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Chapter II - Animals and Fish

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

Anti-Rabies Law

Private Acts of 1967-68 Chapter 440

SECTION 1. This Act shall be cited as "The Hamilton County Anti-Rabies Law."

SECTION 2. That the following definitions shall apply in the interpretation and enforcement of this Act.

(a) Dog--All members of the dog family, three (3) months or more of age.

(b) Owner--Any person having a right of property on a dog, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or who permits a dog to remain on or about any premises.

(c) Vaccination--The injection of a rabies vaccine for dogs which meets the standards prescribed by the United States Department of Agriculture for interstate sale.

(d) Poundkeeper--Humane Educational Society of Chattanooga, Inc.

SECTION 3. That it shall be unlawful for any person to own, keep or harbor any dog which has not been vaccinated against rabies as required by this Act. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog shall be revaccinated, description and sex of the dog vaccinated, type and lot number of vaccine administered and the signature of the person administering the vaccine. The certificate shall be prepared in triplicate, the original shall be given to the owner, first copy filed in the office of the local public health department and the second copy retained by the person administering the vaccine. The certificate form shall be prepared and distributed by the state department of public health. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee.

All persons owning, keeping or harboring any dog over three (3) months of age in Hamilton County shall pay a registration fee of two dollars (\$2.00) per dog beginning on the effective date of this Act, and three dollars (\$3.00), per dog one (1) year from the effective date of this Act (except that no registration fee paid by any person shall exceed thirty dollars (\$30.00) per year) so owned, kept or harbored, to the poundkeeper of Hamilton County on or before the first day of June.

As amended by:

Private Acts of 1974, Chapter 284

Private Acts of 1987, Chapter 105

Upon approval of this Act as provided in Section 13, hereof, one-half (1/2) of the above registration fees shall be paid by such persons as are subject to the provisions of this Act on or before June 1, 1968.

The poundkeeper shall issue a registration certificate on receipt of the registration fee to the owner of the dog, giving the owner's name, date issued, amount paid, description and sex of the dog for which the registration is being issued; the registration tag number issued; the date said dog was vaccinated and the type of vaccine used. The poundkeeper shall deliver a metal registration tag bearing the serial number of the registration certificate and the year in which it was delivered. No dog registration certificate shall be issued unless an unexpired certificate of rabies vaccination is exhibited. No kennel registration certificate shall be issued unless an unexpired certificate of rabies vaccination for each dog to be kept in the clinic is exhibited. It shall be the duty of the owner of each dog to attach the registration tag to the collar which shall be worn at all times by all dogs registered; and in the event the registration tag is lost, the poundkeeper shall issue a duplicate tag for a fee of two dollars (\$2.00), and said duplicate tag shall be attached to the dog's collar and at all times be worn thereon; provided that the collar may be removed in case of hunting dogs while in the chase, but nothing contained herein shall authorize the use of an unregistered dog either in the hunt or chase.

All fees for registration as provided herein shall be known as the "Rabies Control Fund" and shall be disbursed by the poundkeeper, under contract with and subject to the general direction of the County Council, only for the payment of salaries of rabies control officers appointed by the poundkeeper, for the establishment and operation of a dog pound, or for other expenses incidental to the enforcement of this Act. Any funds remaining at the end of any fiscal year shall be carried over to the next fiscal year, and its expenditure authorized by the poundkeeper only for the purposes of rabies control.

As amended by:

Private Acts of 1969, Chapter 141

Private Acts of 1987, Chapter 105

SECTION 4. That every dog owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the dog vaccinated; provided that the collar may be removed in case of

hunting dogs while in chase or returning from the chase. But nothing herein shall be construed as permitting the use of an unvaccinated dog in either hunt or chase.

SECTION 5. That any person failing to have their dog vaccinated, or any person failing to have their dog registered, as required under the provisions of this Act, shall upon conviction be guilty of a misdemeanor, and be fined not less than two (\$2.00) dollars nor more than ten (\$10.00) dollars.

SECTION 6. That this Act shall not be held to prohibit transportation of dogs through the county, provided said dogs are securely confined or kept upon a leash during their transportation through the county.

SECTION 7. 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, the County Health Department may cause such dog to be confined or isolated for such time it deems necessary.

SECTION 8. That any person who shall hide, conceal or aid or assist in hiding or concealing any dog owned [sic] kept or harbored in violation of any of the provisions of this Act shall be guilty of misdemeanor.

SECTION 9. That the grand jury shall have inquisitorial power to investigate violations of this Act, and it shall be its duty to do so.

SECTION 10. That it shall be the duty of the County Health Department and all peace officers to enforce the provisions of this Act.

SECTION 11. That any municipality maintaining a program for the control of rabies shall be exempt from the operation of this Act.

SECTION 12. That any dog found running at large or of a vicious nature may be seized by the proper health officers or by any peace officer and placed in the dog pound. If said dog is wearing a tag, the owner shall be notified by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a pound fee of eleven dollars (\$11.00) for the first offense plus three dollars (\$3.00) board for each day the dog is kept in the pound; fifteen dollars (\$15.00) for the second offense plus three dollars (\$3.00) for each day the dog is kept in the pound; and twenty-five dollars (\$25.00) for the third and any subsequent offense(s) plus three dollars (\$3.00) board for each day the dog is kept in the pound or the same will be destroyed unless legally claimed by the owner within two (2) days. No dog shall be released in any event from a pound unless and until it has been vaccinated and a tag placed on its collar.

As amended by:

Private Acts of 1969, Chapter 141

SECTION 13. That this Act shall have no effect unless the same be approved by two-thirds (2/3) vote of the Legislative Body of Hamilton County, Tennessee, to which this Act applies, within thirty (30) days after its passage. The presiding officer of such Body shall proclaim its approval or non-approval and certify the same to the Secretary of State.

SECTION 14. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1968.

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 Hamilton 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 1893, Chapter 59, made it unlawful for any person to hunt, kill, capture any wild deer in several named counties, including Hamilton, from the first day of December to the thirtieth day of September of each year. The violation of the act was declared to be a misdemeanor. This act was repealed by Private Acts of 1978, Chapter 208.
2. Acts of 1905, Chapter 504, defined a lawful fence for Hamilton County including seven different types. The owners of trespassing livestock were declared liable for damages and the owner of damaged land was granted a lien upon trespassing stock for his damages if executed within three months from the time of the damages being inflicted.
3. Private Acts of 1911, Chapter 269, is almost identical to the above 1905 Act in defining lawful fences except that "stakes" are removed in this act from the fence described in the second portion and the population figures are changed.
4. Private Acts of 1917, Chapter 783, authorized the county court of Hamilton County to divide the county into two districts separated by the Tennessee River and by resolution prescribe the character of fence for each district.

5. Private Acts of 1919, Chapter 65, directed that an election be held in the second and third civil districts of the Hamilton County to ascertain the will of the people with reference to the enactment of a no-fence or stock law for the county. The act stated the details of the manner in which the election should be held.
6. Private Acts of 1919, Chapter 187, amended the above Chapter 65 by striking out "For a no-fence or stock law" and "Against a no-fence or stock law" on the ballot for the election and substituted "For a hog-proof fence law" and "For a no-fence law" and "For a four wire fence law."
7. Private Acts of 1919, Chapter 651, made some changes in the specifications of lawful fences in an act applicable to counties between 70,000 and 90,000 population, but did not impose liability on anyone for straying livestock. The act was the subject of litigation in Falkner v. Whitehurst, 144 Tenn. 62, 229 S.W. 146 (1920), in which the court upheld the constitutionality of the act and granted injunctive relief as prayed for by complainants.
8. Private Acts of 1921, Chapter 747, made it unlawful for any owner of hogs, sheep, or goats, to allow the same to run at large in Hamilton County. A lien for damages was granted to the aggrieved party who could also take up and confine said animals and be paid a reasonable amount for doing so.
9. Private Acts of 1921, Chapter 753, exempted Hamilton County by population figures from the provisions of Public Acts of 1919, Chapter 61, "An act to regulate the owning, keeping and harboring of dogs."
10. Private Acts of 1921, Chapter 774, in addition to the definitions of lawful fences then lawful, adds another description of a lawful fence and, probably due to the court decision on the previous act, made it the responsibility of the owner of livestock to keep them up, giving a damaged party a lien on the animals trespassing for the damages accrued if enforced within three months by attachment or judgement and execution.
11. Private Acts of 1927, Chapter 257, permitted the hunting and killing, buying, selling and shipping of rabbits throughout the year in several counties, including Hamilton. This act was amended twice in 1929 to exclude two counties neither of which was Hamilton. The state fish and game commission declare seasons, and creel limits for all sorts of wildlife now.
12. Private Acts of 1927, Chapter 212, was also a statute about livestock running at large broadening the term livestock to include horses, mules, sheep, cattle, swine and goats. The lien was granted to the damaged party who could further collect for the reasonable cost of upkeep. The offender was further subject to a fine for violation of the act. This act was attacked in Daughtery v. State, 159 Tenn. 574, 20 S.W.2d 1042 (1929), the basis being that the governor did not sign the bill in five days.
13. Private Acts of 1929, Chapter 679, also made the one having the control or management of the livestock liable for damages as well as the owner if the stock were negligently permitted to run at large.

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