

Tenn. Code Ann. § 70-4-405

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*** Current through the 2015 Regular Session and amendments approved at the November 4,
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Title 70 Wildlife Resources
Chapter 4 Miscellaneous Regulations
Part 4 Exotic Animals

Tenn. Code Ann. § 70-4-405 (2015)

70-4-405. Housing and transportation of wildlife -- Requirements.

(a) Wildlife housed in dangerously unsafe conditions constituting a threat to human safety shall, at the direction of agency personnel, be placed in agency approved facilities at the owner's expense.

(b) Any condition that results in wildlife escaping from its enclosure, cage, leash or other constraint shall be considered maintaining wildlife in an unsafe manner and shall be a violation of this part.

(c) Cages shall be sufficiently strong to prevent escape and to protect the caged animal from injury.

(d) No person shall maintain any wildlife in captivity in any unsanitary or unsafe condition or in a manner that results in the maltreatment or neglect of such wildlife, nor shall any species of wildlife be confined in any cage or enclosure that does not meet the cage specifications.

(e) Enclosure in which wildlife is held in captivity shall be maintained as follows:

(1) **Water.** Drinking water shall be provided daily in clean containers. Swimming or wading pools shall be cleaned as needed to ensure good water quality. Enclosures shall provide adequate drainage of surface water;

(2) **Food.** Food provided shall be unspoiled and not contaminated; and

(3) **Waste.** Fecal and food waste shall be removed from cages daily and stored or disposed of in a manner that prevents noxious odors or insect pests. Hard floors shall be scrubbed and disinfected weekly. Large pens and paddocks with dirt floors shall be raked every three (3) days and the waste removed.

(f) The commission may promulgate rules and regulations requiring specific cage requirements

for any species of live wildlife.

(g) Stationary facilities -- Class I wildlife. (1) All stationary facilities must be surrounded by a perimeter fence, or secondary barrier, of at least eight feet (8') in height and a minimum of four feet (4') from the cage holding the animal, or such other fencing, building or other protection of the enclosure where the animal is kept sufficient to prevent unauthorized public entry or direct physical contact between the animal and the public.

(2) All cages shall be well braced and securely fastened to the floor or in the ground and shall utilize metal clamps or braces of equivalent strength as that prescribed for cage construction.

(3) All cage entrances shall have double safety doors, one (1) of which only opens to the inside. These doors must remain locked at all times when unattended with chains and locks of sufficient strength to prevent the animal from breaking open the door if highly excited.

(4) All cages shall be constructed with a den, nest box or other connected housing unit that can be closed off and locked with the animal inside for the safe servicing and cleaning of the open area. In lieu of a nest box, a divided cage with a door between the two (2) compartments may be used.

(5) All outdoor cages shall provide adequate shelter from inclement weather conditions, shade from the sun and provide for the protection and health of the wildlife held.

(6) The mesh size or distance between bars shall be sufficiently small to prevent the escape of the animal being held.

(7) Restraint by tethering cannot be used as a means to hold an inherently dangerous animal in captivity, except for elephants within a perimeter fence or trained elephants under the immediate supervision of a qualified trainer or handler.

(8) All animals shall be kept in cages that meet the following minimum criteria, or shall be housed in buildings in which the strength of the walls, and the restraints affixed to all windows, doors and other means of entry or exit in effect meet such minimum criteria:

(A) Felidae and Ursidae. (i) All cages shall be constructed of and covered at the top with nine (9) gauge steel chain link or equivalent, with tension bars and metal clamps to prevent the escape of the animal; provided, that animals, except tigers, leopards and jaguars, may be held in facilities without a top where the sides of the cages are a minimum of eleven feet (11') high with the top three feet (3') of fencing turned in at a forty-five degree (45 degrees) angle. No structures that could provide potential escape routes may be present near the fence of an open top cage;

(ii) All cages for cougars and cheetahs shall be constructed as specified in subdivision (g)(8)(A)(i) except that minimum strength shall be of eleven and one half (11 1/2) gauge steel chain link or equivalent;

(B) Canidae. All cages shall be constructed of and be covered at the top with eleven and

one-half (11 1/2) gauge steel chain link or equivalent, with tension bars and metal clamps to prevent the escape of the animal; provided, that animals may be held in facilities without a top where the sides of the cage are a minimum of nine feet (9') high with the top three feet (3') of fencing turned in at a forty-five degree (45 degrees) angle;

(C) Elephants, rhinoceros, hippopotamus and African buffalo. (i) Construction materials shall consist of steel bars, masonry block or equivalent. If masonry block construction is used, the holes in the blocks must be filled with steel reinforced concrete to provide sufficient strength;

(ii) Restraints consisting of a barrier system of moats or other structures as are commonly accepted as suitable to restrain and contain these animals in paddocks or corrals may be used in lieu of a cage;

(D) Poisonous animals. Poisonous animals shall be kept in a cage or in a glass enclosure sufficiently strong, and, in the case of a cage, of small enough mesh to prevent the animals' escape. The cage or glass enclosure must be kept inside an outer cage, or glass enclosures must be kept locked at all times. No person except the permittee or such person's authorized employee shall open any cage or other container that contains poisonous animals. Persons keeping poisonous animals shall have in their possession antivenin for each species possessed;

(E) Chimpanzees, gorillas, orangutans. Cage construction materials shall consist of steel bars, two inch (2") galvanized pipe, reinforced masonry block or their strength equivalent;

(F) Drills, mandrills, baboons, Gelada baboons, gibbons, siamangs. Cage construction materials shall consist of not less than nine (9) gauge steel chain link or equivalent; and

(G) Alligators and crocodiles. Cages shall consist of fencing at least five feet (5') in height of not less than eleven and one-half (11 1/2) gauge chain link or equivalent.

(9) A facility that meets the requirements to be a zoological institution may use methods approved by the American Association of Zoological Parks and Aquariums for the purposes of restraint, containment and the prevention of escape and public contact for Class I animals, instead of the requirements listed in the preceding subdivisions.

(h) Mobile facilities. No mobile facility shall be used in transporting any wildlife except as follows:

(1) Facilities shall be equipped to provide fresh air without injurious drafts and adequate protection from the elements to all animals;

(2) The animal traveling area shall be free of engine exhaust fumes;

(3) Animal cages shall have openings for the emergency removal of wildlife;

(4) Cages shall be large enough to ensure that each specimen has sufficient room to stand erect and lie naturally;

(5) Wildlife transported in the same cage area shall be in compatible groups;

(6) Facilities used in transporting or temporarily exhibiting Class I wildlife shall be constructed of steel or case hardened aluminum of sufficient strength to prevent the escape of wildlife being transported. Such facilities shall be constructed in such a manner to prevent contact between the animal or animals and the general public. All doors shall be locked when the facility is in use;

(7) Poisonous reptiles shall only be transported in a strong, closely woven cloth sack, tied or otherwise secured. This sack shall then be placed in a box. The box shall be of strong material in solid sheets, except for small air holes, which shall be screened. Boxes containing poisonous reptiles shall be locked and prominently labeled "Danger -- Poisonous Snakes" or "Danger -- Poisonous Reptiles," and shall include the owner's name, address, telephone number and list of number and species being transported;

(8) Temporary exhibits shall be housed in cages that meet the minimum cage specifications as provided in the section on stationary facilities when such wildlife is present in any geographical location for more than ten (10) days; and

(9) Prior to entering the state of Tennessee, temporary exhibitors shall submit a schedule that details the exact locations and dates of shows and places where such wildlife will be exhibited while in the state. Failure to provide such a schedule upon application for a permit shall be grounds to deny issuance of such permit.

HISTORY: Acts 1991, ch. 487, § 1; 1993, ch. 287, § 1.