlife Resources Agency for use under the authority of a valid Educational Exhibit Permit issued by the Tennessee Wildlife Resources Agency.
- (q) Permits are effective from July 1 through June 30 of each year.
- (r) By January 31 of each year, the permittee shall submit an annual report of the prior calendar year's activities concerning the number and status of all Class II wildlife. Records of wildlife rehabilitated must be maintained reflecting source of animals, date obtained, and date and method of disposition.

(Rule 1660-1-18-.05, continued)

- (s) White-tailed deer and black bears may be rehabilitated under the following special provisions in addition to the above requirements:
1. Prior to receiving a permit, the applicant must submit a plan for care and rehabilitation which precludes or minimize human contact and provides for conditioning and habitat acclimation prior to release. Final approval of a permit to rehabilitate white-tailed deer and/or black bears shall be at the discretion of the Executive Director of the Tennessee Wildlife Resources Agency.
 2. Each animal accepted for rehabilitation shall be marked with an indelible mark so that future identification may be possible.
 3. Deer and/or bears housed in rehabilitation facilities shall not be exhibited or come into public contact under any circumstances.
 4. An official of TWRA shall be notified within 48 hours of the receipt of each white-tailed deer accepted for rehabilitation.
 5. Rehabilitated white-tailed deer shall be released only at an approved site(s) as determined by the TWRA.
 6. Transfers of black bears (both receiving and releasing) shall be made only by officials of TWRA or under the direct supervision of TWRA.
 7. Injured white-tailed deer and/or black bears determined to be non-releasable shall be immediately euthanized.
 8. Rehabilitators are not employees or agents of the State of Tennessee for any purpose, including a determination of liability. Therefore, rehabilitators assume all liability for personal injury and/or property damage caused by white-tailed deer and/or black bears under the rehabilitator's care and control.
 9. Rehabilitators of white-tailed deer and/or black bears must legally possess a firearm capable of instantly destroying a deer and/or bear.
 10. All white-tailed deer must be released within a 120 day rehabilitation period.
 11. Releases of rehabilitated black bears shall be determined on a case by case basis under the direction of TWRA, but black bears shall not be held for rehabilitation for longer than 1 year.
- (t) All wildlife held under the authority of a Rehabilitation Permit cannot be exhibited or brought in contact with the public unless authorized by the Executive Director of Tennessee Wildlife Resources Agency.
- (u) Failure to abide by these Rules and any other State and/or Federal wildlife regulations may result in lack of approval, non-renewal, or cancellation of TWRA authorization, at the discretion of the Executive Director of TWRA.
- (v) An educational center shall be defined as a professionally operated facility, with a full-time staff, who's major responsibility is to conduct approval research or to educate and/or train its clientele in bonafide conservation principles, which include the protection and enhancement of animal populations through professionally accepted wildlife management techniques and principles.

(Rule 1660-1-18-.05, continued)

1. Class II and other authorized Classes of wildlife may be utilized at these facilities for educational purposes. Authorization must be obtained annually from the executive director of TWRA if animals are maintained.
2. All regulations of paragraph (4) concerning permit, facility, and care at Rehabilitation Centers apply also for Educational Centers, as applicable. TWRA shall provide permit applications indicating such pertinent information required.
3. Any program using live wildlife originating from the wild in Tennessee must be done at no charge, which would include an exchange for goods or services.

Authority: T.C.A. 70-1-206, 70-4-401, 70-4-404, and 70-4-405. Administrative History: Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed April 20, 1992; effective June 4, 1992. Amendment filed February 10, 1994; effective April 26, 1994. Amendment filed July 27, 2006; effective October 10, 2006.

1660-1-18-.06 CLASS I QUALIFICATION TEST.

(1) Testing procedures

(a) Scheduling

1. Arrangements must be made with TWRA regional office as to time and place where the test will be given.
2. Each test taken will cost ten dollars and payment of the fees shall be made prior to the test being given.

(b) Administration

1. Location - TWRA Regional office
2. Each test taken will cost ten dollars and payment of the fees shall be made prior to the test being given.
3. Scoring - There will be a maximum of 100 questions in the technical section of the test and each will have equal value. The point value will be announced before the test. A score of 70% correct will be passing.
4. No copies of the test questions can be taken from the testing area by the person taking the test.
5. The test will be scored at a later date and the applicant will be notified of the score by mail.
6. If the applicant fails to pass the test, he may request to retake the test at a later date. There shall be at least ten days between tests.
7. The test may be taken a maximum of three times per calendar year.

- (c) Test material - The test will be developed and reviewed by persons with extensive training, knowledge and experience with Class I animals. The test will cover basic knowledge of habits, health care, diseases, diet, exercise needs, housing and handling of the Class I species to be possessed. Four separate tests will be developed for the four major groups of Class I species that are similar in their handling, habits, health

(Rule 1660-1-18-.06, continued)

care and housing requirements. Experience with any species within one of these groups shall be regarded as qualifying experience for any other species within the group but not for other species or groups of species. Other species listed under Class I are so varied in their handling requirement that separate tests will be developed. The four major groups of Class I species as pertains to experience and qualification testing shall be:

1. Primates
2. Bears
3. Felines
4. Reptiles and amphibians

- (d) Reference materials will not be provided by TWRA. It is the applicants' responsibility to obtain access to their own reference materials. A list of suggested reference books will be provided upon request.

Authority: T.C.A. §§70-1-206, 70-4-401, 70-4-403, 70-4-404, and 70-4-405. Administrative History: Original rule filed April 20, 1992; effective June 4, 1992.

 **PROPERTY SERVICE GROUP SOUTHEAST**

Real Estate Appraisals • Brokerage • Consulting

July 17, 2015

Ms. Lisa Caudill
Credit Administrator
Peoples Bank of the South
P.O. Box 1221
LaFollette, TN 37766

**RE: Real Estate Appraisal
Commercial Building
205 S. Main Street
Clinton, TN 37716**

Dear Ms. Caudill:

At your request, we have made an appraisal of the above described property in order to estimate the market value for financing purposes as of July 13, 2015.

The subject property is a 95,832 S.F. or 2.2-acre site comprised of six parcels. The site is improved with a 14,998 S.F. mixed-use commercial building that was a former auto dealership, which was originally constructed in 1945. The subject site is located off South Main Street in Clinton, Tennessee and is identified as Anderson County Tax Map 074J, Group F, Parcels 001, 002, 003, 004, 005, and 007.

The following Appraisal Report contains a description of the property, market information, and methods used to estimate value. It has been written to conform to the Uniform Standards of Professional Appraisal Practice (USPAP) as adopted by the Appraisal Standards Board of the Appraisal Foundation regarding the enactment of Title XI of the Financial Institution Reform, Recovery and Enforcement Act of 1989 (FIRREA) and the December 2010 Interagency Appraisal and Evaluation Guidelines.

Through this report, the market value of the subject property as of the date of inspection, July 13, 2015, was estimated to be:

SIX HUNDRED SEVENTY-FIVE THOUSAND DOLLARS

\$675,000.00

Ms. Lisa Caudill
July 17, 2015
Page 3

The reader is referred to the Certification and Assumptions and Limiting Conditions included in the attached report. The appraisers certify that they have no present or contemplated future interest in the subject.

Thank you for the opportunity to provide this service. Please call if you have any questions.

Sincerely,

Ben A. Broome

Ben A. Broome, MAI
TN Certified General Appraiser #CG-113

Wesley L. Slater

Wesley L. Slater, MAI
TN Certified General Appraiser #CG-4098



Anderson County Emergency Medical Services

Integrity - Service - Excellence - Stewardship

Goals for plan development:

Addressing immediate critical needs

- Commission approved \$800k towards critical capital outlay needs
- Commission approved budget for expansion to convalescent division

June – September:

- Public feedback
- Task force development and meetings
- Review of audit and prioritizing for commission consideration
- Implementation of any appropriate changes and evaluation of effectiveness

October – January

- Plan presentation to appropriate committee(s)
- Development of FYE 20 budget
- Development of FYE capital outlay requests

Sincerely,

Nathaniel D. Sweet
Director, Anderson County EMS
314 Public Safety Lane,
Clinton, TN 37716
(865) 457-8609

7/9/19