

Chapter 10

ANIMALS⁹

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***Cross references**—Access to private property by county officials, § 2-2; location of certain types of livestock and farming operations, § 14-8; law enforcement, ch. 32.

State law references—County's authority to exercise animal control, Ga. Const. art. 9, sec. 2, par. 3(a)(3); livestock running at large or straying, O.C.G.A. § 4-3-1 et seq.; permitting dogs in heat to roam or run free, O.C.G.A. § 4-8-6; Dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; control of rabies, O.C.G.A. § 31-19-1 et seq.; cruelty to animals, O.C.G.A. § 16-12-4; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-6.

Sec. 10-1. Title.

This chapter shall be known as the animal control ordinance of the county.
(Ord. of 3-5-91, § 1)

Sec. 10-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned animal means a domesticated animal which has been placed or found upon private or public property or roadways without the permission of the owner, tenant or custodian of the property thereof, and left unattended and uncared for upon such property. An animal shall also be considered abandoned if it is retained upon the property of the owner or custodian without food and water for a period exceeding 36 hours.

Animal control officer means any person designated by the board of commissioners to enforce the provisions of this chapter.

Animal control shelter means the facility designated by the board of commissioners for the detention or impoundment of animals.

Domesticated animal means an animal that is accustomed to living in and about households within the population including but not limited to fowl, cats, dogs and household pets. There is excluded from this definition domesticated animals commonly raised or used for agricultural purposes including cows, horses, swine, sheep and goats.

Guard dog means a dog that has been trained to attack persons or other animals independently or upon command or any dog, while not so trained, which reasonably is expected to perform as a guardian of the property upon which he is located.

Humane manner means care of a domestic animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter; or manner of restraint, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

Owner means any person who owns, keeps, harbors or acts as custodian of a domesticated animal for a period of 72 hours or more.

Vicious or diseased animals means any animal which constitutes a physical threat to human beings or other domesticated or wild animals by virtue of attacking or biting a person or other animal without provocation shall be deemed a vicious animal. This definition shall not be deemed to include any activity which is permitted under the game laws of the state.
(Ord. of 3-5-91, § 3; Ord. of 4-7-92, § 1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 10-3. Animal control division.

The animal control division of the county is hereby created. The division shall be under the control of the board of commissioners and subject to the general oversight of the county administrator.

(Ord. of 3-5-91, § 2)

Sec. 10-4. Contractual agreements with municipalities authorized; conditions.

The board of commissioners may enter into a contractual agreement with any municipality within the county to provide animal control services to such governmental unit. No such contract may be entered into until the municipality shall adopt and have in full force and effect an animal control ordinance that shall be similar to this chapter.

(Ord. of 3-5-91, § 4)

Sec. 10-5. Penalty.

(a) Any person who violates the provisions of this chapter shall be issued a citation, that violation is to appear in the magistrate court of the county. Such a citation may be issued by an employee of the animal control division based upon his own personal knowledge or upon a sworn written statement of another person who witnessed the violation, in which case the witness shall be subpoenaed to testify for the county in the magistrate court.

(b) Any person convicted of a violation of this chapter shall be punished by fine or imprisonment that shall not exceed the maximum punishment permitted by law (O.C.G.A. § 15-10-60). Applicable court costs shall be levied in addition to any punishment imposed.

(Ord. of 3-5-91, § 17; Ord. of 4-6-93, § 1; Ord. of 11-4-97, § 1)

Sec. 10-6. Nuisances.

It shall be unlawful for any person to permit an animal under his ownership, possession, control or care to be a nuisance at any time in the unincorporated area of the county. An animal shall be deemed to be a nuisance for the following reasons:

- (1) Lack of proof of current rabies vaccination.
- (2) Biting of person or animal.
- (3) Presence on private or public property in such manner as to threaten injury or damage of persons or property including but not limited to crops, vegetation, livestock or wildlife.
- (4) Roaming of streets or private property in groups of two or more.
- (5) Upon request by law enforcement agency or health department following investigation and determination that an animal is a nuisance or vicious.

(Ord. of 3-5-91, § 5)

Sec. 10-7. Vicious animals.

It shall be unlawful for any person to possess or maintain in the unincorporated area of the county any animal that is vicious unless such animal is confined and secured upon the property of the owner or other person having custody of such animal in such a manner that would prohibit such animal from molesting, attacking or biting any person or other animal.
(Ord. of 3-5-91, § 6)

Sec. 10-8. Guard dogs.

It shall be the duty of the owner, tenant or custodian of any residential property on which a guard dog or security dog is kept for security purposes to post a notice in a prominent and conspicuous location on such property. Such notice shall comprise the words "WARNING—GUARD DOG" and shall be in clearly distinguishable block letters upon a background of clearly contrasting color. Such letters shall not be less than one inch in width and not less than five inches in height. Further, the owner, tenant or custodian shall post the universal symbol for guard/dangerous dog in a prominent and conspicuous location on such property. If a guard dog is confined within a fenced area, such notice shall be conspicuously posted upon such fence at every entrance and exit of the fence.
(Ord. of 3-5-91, § 7)

Sec. 10-9. Inoculation, wearing of collar and tag.

Every owner or custodian of a dog or cat that is four months of age or older within the unincorporated area of the county shall have his dog or cat vaccinated for rabies. It shall be unlawful for any person to own, possess or maintain any dog or cat that does not have a current rabies inoculation and any such dog or cat shall at all times wear a securely attached collar about its neck or harness that shall have attached thereto a current rabies tag.
(Ord. of 3-5-91, § 8)

Sec. 10-10. Impoundment of animals.

Any animal that shall be a public nuisance as defined herein, is unattended or otherwise in violation of this chapter, whether or not the animal is on private or public property, shall be impounded by the animal control division in accordance with the rules and regulations adopted pursuant to this chapter.
(Ord. of 3-5-91, § 9)

Sec. 10-11. Redemption of impounded animal.

It shall be the duty of the animal control division to notify the owner, if known or can be reasonably ascertained, of every animal impounded by telephone or by mail. If no owner can be ascertained, the animal will be held for three days before being destroyed unless other arrangements have been made. Following notification, the animal will be held for three days. Thereafter, the animal may be destroyed or placed for adoption. Before release, the owner must

provide proof of current rabies vaccination or pay for rabies vaccination before release. No animal will be released without proper rabies protection or necessary arrangements made for rabies inoculation.

(Ord. of 3-5-91, § 10)

Sec. 10-12. Redemption fees.

The following fees must be paid before a dog or cat is retrieved by owner.

	<i>Dogs</i>	<i>Cats</i>
Impoundment fee	\$20.00	\$10.00
Boarding fee per day beginning upon entrance	4.00	2.00
Rabies vaccination	\$1.00 above the customary charge for rabies vaccinations by veterinarians within the county	

(Ord. of 3-5-91, § 11)

Sec. 10-13. Adoption procedure.

(a) The animal control division is authorized to offer for adoption any animal that has been impounded and unclaimed by the owner or has been delivered to the division.

(b) Any animal that is eligible for adoption may be offered after three days from the date of impoundment if the owner is unknown or within three days of notice to the owner if the owner is known. The party desiring the animal shall pay the impoundment fee and one day's boarding fee as an adoption fee and the cost of rabies inoculation if the animal is not displaying a current rabies inoculation tag.

(Ord. of 3-5-91, § 12)

Sec. 10-14. Disposal of unclaimed animals.

The animal control division shall be authorized to dispose of any animal in as humane and painless a manner as possible, or to donate any animal to a public or nonprofit institution or agency, if such animal has remained unclaimed within the prescribed period of time or has not been adopted within three days after impoundment or notice to the owner, or it has been injured and is suffering or in great pain and such animal does not display an identification tag or no determination of owner can be made from a reasonable investigation.

(Ord. of 3-5-91, § 13)

Sec. 10-15. Disposal of animal does not relieve owner's liability.

The disposal of any animal as provided in this chapter does not relieve the owner of any liability for any violation of this chapter. If the owner of any animal is known or ascertainable

but for any valid reason cannot be reached within the prescribed three-day period, the animal control division shall be authorized to hold the animal until such time as the owner can be reached.

(Ord. of 3-5-91, § 14)

Sec. 10-16. Abuse.

The animal control service shall be authorized to remove or cause to have removed to a safe location any animal that appears to be abused or suffering undue pain from abuse or neglect, as may be necessary to prevent further suffering. The owner or possessor of the animal shall be charged according to O.C.G.A. § 16-12-4.

(Ord. of 3-5-91, § 15)

Sec. 10-17. Obstruction of officer.

It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any officer of the animal control division in the official performance of the duties as provided in this chapter.

(Ord. of 3-5-91, § 16)