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## Chapter II - Animals and Fish

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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## Chapter II - Animals and Fish

### Fishing Regulations

#### Private Acts of 1955 Chapter 189

**SECTION 1.** That it shall be lawful for any residents of Monroe County to take rough fish as they are defined in the general fish and game laws, from the water of the streams of said County by the means of a gig. Provided, however, that this Act shall not apply to any areas within said County that are owned and controlled by the United States Government.

**SECTION 2.** That nothing herein shall authorize fishing in the streams of said County without the necessity of a license from the State Fish and Game Department of the type issued to individuals.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it applies on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 3, 1955.

### Red Foxes

#### Private Acts of 1955 Chapter 190

**SECTION 1.** That there shall be a closed season upon red foxes at all times, but that red foxes may be chased with dogs at any time of the year, except as during such periods as may be fixed by the Game and Fish Commission for the protection of the species, in all counties of this State having a population of not less than 24,511 and not more than 24,515, inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open the same for such a period of time as they deem necessary and advisable.

**SECTION 2.** That it shall be unlawful to kill or trap red foxes in such counties and at any time during the year, except in any such period of time that an open season may be declared by the Game and Fish Commission. Any person violating this Act shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not less than twenty-five (\$25.00) Dollars nor more than fifty (\$50.00) Dollars.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it applies on or before the next regular meeting of such quarterly county court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 4.** That all laws or parts of laws in conflict with this Act, be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 3, 1955.

### Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Monroe County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1877, Chapter 25, made it unlawful to take and catch fish with seines, nets, traps, gigs, or by any other means than hook and line, and by trot line. Anyone whose lands were trespassed for these purposes could maintain injunctive relief or proceed by suit at law for a remedy. It was further unlawful to place the seine, net, or trap, at or near the mouth of a stream which device would prevent the free passage of fish up and down the same. The terms of this act were applicable only in the counties of Monroe, Robertson, Montgomery, Maury, Gibson, Madison,

Stewart, Franklin, Loudon, Hawkins, Henry and Crockett.

2. Public Acts of 1891, Chapter 13, amended Public Acts of 1889, Chapter 171, Section 2, a general game and fish law, so as to strike out a portion of that section which permitted the hunting of quail and partridges in the counties of Monroe and McMinn.
3. Public Acts of 1899, Chapter 97, amended Public Acts of 1895, Chapter 127, a general state law regulating fishing, so as to allow persons in Monroe County to fish with bait baskets in connection with rod and reel, or trot line, provided the slats of the basket were not less than 1 ½" apart.
4. Private Acts of 1901, Chapter 337, declared it to be unlawful to hunt deer with dogs in the counties of Monroe, Blount and Polk for a period of five years following the passage of this act. Fines for violators ranged from \$5.00 to \$25.00.
5. Acts of 1905, Chapter 515, amended Acts of 1903, Chapter 169, the general game law, so as to provide that squirrels may be caught and killed in Monroe County between June 1 and March 1.
6. Acts of 1907, Chapter 185, amended Acts of 1903, Chapter 169, the general game law, so as to allow squirrels to be killed between June 1 to March 1 in Monroe County.
7. Acts of 1909, Chapter 187, declared it to be unlawful for livestock of any kind to run at large in the counties of Monroe and Jefferson. Any person who knowingly allowed the same to happen was guilty of a misdemeanor and could be fined from \$2.00 to \$10.00 for each offense. Any damages inflicted were a lien on the invading livestock as well, which could be taken up and cared for by the person injured and the cost of that added to the lien for damages.
8. Private Acts of 1911, Chapter 102, prevented livestock from running at large in Monroe County and also created a range district in said county. This act was amended by Private Acts of 1929, Chapter 448, so as to exclude the eighteenth civil district from the fifth school district which constituted a range district.
9. Private Acts of 1917, Chapter 143, amended Private Acts of 1915, Chapter 289, an act which prohibited the killing of quail in McMinn and Blount counties, so that the provisions applied to Monroe County. Chapter 143 made it unlawful for any person to shoot, trap, or otherwise kill or destroy quail for a period of two years after December 1, 1915, after which it was against the law to kill quail at any time except from December 15 to January 1 of each year in Monroe County. Offenders could be fined from \$5.00 to \$25.00 for each offense.
10. Private Acts of 1917, Chapter 169, made it lawful to gig fish in any and all the streams of Monroe County and Polk County, provided the same be done only to obtain fish for home consumption, and that all other laws and regulations were observed. Anyone failing to comply with this act was subjected to the penalties provided under the general game and fish laws of the state.
11. Private Acts of 1921, Chapter 405, was an act by which virtually every county in the state, including Monroe, exempted themselves from the provisions of Public Acts of 1919, Chapter 61, which was a general dog law for the state.
12. Private Acts of 1921, Chapter 595, rendered it illegal for any person in Monroe County to shoot any fox or to destroy the den of any young fox, or, by means of any snare, trap, or other device, catch, maim, or otherwise destroy or injure any fox. The terms of this act did not prohibit the setting of traps and snares about one's dwelling place, barn, or out-houses, connected with and reasonably adjacent to the home, nor did it prevent the killing of any such animal which constituted a menace to crops or to domestic poultry. Fines for violations ran from \$25.00 to \$100.00 for each offense.
13. Private Acts of 1927, Chapter 409, declared it to be unlawful and a misdemeanor for any person to kill, trap, catch, or in any way, take quail or partridges for a period of three years following the passage of this act in Monroe County. The fines for non-compliance herewith went from \$5.00 to \$10.00 for each offense.
14. Private Acts of 1933, Chapter 467, amended Public Acts of 1917, Chapter 131, the general law which created the Appalachian Fish and Game Preserve in the counties of Monroe, Sevier, Blount and Polk, by deleting the words "At Tellico Plains" and inserting the words "in Monroe County" in their place. This amendment allowed the deputy warden for Monroe County to be stationed anywhere in the county rather than at Tellico Plains alone. Public Acts of 1917, Chapter 131, was superseded by Public Acts of 1951, Chapter 115, which provided for a comprehensive game and fish law for the state.gne