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Chapter II - Animals and Fish

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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

Abandoned Animals

Public Acts of 1974 Chapter 683

SECTION 1. An "abandoned animal", for the purposes of this act, is one that has been forsaken entirely by the owner thereof or his agent, or with respect to which the owner thereof or his agent has neglected or refused to provide for, or to perform the legal or contractual obligation for care and support of an animal by its owner or his agent, and such abandonment shall constitute a relinquishment of all rights and claims of the owner to such animal after notice is given as hereinafter provided.

Any animal placed in the custody of a stable or pasture keeper for treatment, boarding or other care, shall be considered to be abandoned by its owner or his agent following thirty (30) days written notice by registered mail being given by the stable or pasture keeper to the owner or his agent at the last known address of such owner or agent, and the failure of the owner or the agent to fulfill his contractual obligation within thirty (30) days after receipt of such notice with the stable or pasture keeper, and after such abandonment, may be turned over by the stable or pasture keeper to the custody of the nearest humane society or dog pound in the area for disposal as the custodian of such humane society or dog pound may consider proper. Nothing contained herein shall be construed as relieving the owner of such animal or his agent from any liability which the owner or his agent may have incurred as a result of the furnishing of such treatment, boarding, or other care by the stable or pasture keeper for the entire period the animal has been in the custody of said stable or pasture keeper.

The giving of notice as provided herein to the owner, or the agent of the owner, of such animal by the stable or pasture keeper shall relieve the stable or pasture keeper and any custodian, to whom such animal may be given, of any further liability for the care or treatment of said animal. The stable or pasture keeper or custodian of a humane society or dog pound shall not be liable for disposal of any such animal.

SECTION 2. This Act shall apply to counties having a population of more than 600,000 according to the 1970 federal census or any subsequent federal census.

SECTION 3. This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: March 20, 1974.

Dog Law

Private Acts of 1951 Chapter 384

SECTION 1. That in all counties of this State having a population of 350,000 or over, by the Federal Census of 1940, or any subsequent Federal Census, it shall be unlawful for any person to own, keep or harbor any dog over six (6) months of age which shall not have been duly vaccinated against rabies. Every dog owner shall have his dog or dogs vaccinated against rabies when the dog or dogs reaches six (6) months of age, and annually thereafter if killed virus tissue type vaccine has been used, or each third year thereafter if live virus, chicken embryo adapted type vaccine has been used. A certificate of vaccination shall be issued by a veterinarian upon a form to be furnished by the County Trustee, the County Health Department, or Collector of Licenses of any municipality as defined herein, and such certificate shall be kept by the person who owns, keeps or harbors the said dog or dogs at all times, subject to the inspection of the proper law enforcement officers.

As amended by: Private Acts of 1959, Chapter 120

SECTION 2. That it shall be the duty of the veterinarian to perform such vaccination in such manner as meets the standards of the United States Department of Agriculture, and to make such certificate of vaccination in triplicate, giving one to the person who owns, keeps or harbors the said dog, one to the County Health Department, and one shall be kept in the files of the person administering the vaccination.

SECTION 3. That all persons owning, keeping or harboring any dog over six months of age shall pay on or before March 1st of each and every year to the County Trustee a fee of Two (\$2.00) Dollars for each and every dog so owned, kept or harbored; provided, that if the said fee is not paid by May 1st of each year in which due the fee shall be Three (\$3.00) Dollars. In all cases where any dog shall become six months old between March 1st and January 1st of any year said license fee shall forthwith be due and payable to the County Trustee in the amount of Two (\$2.00) Dollars, and if not paid at the expiration of ninety (90) days the fee shall become Three (\$3.00) Dollars. The Quarterly County Court shall have full power and

authority to set and change the dates and the amount of the fees referred to in this section.

As amended by: Private Acts of 1972, Chapter 283

SECTION 4. That wherever, in any county or counties covered by this Act there exists a city or more than 275,000 population as provided by the Federal Census of 1940, or any subsequent Federal Census, and such city maintains a system of regulation and licensing of dogs substantially as provided for in this Act and charges a fee to persons owning, keeping or harboring dogs, compliance with such municipal regulations and payment of fees exacted for such compliance shall exempt such persons from the fee required by this Act to be paid to the County Trustee, but not from the requirement pertaining to vaccination of dogs.

SECTION 5. That persons operating kennels where dogs are kept shall not be required to pay the above license fees, but in lieu thereof shall pay a license as kennel keepers as follows:

For each kennel of less than ten dogs, \$5.00 per year.

For each kennel of from ten to twenty dogs, \$10.00 per year.

For each kennel of over twenty dogs, \$15.00 per year.

At the time such license fee is paid there shall be presented to the County Trustee or to the collector of licenses of a municipality as herein described a certificate of vaccination upon a form to be provided by the County Trustee or said collector of licenses showing that the dogs kept in the kennels for which license is applied have been vaccinated as herein provided.

Applicants for license as kennel keeper hereunder shall furnish to the County Trustee or collector of municipal licenses at the time of making his application, an affidavit showing under oath the maximum number of dogs to be kept at the kennel for which application is made. Any kennel keeper found in possession of more dogs than authorized by his license shall be guilty of a misdemeanor punishable by a fine of not more than Fifty (\$50.00) Dollars.

The County Trustee or collector of licenses shall collect the license fees from kennel keepers annually on or before March 1st of each year or for such quarterly periods as the kennel shall be in operation; provided, however, when such kennel is located within a municipality as herein defined, payment of the kennel fee prescribed by said city shall exempt such kennel keepers from the kennel fees required herein.

SECTION 6. That it shall be the duty of the County Trustee or the collector of licenses of cities as prescribed herein to collect the license fees under this Act. He shall record substantially the following information: The name of each person paying a license fee on any dog or dogs, the date and amount of such payment, the description and sex of each dog on which a license fee is paid, the license tag number issued by him for such dog and the date when said dog was vaccinated. No license shall be issued unless a valid certificate of vaccination is exhibited at the time the request for license is made. Upon presentation of the certificate of vaccination and upon receipt of the payment of the license fee the County Trustee or his duly authorized agent or the said collector of licenses or his duly authorized agent, shall cause to be issued to the person paying the same, a receipt showing substantially the following information: Name of the owner of the dog, the date and amount of such payment, the license tag number issued for each dog, and the date of vaccination of such dog; and in addition shall deliver with the receipt a metal license tag bearing a serial number and the year for which the license fee is paid. Such tag shall be supplied by the County Chairman or by said municipality out of the revenue of the County or City. It shall be the duty of the owner to attach such license tag to a collar which shall be worn by each dog licensed. In the event of the loss of such license tag it shall be the duty of the person owning, keeping or harboring the dog to apply to the County Trustee or City License collector who shall issue a duplicate tag for which he shall be paid the sum of Twenty-five (25¢) Cents and said duplicate tag shall be forthwith attached to the dog's collar and at all times worn thereon; provided, that in any case the collar may be removed from hunting dogs while in chase or returning therefrom. But nothing contained herein shall authorize the use of an unlicensed and unvaccinated dog either in the hunt or chase.

SECTION 7. That it is hereby declared a misdemeanor for any person to own, keep or harbor any dog or dogs for which a license fee has not been paid as required by this Act, or who shall own, keep or harbor any dog which has not been vaccinated against rabies as provided herein; every person found guilty of either offense shall upon conviction be fined not less than Five (\$5.00) Dollars nor more than Fifty (\$50.00) Dollars. The municipal court of any municipality, as provided herein, shall have jurisdiction to enforce violations of this Act occurring within the boundaries of any such municipality by the imposition of a fine not to exceed Fifty (\$50.00) Dollars.

SECTION 8. That any dog found running at large, in violation of the provisions of this Statute, may be seized by the proper County or Municipal authorities or by any Peace Officer and imprisoned in the County or Municipal Pound. When said dog is so found running at large, the owner, if the dog bears a tag, shall be notified by a postcard addressed to his last known mailing address to appear within five (5) days and

redeem his dog or the same will be destroyed or otherwise disposed of. If the owner appears to redeem his dog, he shall pay a penalty of One and 50/100 (\$1.50) Dollars for each dog so seized and impounded, and thereupon the dog shall be delivered to him. If the dog so seized is unvaccinated, the owner, before he is permitted to regain possession of the said dog, shall have the said animal vaccinated and present the certificate of vaccination to the Pound authority. The payment of this Pound fee, however, and the delivery of the dog to the owner shall not relieve the owner from the other penalties provided for the violation of this Act. If the owner does not appear after the notice has been mailed to him, or if after appearing declines to pay the Pound fee prescribed herein and redeem his or her dog or dogs, then the County or Municipality may destroy the said dog or dogs or dispose of same in the sole discretion of the Pound authority.

SECTION 9. That any person who does not desire to pay the tax herein shall bring said animal to the Municipal or County Pound to be destroyed or otherwise disposed of in the discretion of the Pound keeper.

SECTION 10. That if any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, any representative of the Health Department or County or City Officer charged with the enforcement of this Act may cause such dog to be confined or isolated for such time as the County Health Department deems it necessary to protect the safety of the people or property.

SECTION 11. That this Act shall not be held to prohibit transportation of dogs through any County in which the Act is applicable, provided said dogs are securely confined or kept upon a leash during their transportation through the County.

SECTION 12. That any person who knowingly shall hide, conceal or aid or assist in hiding or concealing any dog owned, kept or harbored in violation of any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction fined not less than Five (\$5.00) Dollars nor more than Fifty (\$50.00) Dollars.

SECTION 13. That the County Court or the Municipality in the Counties or Municipalities to which Act is applicable, shall have full power and authority either jointly or separately to use any portion of the funds derived from the administration of this Act or such additional funds as may be authorized therefor; to appoint an inspector or inspectors, and to provide a suitable Pound or Pounds or places of enclosure for such dogs, together with proper lethal chambers, and shall also be authorized to provide facilities for the vaccination of said dogs and to administer said vaccinations.

SECTION 14. That Chapter 823 of the Private Acts of 1935 and all Acts amendatory thereof be and the same are hereby repealed.

SECTION 15. That if any part or parts of this Act shall be declared unconstitutional it shall not affect the validity of any other part of this Act.

SECTION 16. That all laws and parts of laws in conflict with provisions of this Act, be, and they are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 6, 1951

Trapping Devices

Private Acts of 1915 Chapter 347

SECTION 1. That it shall be unlawful for any person to set, more than two hundred yards from his residence, in counties of 191,430 to 191,450 and in counties of 149,470 to 149,490, in population in Tennessee according to the Federal Census of 1910 and all subsequent censuses, a steel trap, a dead fall, or any other device that is liable to cause or capable of causing lingering pain or suffering to any animal, beast or person caught therein, thereby or thereunder; *provided that* nothing in this Act shall be construed as prohibiting any person from setting, anywhere upon his own lands, a steel trap on top of a post or pole and more than four feet above the ground or on the ground above a dead fowl killed by a hawk--the purpose in setting such steel trap in such place to be the catching of the hawk--and *provided further*, that said trap set under said conditions shall be closed or taken up before six o'clock P.M., each and every day.

As amended by: Private Acts of 1917, Chapter 124

SECTION 2. That a violation of this Act shall constitute a misdemeanor, and any person convicted of such misdemeanor shall be fined not less than twenty-five dollars nor more than fifty dollars for each steel trap, dead fall, or other device which he sets or which he causes to be set in violation of this Act.

SECTION 3. That all grand juries in the county or counties aforesaid shall have inquisitorial powers

concerning violation of this Act and shall make due presentment of all persons violating any of its provisions; and Circuit and Criminal Court Judges shall give this act in charge to said grand juries.

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

Passed: May 7, 1915.

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 Shelby 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 1870, Chapter 99, protected deer and squirrel from February 1st to September 1st of each year, and protected most birds, along with their eggs and nests, from hunting and destruction.
2. Public Acts of 1871, Chapter 1, amended Public Acts of 1870, Chapter 108, by adding Shelby County to the provisions of the act which provided for the protection and preservation of game.
3. Public Acts of 1879, Chapter 198, made it unlawful to take fish from the waters of Shelby County except by means of a baited hook and line or a trot line.
4. Public Acts of 1899, Chapter 23, prevented stock from running at large in counties of the state having a population of 59,000 or more, according to the Federal Census of 1890. This act was amended by Public Acts of 1901, Chapter 114, which increased the population size to 72,000 and Private Acts of 1921, Chapter 961, which provided that any person owning land upon which any animal had ran in large, in violation of the provisions of Public Acts of 1899, Chapter 23, had the right to take up and confine such animal and to have a lien upon the animal taken up as compensation for the cost and value of the food and care of the animal so taken up. Furthermore, Private Acts of 1921, Chapter 926, placed the duty of enforcing the fence law in the office of the assessor and collector of dog license taxes.
5. Public Acts of 1899, Chapter 255, was an act to protect quail and partridge in Shelby County. It made trapping or netting them illegal at anytime and forbade killing, capturing, selling or having in possession for sale quail and partridges between November 1st to February 1st of each year.
6. Public Acts of 1899, Chapter 331, made it a misdemeanor for any person to kill or trap quails in Shelby County, after November 15, 1900.
7. Private Acts of 1911, Chapter 369, specified the penalties for shooting or trapping quails in Shelby County - a fine of \$25 for first offenders; thirty days in the county workhouse for the second offense; and a six month term for the third offense.
8. Private Acts of 1915, Chapter 691, made it unlawful from February 1st to September 1st of each year for any person to kill in any manner beaver, muskrat, fox, mink, raccoon, skunk, opossum, or weasel, or to molest their nests or transport them out of the county.
9. Private Acts of 1935, Chapter 823, was the first dog law for Shelby County, containing provisions for their registration, licensing and vaccination. It was amended by Private Acts of 1941, Chapter 424, Private Acts of 1935, Chapter 103 and repealed by Private Acts of 1951, Chapter 384, the current dog law found in this chapter.
10. Private Acts of 1937, Chapter 495, made it a misdemeanor for any person to allow stock to run at large in Shelby County.
11. Private Acts of 1969, Chapter 97, attempted to amend the dog law for Shelby County, Private Acts of 1951, Chapter 384, to require a license fee for all dogs over the age of six months, due on March 1st and delinquent after May 1st. This was not approved by the quarterly county court and never became operative.
12. Public Acts of 1974, Chapter 681, provided for the forfeiture to humane societies of mistreated and neglected animals in all counties of the state with a population of 600,000 or more, according to the Federal Census of 1970. This act was amended by Public Acts of 1978, Chapter 760, which allowed any humane society the right to bring a civil action in any court of law, rather than just in the circuit court.
13. Public Acts of 1974, Chapter 682, provided for the disposition of abandoned animals in all counties with a population of 600,000 or more, according to the Federal Census of 1970.

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