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### **Sec. 4-1. City designated as a bird sanctuary; prohibited acts enumerated.**

(a)

The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(b)

It shall be unlawful for any person to kill, shoot, trap, snare, poison or otherwise maim or injure any bird within the city, or to attempt to do any of these things or otherwise do any act which would destroy or diminish bird life in the city, including the destruction of nests, feeding places, housing facilities or other places of habitation for birds.

*(Code 1985, § 4-4-1; Ord. No. 12-2007, § I, 10-22-07)*

### **Sec. 4-2. Livestock restricted in city.**

(a)

It shall be unlawful for any person to keep any hogs, cattle, sheep, goats, horses, mules, poultry or any other such animals for commercial purposes.

(b)

It shall be unlawful for any person to keep any hogs, cattle, sheep, goats, horses, mules, poultry or any other such animal in a shed, pen, stall, or other such enclosure within 400 feet of any residence or within 500 feet of any public street in the city.

*(Code 1985, § 4-4-2; Ord. No. 12-2007, § I, 10-22-07)*

### **Sec. 4-3. Impoundment; notice; redemption prohibited in certain instances.**

(a)

The following animals shall be subject to seizure and impoundment by the city, its agents and employees:

(1)

All dogs upon which a valid unexpired tag indicating inoculation against rabies is not appropriately attached as provided in article II of this chapter.

(2)

Any dog which, in the opinion of the animal control officer, creates a public nuisance by offensive noise, offensive odors, destruction of property or landscape, vicious or intimidating behavior, and excrement that remains uncollected by the dog's owner on property other than that belonging to the owner of such dog.

(3)

All female dogs found roaming at large in violation of section 4-34.

(4)

All animals determined to be a public nuisance under this chapter.

(5)

Any dog whose ownership is unknown.

(6)

Any dog running at large.

(7)

Any animal determined to be improperly cared for, abandoned, abused, or neglected as described in sections 4-36 through 4-40.

(b)

Notice of the impoundment shall be given immediately by mail or telephone call to the owner of the impounded dog, if such owner may be ascertained.

(c)

The notice of impoundment shall contain a general description of the animal impounded, including color, sex and breed, if discernable.

(d)

Any dog or other animal impounded for being a public nuisance may be temporarily redeemed subject to a permanent ruling from the court having jurisdiction. Animal control should be prepared to show the court why the animal should remain in custody.

(e)

When, in the judgment of the city or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed.

*(Code 1985, § 4-4-14; Ord. No. 91-008, 3-25-91; Ord. No. 94-021, § I, 9-12-94; Ord. of 12-2007, § I, 10-22-07)*

#### **Sec. 4-4. Disposal; redemption; costs and expenses.**

(a)

If, following impoundment, a dog or other animal is not claimed or redeemed by its owner after three full days of impoundment, animal control may dispose of such animal by any of the following methods:

(1)

The animal may be placed in an adoptive home.

(2)

The animal may be sold.

(3)

The animal may be destroyed by such humane method as animal control may deem appropriate.

(b)

The owner of any impounded dog or other animal may claim the dog or other animal and it may be redeemed by its owner upon payment to the city the cost and expense of impounding and keeping the dog or other animal, such costs and expenses to be determined from time to time by animal control with the approval of the city manager.

*(Code 1985, § 4-4-16; Ord. No. 12-2007, § 1, 10-22-07; Ord. of 9-13-10)*

**Secs. 4-5—4-30. Reserved.** 

## ARTICLE II. DOGS <sup>121</sup>

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Sec. 4-31. Definitions.

Sec. 4-32. Rabies inoculation.

Sec. 4-33. Rabies tags required.

Sec. 4-34. License fee required.

Sec. 4-35. Female dog in heat.

Secs. 4-36—4-60. Reserved.

**Sec. 4-31. Definitions.** 

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

*Owner of the animal* shall mean a person who owns, harbors or keeps or knowingly permits an animal to be harbored or kept or has an animal in their care, or who permits an animal to remain on or about their premises.

*Premises* shall mean a parcel of land and the structures thereon.

*Registered dog* shall mean an animal licensed by the city as provided in this article.

*Running at large* shall mean any dog that is not:

(1)

Under the control of its owner or other responsible person by means of a leash, cord, rope, strap, chain or lead held by such owner of person and securely fastened to the collar or harness attached to the animal; or

(2)

Securely enclosed, confined or restrained on premises where it lawfully may be so as to be unable to enter upon the public way or to molest persons lawfully using the public way; or

(3)

Accompanied by a responsible person and obedient to that person's voice commands.

*Vaccination* shall mean protection against rabies by inoculation with anti-rabies vaccine, given in an amount sufficient to provide immunity from rabies for a minimum of one year.

*(Code 1985, § 4-4-11; Ord. No. 94-021, § II, 9-12-94; Ord. No. 12-2007, § I, 10-22-07)*

#### **Sec. 4-32. Rabies inoculation.**

All dogs over 90 days old within the city shall be inoculated annually so as to provide immunity from rabies for a period of at least one year. All inoculations shall be administered by a licensed veterinarian or an authorized representative of the city or county.

*(Code 1985, § 4-4-12; Ord. No. 12-2007, § I, 10-22-07)*

#### **Sec. 4-33. Rabies tags required.**

A valid rabies vaccination tag shall be securely attached to the dog's collar or harness, which collar or harness must be secured to and on the dog at all times and it shall be the duty and responsibility of the owner to see that the same is so attached and secured at all times.

*(Code 1985, § 4-4-13; Ord. No. 12-2007, § I, 10-22-07)*

*State law reference— Dog tags, O.C.G.A. § 31-19-6.*

## Sec. 4-34. License fee required.

Owners are required to register their dogs annually with the City of Toccoa and to attach registration tag to dog's collar or harness and pay a fee of \$5.00 to animal control.

*(Ord. No. 12-2007, § 1, 10-22-07)*

## Sec. 4-35. Female dog in heat.

Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that the female dog cannot come in contact with another animal, except for breeding purposes.

*(Code 1985, § 4-4-15; Ord. No. 12-2007, § 1, 10-22-07)*

**Note**—Formerly numbered as § 4-34.

**State law reference**— *Permitting dogs in heat to roam or run free prohibited, § 4-8-6.*

## Secs. 4-36—4-60. Reserved.

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FOOTNOTE(S):

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**State Law reference**— *Dogs, O.C.G.A. § 4-8-1 et seq. [\(Back\)](#)*

## ***DIVISION 1. GENERALLY***

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[Sec. 4-63. Improper care of animals.](#)

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Sec. 4-73. Backyard breeders.

Secs. 4-74—4-90. Reserved.

## **Sec. 4-61. Definitions.**

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

*Adequate food* means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian, which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food.

*Adequate outside shelter* means a protective covering for an animal that is of adequate size and provides adequate protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four (4) sides with a door opening, a constructed floor, and a roof. It should also be clean, dry and provide protection from current weather conditions, in addition to age, size, species and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay, cedar chips or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below freezing. From April through October, the structure shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, pet carriers, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

*Adequate space* means a sufficient safe space for adequate exercise suitable to the age, size, species and breed of animal. For dogs, adequate space means an enclosure with a minimum of 150 square feet per dog.

*Adequate water* means clear, drinkable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice and rancid/contaminated water.

*Proper enclosure* means an enclosure that meets all of the following criteria:

- (1) A structure which is suitable to prevent the entry of young children and to prevent the dog from escaping;
- (2) A structure with secure sides and a secure top attached to all sides;
- (3) A structure whose sides are so constructed at the bottom so as to prevent the dog's escape by digging under the sides. The sides must either be buried two feet into the ground or sunken into a concrete pad;
- (4) A structure which provides appropriate protection from the elements for the dog. The structure must contain adequate shelter inside it;
- (5) A structure which is inside a perimeter or area fence;
- (6) The gate to the structure shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

*Proper tethering device* means that the length of any rope, cord, cable or chain used to restrain an animal is a minimum length of 15 feet, no heavier than one-eighth of the weight of the animal, allows at least two adult fingers between the collar and the neck, and is attached to an in-ground swivel or runner, not objects such as trees, etc. Choker chains are not proper tethering devices.

*Permanent restraint* means restraining for longer than 45 days.

(Ord. No. 12-2007, § 1, 10-22-07)

#### **Sec. 4-62. Penalties for violation of article.**

Any person violating this article may be deemed guilty of violating a city ordinance and may be punished by a fine not to exceed \$1,000.00 and by imprisonment in the common jail of the city not to exceed six months, or both fine and imprisonment. Each act or omission in violation of this article shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. In addition to any other penalties allowed by law, the court, as part of the sentence, may prohibit the offender from owning, possessing, or having on the offender's premises in the City of Toccoa any animal during the term of the sentence, may order for the animal to be removed from the county or humanely euthanized, and may order restitution.

(Ord. No. 12-2007, § 1, 10-22-07)

#### **Sec. 4-63. Improper care of animals.**

It shall be unlawful for any person owning or keeping an animal to fail to provide it with adequate food, water, space and shelter.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-64. Restraint.**

(a)

It shall be unlawful for any owner or possessor of any dog to fail to keep the dog under restraint or control as provided for in this section.

(b)

A dog is considered not under restraint or control when it is running at large, whether wearing a collar and tag or not. Reasonable care and precautions shall be taken to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and ensure that:

(1)

It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot be expected to climb, dig, jump, or otherwise escape from on its own volition; and that such enclosure is securely latched at any time the animal is left unattended; or

(2)

It is securely and humanely restrained by an invisible containment system. If using an invisible containment system, a sign must be posted on the property indicating that the system is in place and in operation; or

(3)

It is on a leash and under the control of a competent person; or it is off leash and obedient to and under voice command of a competent person who is in the immediate proximity of the dog any time it is not restrained.

(4)

It shall be unlawful for the owner or possessor of any animal to permanently restrain or anchor an animal by means of a tether, chain, cable, rope or cord. Temporary restraint by use of a proper tethering device must not restrict the dog to free access of adequate food, shelter and water.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-65. Abandoned animals.**

It shall be unlawful for anyone to knowingly abandon or to aid in the abandonment of any animal. An animal relinquished through written agreement with animal control, licensed rescue group, licensed shelter, licensed veterinarians, individual, or other entity shall not be deemed abandoned but shall be considered relinquished to the entity. Any citizen may

contact the city for the purpose of voluntarily relinquishing their animal which they can no longer provide for to the custody of animal control.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-66. Cruelty to animals.**

(a)

It shall be unlawful for any person to commit an act of cruelty towards any animal.

(b)

It shall be unlawful for any person to intentionally train, breed, possess, harbor, keep, or have custody or control of an animal for the purpose of fighting said animal. It shall be unlawful to be a spectator at or bet on any form of animal fighting activity. The intentional fighting of dogs, dog and hog, and cocks is expressly prohibited.

(c)

Licensed veterinarians who perform surgery or euthanasia and animal control officers who euthanize animals under the direction of animal control per the guidelines of the Georgia Veterinary Medical Association, Georgia Department of Agriculture, and this article shall not be liable in any manner or guilty of cruelty to animals.

(d)

A person shall not be guilty of cruelty when the person is protecting his/her life, the life of another person or animal that is being attacked by an animal that puts any person in fear of receiving a violent or deadly injury to themselves or or another person or animal provided that the person being attacked is not committing a crime or is not aggravating or inciting the animal to attack, and has not aggravated, injured, abused, or assaulted the animal in the past.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-67. Animal neglect.**

(a)

Any animal or livestock owner or possessor who fails to provide adequate drink, adequate food, adequate space, adequate shelter, sanitary conditions, necessary veterinary care, and/or who causes unnecessary suffering of any animal or livestock shall be deemed in violation of this section.

(b)

It shall be unlawful to leave animals unattended in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from heat exhaustion.

(c)

Any animal control officer or other officer empowered to act by law may impound any animal found to be neglected, as defined by this section.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-68. Duty of animal owners to be responsible owners.**

It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animal's behavior. If the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure compliance with all provisions of this article.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-69. Hoarders.**

It shall be unlawful for any person to collect animals and fail to provide them with humane/adequate care, collect dead animals that are not properly disposed of as required by this article, or collect, house, or harbor animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property. Animal control officers shall make an on-site determination as to what constitutes hoarding; the officer shall specify the conditions that existed at the time, the number and description of animals hoarded and include a statement of the unreasonableness of the hoarder's action on the citation issued at the time of arrest. No person shall possess by confinement any species of wildlife indigenous to the State of Georgia without the required permits from the Georgia Department of Natural Resources or other state and federal agencies having applicable regulatory mandates.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-70. Right of entry.**

A law enforcement officer may use any force necessary to remove any animal in distress left unattended without proper ventilation in a closed vehicle when the ambient temperature is eighty (80) degrees Fahrenheit or above outside the vehicle. If the vehicle is damaged during such removal, the law enforcement officer shall not be personally liable for any action taken when acting in good faith.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-71. Animals transported in vehicles.**

No animal shall be transported on a public road in an open vehicle including an open top vehicle or open truck bed unless the animal is adequately protected from any and all elements and its safety is provided for. No animal shall be transported in the closed trunk of

a vehicle or under a pick up truck's hard or soft cover with a solid tailgate raised and fully closed.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-72. Limitation on ownership.**

(a)

Any person who has been convicted of cruelty, neglect, abandonment or hoarding of an animal as provided in this Code, or other counties or states, or has been required to or voluntarily relinquished ownership of such animal, may not own, possess, or have on his premises in the City of Toccoa any animal for one year from the date of conviction. A nolo contendere plea is considered a conviction for the purpose of this section. Nothing in this section shall prohibit the court from imposing a greater length of time.

(b)

Any person who has been convicted of failure to keep an animal under restraint while on the owner's property as provided in this Code and has been required to provide additional confinement requirements and has not complied with the court's order, may not be allowed to own a pet in their City of Toccoa household for one year from the date of conviction.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-73. Backyard breeders.**

It is unlawful for any person required to be licensed by the Georgia Department of Agriculture for animal breeding purposes to breed any animal for commercial purposes without such required license being predominantly displayed in an area accessible to animal control officers. In addition, any person engaged in the business of commercial, for profit, breeding shall obtain a business license from the Clerk of the City of Toccoa. Said license shall also be displayed in an area accessible to code enforcement officers.

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Secs. 4-74—4-90. Reserved.**

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FOOTNOTE(S):

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*Editor's note— The sections of this division have been renumbered by the editor to avoid conflicts in section numbering and to reserve sections for future use. [\(Back\)](#)*

Sec. 4-91. Definitions.

Sec. 4-92. Licenses.

Sec. 4-93. Inspection of premises.

Sec. 4-94. Premise requirements and performance standards for owner and/or operator.

Sec. 4-95. Control of disease.

Sec. 4-96. Interstate shipment.

Sec. 4-97. Exemptions.

Sec. 4-98. Euthanasia.

Sec. 4-99. Violations.

## **Sec. 4-91. Definitions.**

In addition to the definitions set forth in the "Georgia Animal Protection Act", the following definitions shall apply to this division:

*Adequate food and water* means food and water which is sufficient in amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of food or water.

*Adequate food* means palatable, non-contaminated, and nutritionally adequate food that is fed according to the species requirements or is fed as directed by a veterinarian. Adequate food does not include garbage.

*Adequate water* means clean, fresh, potable water offered to pets at suitable intervals according to the species requirements, or as dictated by naturally occurring states of hibernation normal for the species, or as directed by a veterinarian.

*Adequate temperature control* means indoor housing facilities for pets are sufficiently heated and/or cooled when necessary to protect the animals from excessive heat or from chilling, freezing or from any physical damage. Except for equines, the ambient temperatures should not be allowed to fall below 45° Fahrenheit degrees or rise above 85° Fahrenheit, for animals that are not acclimated.

*Adequate ventilation* means indoor housing facilities for pets are adequately ventilated to provide for the health of the animals at all times. Such facilities must be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and should be ventilated so as to minimize drafts, odors, and moisture condensation.

*Adult* as it applies to dogs and cats in this chapter means a domestic canine over 12 months of age and a domestic feline over eight months of age.

*Animal shelter* means any facility operated by or under contract for the state, county, municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

*Association* means an unincorporated society, or body or persons united and acting together with a common purpose, operating without a corporate charter. It is not a legal entity separate from the persons who comprise it.

*Aviary* means any place where birds are kept confined for breeding, boarding, or similar purposes.

*Dead animal* means any carcass or parts of a carcass of any animal.

*Equine* means any member of the equidae species, including horses, mules, and asses.

*Establishment* means an established fixed or mobile unit, such as a pet shop, pasture, barn, kennel, cattery, warehouse, building, vehicle, residence or parts thereof to carry out a business or to conduct any activity for which a license is required.

*Facility* means the physical aspects of a building or premise that is maintained, installed, or established to carry out a particular purpose.

*Foster home* means any place routinely or in the practice of providing temporary care for animals, except equine. A foster home must be under a written contract with a licensed animal shelter. A foster home will be considered an agent for the animal shelter, and not an animal shelter itself.

*Garbage* means all refuse matter, animal or vegetable; by-products of a restaurant, kitchen, or meat/poultry processing establishment; and every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that is normally discarded. For the purposes of this chapter, garbage shall not include home prepared food given to an animal living on the property of the person caring for the animal.

*Humane care* of animals means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed. Inhumane care includes any act, omission, or neglect, which causes unjustifiable physical pain, suffering, or death to any living animal.

*Incubate* means to sit upon and hatch eggs, or to maintain eggs as embryos in a favorable environment for development and hatching.

*Indoor housing facility* for the purposes of this chapter, means an establishment within the interior of a building wherein all activity is conducted for which the license is issued.

*Kennel* means any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation. Similar purposes include, but are not limited to, activities of a breeding establishment, cattery, or grooming shop.

(1)

*Breeding establishment* means any establishment where pets are bred and a fee or compensation is received for the breeding and maintenance of such pets, such as stud service.

(2)

*Cattery* means any establishment where a cat is maintained for breeding, boarding, training, holding, or similar purposes for a fee or compensation.

(3)

*Grooming shop* means any establishment, other than an animal shelter, where a person maintains a dog or cat for bathing, dipping, clipping, trimming, brushing, or similar care of the appearance for a fee or compensation.

*Litter* means the young born to a pet animal at one time or a clutch of nesting eggs produced and incubated by a female bird at a single sitting, or a brood of chicks incubated by mechanical means.

*Maintain* means to keep or keep up, or to keep in a certain condition.

*Minimum age to sell* means at an age that no longer requires parental nurturing for survival, or at an age that can be sustained from appropriate and nutritional food given by persons who are knowledgeable in the feeding needs and eating habits common to the breed, size and age of the species.

*Outdoor housing establishment* for the purposes of this division, means an establishment outside a building and in the open air.

*Person* means any person, firm, corporation, partnership, association, or other legal entity, any other entity, or private institution, the State of Georgia, or any county, municipal corporation or political subdivision of the state.

*Pet* for the purposes of this division means any animal that is customarily obtained as a pet and includes, but is not limited to, the following: dog, cat, bird, equine, fish, reptile, rodent, chinchilla, rabbit, hamster, guinea pig, or miniature pig. Any animal described in O.C.G.A. sections 27-1-2, General Provisions, and 27-5-5, Wild Animals, are not considered a pet for the purposes of this division, except where specifically mentioned herein.

*Pet breeder* means a pet dealer who sells, offers to sell, exchanges, or offers for adoption only pets they have produced, except equine. This includes those produced for hobby, show purposes, breed improvement, or stock replacement.

*Pet dealer* means a person who sells, offers to sell, exchanges, or offers for adoption pets they have produced, bought, or otherwise obtained, except equine. Equine dealers require a livestock dealers license from the Georgia Department of Agriculture.

*Premise* means any establishment, facility, land, or parts thereof.

*Primary enclosure* means any structure or device used to restrict an animal or animals to a limited amount of space, such as a building, room, pen, run, cage, aquarium, hutch, stall, paddock, pasture, or animal transfer vehicle.

*Produced* means to have propagated or generated the progeny of a female.

*Proper animal health care* means a program of disease control and prevention, veterinary care, and humane euthanasia. The animal health care should be sufficient to prevent unnecessary physical pain or suffering.

*Rescue group* means any association or corporation operated as a non-profit organization and for the purpose of providing care and shelter to animals. Except rescue groups for equine, a rescue group that takes possession of animals and provides care and shelter must be licensed as an animal shelter or under written contract with a licensed animal shelter, in which case it will be considered an agent for the animal shelter and not an animal shelter itself. An equine rescue group operating for that purpose and maintaining any facility (including, without limitation, providing temporary care at a person's private property) must meet all the requirements of a licensed stable.

*Sanitation* means the maintenance of conditions conducive to health and involves bedding changes (as appropriate), cleaning, and disinfection. Cleaning removes excessive amounts of dirt and debris, and disinfection reduces or eliminates unacceptable concentration of microorganisms. To sanitize, therefore, means to make physically clean, and, to the maximum degree practical, remove and destroy agents injurious to health.

*Stable* means any establishment, or other enclosure where equines are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other similar purposes and a fee is charged for maintaining such equines or for the use of such equines. (Authority Ga. L. 4-4-20, 27-1-2, 27-5-5)

(Ord. No. 12-2007, § 1, 10-22-07)

## Sec. 4-92. Licenses.

(a)

The Commissioner shall license animal shelter, pet dealer, kennel, and stable operators under the applicable provision of [Chapter 5](#) of Title 2, "Department of Agriculture Registration, License, and Permit Act" on a form obtained from the Georgia Department of Agriculture.

(b)

The license shall be issued for a period of one year and shall expire twelve months from the date of issue. The license is issued for the person and premise stated on the license and is not transferable. The annual fee will be determined by the gross dollar of animal sales, the capacity of the facility or the number of animals present. The annual fees shall be as follows:

(1)

*Animal shelter:* Fee based upon the holding capacity (to include foster homes) at the time of license application or renewal;

a.

Capacity for up to and including 20 animals—\$100.00 fee.

b.

Capacity for over 20 animals—\$200.00.

(2)

*Kennel:* Fee based upon the holding capacity at the time of license application or renewal.

a.

Capacity for up to and including 20 animals—\$100.00 fee.

b.

Capacity for over 20 animals—\$200.00 fee.

(3)

*Pet dealer:* Fee based only upon gross volume of animal sales or set fee.

- a. Up to \$1,000.00 gross—\$50.00 fee.
- b. \$1,000.00 to \$10,000.00—\$100.00 fee.
- c. \$10,000.00 and over—\$200.00 fee.
- d. Pet dealers not having a permanent fixed facility in Georgia—\$200.00.

(4)

*Stable:* Fee based on number of equine present at the time of license application or renewal; provided that if the number of equine present at any time during the license period exceeds the minimum for the next class of fees, the stable operator must file an amendment to the application and pay the higher fee.

- a. Up to and including 20 equine—\$100.00 fee.
- b. Over 20 equine—\$200.00 fee.

(c)

Any person who maintains a combination of businesses which conducts two or more activities at the same location (i.e. kennel and pet dealer or kennel and stable) shall be required to obtain the license which generates the largest annual license fee. The records of each business will be subject to inspection to determine the appropriate license fee. Each business or activity of the combination is subject to inspection and compliance according to this chapter.

(d)

Applications for licenses shall be on a form furnished by the Commissioner and shall state:

- (1) The name of the applicant;
- (2) The business address of the applicant;
- (3) The complete telephone number of the applicant;
- (4) The location of the licensable premise;
- (5)

- The type of ownership of the pet dealership, kennel, stable, or animal shelter;
- (6) The name and address of the owner or, if a partnership, firm, corporation, association, or other entity, the names and addresses of the officers, registered agents, partners, stockholders, and/or members.
- (e) The signature(s) of the owner(s), partners, or officers of a corporation or association, attesting to the fact that the information documented on the application is correct, the regulations have been read and the premise that is subject to be licensed meets all the requirements of this division.
- (f) The license must be prominently displayed at each licensed place of business.
- (g) Animal shelters may contract with off-site foster homes and individual members of rescue groups to serve as agents of the animal shelter. The animal shelter is considered the license holder and is responsible for assuring that foster homes and rescue group members are under written contract to comply with the provisions in this chapter and submit to inspection by the animal shelter. Animal shelters must keep a copy of all current foster home and rescue group member contracts.
- (h) Any person licensed by the Department as a bird dealer shall not be required to obtain a license under this division if such person does not deal in pets other than birds. If however, a licensed bird dealer sells, offers to sell, exchanges, or offers for adoption pets, other than birds, then such dealer shall be subject to licensing under this chapter.
- (i) Any person who is not a resident of this state but who engages in this state in any activities for which a license is required by this division or O.C.G.A Chapter 40-13-12 pertaining to bird dealer licensing shall be subject to this chapter for such activities. As a condition of licensure, each non-resident must execute a consent to the jurisdiction of the courts of this state for any action filed under this chapter, and service of process in any such action shall be by certified mail by the Commissioner.
- (j) The Commissioner may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:
- (1) Material misstatement in the application for the original license or in the application for the renewal license under this division;
- (2) Willful disregard or violation of any rule or regulation of this division;

- (3) Willful aiding or abetting another in any violation of this division;
- (4) Allowing a license issued under this chapter to be used by an unlicensed person;
- (5) Violation of any law of this state or any rule of the Commissioner related to the disposition of, dealing in, or handling of dogs, cats, equine, and other pets;
- (6) Making substantial misrepresentations or false promises in connection with the business or activity of a licensee under this division;
- (7) Pursuing a continued course of making misrepresentations or false promises through advertising, salesmen, agents, or otherwise in connection with the business or activity of a licensee;
- (8) Failure to possess the necessary qualifications or meet the requirements for the issuance or holding of a license;
- (9) failure to provide proper facilities.

(k) License fees shall be increased by 100 percent for the renewal of any license that is not renewed within ten days following the expiration date of the license. License fees shall be increased by 100 percent for the issuance of a new license to any person who has failed to apply for a license within ten days following notice of the need to obtain such a license has been given to such person in writing by the Commissioner or his authorized representative.

(l) The Commissioner or his duly authorized representative is authorized to issue and enforce written or printed stop sale, stop use, or stop movement orders to the owners or custodians of any pets, ordering them to hold such animals at a designated place, when the Commissioner or his duly authorized representative finds such animals:

- (1) To be held by a person who is required to be licensed under this chapter and whose license has expired;
- (2) To be held by a person who is required to be licensed under this chapter and who has failed to obtain a license within ten days of the date on which notice

of the need to obtain a license was given in writing to such person by the Commissioner or his authorized representative.

(m)

A separate license is required of each person and is not transferable, except for foster homes and rescue group members operating under an animal shelter's primary license. (Authority O.G.C.A. § 4-10-1.; § 4-11-1 et seq.)

(Ord. No. 12-2007, § 1, 10-22-07)

#### **Sec. 4-93. Inspection of premises.**

The Commissioner or his designated agents are authorized to enter upon any public or private property at anytime for the purpose of inspecting the business premises of any animal shelter, kennel, pet dealer, or stable and the pets housed at such facility and to determine if such facility is licensed and for the purpose of enforcing the Georgia Animal Protection Act and rules of this division. (Authority O.G.C.A. § 4-11-9 et seq.)

(Ord. No. 12-2007, § 1, 10-22-07)

#### **Sec. 4-94. Premise requirements and performance standards for owner and/or operator.**

(a)

General requirements and standards:

(1)

*Classification and separation:* Animals exhibiting a vicious disposition must be housed individually. Animals suspected of having a communicable or infectious disease must be separated from other animals and other susceptible species of animals in such a manner as to minimize dissemination of such disease. Pets housed in the same primary enclosure should be maintained in compatible groups. Females who are sexually receptive should not be housed in the same primary enclosure with males, except for breeding purposes.

(2)

*Drainage:* A suitable method must be provided to rapidly eliminate excess water and avoid foul odors therefrom. If closed drainage systems are used, they must be equipped with traps and so installed as to prevent any backup of sewage onto the surface of the primary enclosure.

(3)

*Housekeeping:* Premises (buildings and grounds) must be kept clean and in a state of repair in order to prevent injury or disease. Premises must remain free of accumulations of trash, weeds, debris, and other vermin harborage areas.

(4)

*Humane care:* Humane care must be provided in all facilities anytime an animal is present.

(5)

*Interior surface:* The interior surfaces of indoor housing facilities must be constructed and maintained so they are substantially impervious to moisture and may be readily cleaned and sanitized.

(6)

*Lighting:* General lighting in indoor housing facilities should be diffused throughout the animal holding area and provide sufficient illumination to protect animal health, allow adequate housekeeping practices, and adequate inspection.

(7)

*Pest control:* An effective program for the prevention, control, and elimination, of vermin, insects, ectoparasites, and avian and mammalian pests must be established and maintained. Vegetation must be manicured to prevent vermin harborage.

(8)

*Record keeping:* Complete and accurate records must be maintained reflecting all acquisitions, purchases, sales, releases, natural additions, exchanges, adoptions, custodial care, and health records of all animals. Retail sale records for fish, rodents, and invertebrates are exempt from record keeping requirement. These records must be maintained for a period of twelve months and must be made available to the Commissioner or his authorized representative upon request. In addition, records for dogs, cats, birds, and equine shall include, but are not limited to, name, address, and phone number of individual(s) involved in the transaction, date of transaction or activity, type and number of animals, and Georgia Department of Agriculture animal protection/stable license number, if applicable.

(9)

*Sanitation of primary enclosures:* Primary enclosures for pets must be cleaned at a frequency and intensity to provide a healthy and hygienic environment in order to prevent disease hazards. Excreta must be removed to prevent contamination of the animals contained therein and to reduce the spread of disease. Soiled bedding should be removed and replaced with fresh materials as often as is necessary to keep the animals clean and dry. For hard surfaces that are conducive to cleaning with water, frequent flushing with water and periodic use of detergents or disinfectants should be used to maintain sufficiently clean surfaces. When a hosing or flushing method is used for cleaning, animals contained in the enclosure must be removed

unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed during the process. Animals in nearby enclosures must be protected from being contaminated with water and other wastes during the cleaning. Enclosures may be disinfected by using appropriate chemicals, hot water, or a combination of both. If hot water is used as a means of disinfection, the temperature of the water must be at least 145° Fahrenheit. Aquariums as a closed ecosystem have special needs and they must be maintained in a balance necessary for the health of its inhabitants by means of pH control, filtration, biodegradation and the like.

(10)

*Releasing of injured, diseased, or abnormal animals:* Reasonable care must be taken to avoid releasing for sale, trade, or adoption any pet that has an apparent disease, injury, or has a health related malady. Any pet that has an apparent injury, disease, or health related malady can only be released for sale, trade, or adoption provided the person receiving the animal is made aware of the condition in writing at the time of transfer.

(11)

*Shelter from rain, snow or cold:* Pets maintained in outdoor housing establishments must be provided with access to suitable shelter to remain dry during rain or snow and protect them from wind and excessive heat or cold. Sufficient and clean bedding material or other reasonable means of protection from the weather elements must be provided.

(12)

*Shelter from sunlight:* When sunlight is likely to cause overheating or suffering, sufficient shade must be provided to allow all pets protection from the direct effects of the sun.

(13)

*Space requirements:* Primary enclosures must provide sufficient space to allow each animal to turn about freely and to easily stand, sit, lie, perch, swim, etc. in a comfortable and normal position.

(14)

*Storage:* Supplies, food, and bedding should be stored in an adequate manner to protect against infestation, contamination, or spoilage. Refrigeration should be provided for perishable items.

(15)

*Structural strength:* Indoor and outdoor housing for pets shall be maintained in good repair. The primary enclosure should be of sufficient strength to contain the animals securely and restrict the entrance of unwanted animals. The walls and/or sides, roof and/or ceiling, and floors and/or bottoms of the primary enclosures must be constructed, so as to, protect the animals from

injury or suffering. For primary enclosures, with grates or mesh bottoms housing dogs and cats, there must be a suitable resting surface that will allow the animal to sit and lie in a normal position. Vertically stacked enclosures must have receptacles to contain excreta between cages.

(15)

*Tethering of animals:* It is presumed that tethering of animals for more than three consecutive days is considered permanent tethering and such permanent tethering as a means of a primary enclosure is prohibited. For temporary tethering of animals, such chains or other tethering devices must be of adequate length to satisfy the space requirements of a primary enclosure. Tethering devices must be of a type commonly used for the size animal involved and should be attached to the animal by means of a well fitted and appropriate device (i.e., collar, halter, or harness).

(16)

*Waste disposal:* Provisions must be made for the regular and safe removal and disposal of animal and food wastes, bedding, dead animals, and debris, so as to minimize vermin infestation, contamination, odors, and disease hazards. Disposal of dead animals must be by burial or incineration. Legal permission from the appropriate authorities or landowner must be obtained, prior to, burial on any public or private land. Disposal of dead animals in wells, waterways, or wetlands of any kind is strictly prohibited.

(b)

Pets that are sold, offered for sale, exchanged, or offered for adoption must be at the minimum age to sell. Written recommendations for the appropriate feeding and care must be provided at the time of the transaction for those animals that are not independent of parental nurturing.

(c)

A licensed stable shall maintain proof of a negative test for Equine Infectious Anemia within the past 12 months on all equine on the premise.

(d)

Functional fire extinguishing devices shall be present in each facility of all license holders under this chapter. Operational smoke detectors are recommended.

(Authority O.G.C.A §§ 4-11-1 et seq., 4-4-110)

(Ord. No. 12-2007, § 1, 10-22-07)

## **Sec. 4-95. Control of disease.**

(a)

In the control, suppression, prevention, and eradication of animal disease, the Commissioner or any duly authorized representative acting under his authority is

authorized and may quarantine any animal or animals, premises, or any area when he shall determine:

- (1)  
That the animal or animals in such place or places are infected with a contagious or infectious disease;
- (2)  
That the animal(s) has been exposed to any contagious or infectious disease;
- (3)  
That the unsanitary condition of such place or places might cause the spread of such disease;
- (4)  
Or that the owner or occupant of such place is not observing sanitary practices prescribed under the authority of this division or any other law of this state.

(b)

The Commissioner or his duly authorized representative is authorized to issue and enforce written or printed stop sale, stop use, or stop movement orders to the owners or custodians of any animals, ordering them to hold such animals at a designated place, when the Commissioner or his duly authorized representative finds such animals:

- (1)  
To be infected with or to have been exposed to any contagious or infectious disease; or
- (2)  
To have been held by persons in violation of this division, until such time as the violation has been corrected, and the Commissioner, in writing, has released such animals. (Authority O.G.C.A § 4-11-1 et seq.; § 4-11-9.1)

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-96. Interstate shipment.**

(a)

All animals entering Georgia must comply with the applicable health requirements of the U. S. Department of Agriculture, the U. S. Department of Health and Human Services, the Georgia Department of Agriculture, the Georgia Department of Human Resources, and/or the Georgia Department of Natural Resources.

(b)

All dogs and cats entering Georgia must have proof of a current and approved Rabies vaccination in accordance with the most recent Compendium of Animal

Rabies Control published by the National Association of State Public Health Veterinarians, Inc.

(c)

All ferrets entering Georgia must have proof of a current and approved Rabies vaccination, in accordance with the most recent Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc. Ferrets seven months of age or older entering Georgia must be sexually altered, prior to entry, except those exempted by a license/permit issued by USDA, APHIS, Animal Care, and/or the Georgia Department of Natural Resources.

(d)

Except for fish, rodents and invertebrates, all animals entering Georgia for sale, trade, adoption, or exchange for a fee or other type of compensation must be accompanied by a Certificate of Veterinary Inspection issued within the previous 30 days and which records proof of the health requirements for each species.

(e)

All pet birds entering Georgia are required to have a permit number issued by the Department prior to entry. Permit numbers may be obtained by calling the Georgia Department of Agriculture, Animal Health Section, during normal business hours.

(f)

Equine entering Georgia must be accompanied by an official Certificate of Veterinary Inspection, shall originate from a premise free of any contagious or infectious disease, and shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(g)

All equine must be negative to an official test for equine infectious anemia within 12 months prior to entry with test results, test dates, accession numbers, and name and address of the approved testing laboratories recorded on the Certificate of Veterinary Inspection. Nursing foals under six (6) months of age will be exempt from the test requirement when accompanied by their dam which has a current negative test for equine infectious anemia. (Authority O.G.C.A, §§ 4-4-1, 4-10-1 et seq.; 4-10-7.1, and 7.2; et seq., 4-11-1 et seq., 4-11-11)

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-97. Exemptions.**

(a)

Any person who raises, keeps, sells, or maintains animals solely for the purpose of human consumption shall be exempt from this division.

(b)

Any person who sells only animals they have produced shall not be considered a pet dealer under this chapter unless such person:

- (1) Is licensed for an animal related business by a local government;
  - (2) Is subject to a Georgia sales tax number for an animal related business;
  - (3) Is subject to the "Bird Dealers' Licensing Act";
  - (4) Sells more than one litter in any 12-month period;
  - (5) Sells more than 30 adult animals in any 12-month period;
  - (6) Produces animals that pose a public health risk or exhibit illness or disease causing chronic pain and suffering; or
  - (g) Has been determined by the Department of Agriculture not to treat animals humanely or has been convicted of cruelty to animals.
- (c) Operation of a veterinary hospital or clinic by a licensed veterinarian or veterinarians for its customary purposes shall not be considered a kennel, pet dealer, or stable under this chapter.
- (d) Any animal shelter licensed under this chapter that is located in a county having a population of 25,000 or less according to the most recent decennial census is exempt from the requirements of section 3-98. However, the exempt animal shelter shall provide a humane method of euthanasia recommended by the American Veterinary Medical Association. (Authority O.G.C.A 4-11-1 et seq.)

(Ord. No. 12-2007, § 1, 10-22-07)

#### **Sec. 4-98. Euthanasia.**

- (a) The use of sodium pentobarbital or a derivative of it shall be used for euthanasia of dogs and cats by animal shelters or other facilities which are operated for the collection and care of stray, neglected, abandoned, or unwanted animals. A lethal solution shall be used in the following order of preference:
- (1) *Intravenous injection by hypodermic needle:* Venipuncture of a superficial vein, preferably the cephalic or lateral saphenous, is the method to be used on all dogs and cats except for the following:

- a. Animals too small to effectively perform a venipuncture;
- b. Intractable or dangerous animals; or
- c. Animals in which superficial venous pressure is insufficient for effective venipuncture.

If venipuncture cannot be performed for one of the above reasons, then the following method may be used.

(2)

*Intraperitoneal injection by hypodermic needle:* Two to three times the recommended intravenous dosage should be injected into the abdominal cavity through the mid-abdominal region. Intraperitoneal injection may be the alternative method used for animals described in (1) a., b., and c. above. The time between injection and death is not immediate as with intravenous injection, therefore, a proper amount of time should be allowed for chemical absorption and action prior to an alternative method being used.

(3)

*Intracardial injection by hypodermic needle:* Intracardial injection by thoracic cavity penetration is to be used on comatose animals only.

(b)

A chamber using commercially bottled carbon monoxide gas which was used on July 1, 1990, for euthanasia of dogs and cats may continue to be used provided the Commissioner of Agriculture was notified in writing, on or before August 1, 1990, that such a chamber was in use by such animal shelter or facility on July 1, 1990. A chamber which causes a change in body oxygen by means of altering atmospheric pressure or which is connected to an internal combustion engine and uses the engine exhaust for euthanasia purposes shall not be permitted under any circumstances.

(c)

Any substance which is clinically proven to be as humane as sodium pentobarbital, including an inhalant agent and injectable solution, and which has been officially recognized as such by the American Veterinary Medical Association may be used in lieu of sodium pentobarbital to perform euthanasia on dogs and cats. Succinylcholine chloride, curare, curariform mixtures, or any substance that acts as a neuromuscular blocking agent may not be used. The State Veterinarian will maintain a list of approved inhalants and injectable solutions that may be used for humane euthanasia.

- (d) In cases of extraordinary circumstance where the dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, such person shall be allowed the use of any other substance or procedure that is humane to perform euthanasia on such dangerous dog or cat.
- (e) A dog or cat may be tranquilized with an approved and humane substance before euthanasia is performed.
- (f) Euthanasia shall be performed by a licensed veterinarian or physician or lay person who is properly trained in the proper and humane use of a method of euthanasia. Euthanasia, which is performed by a layperson, shall be observed by at least one other employee.
- (g) A layperson performing euthanasia by injection must be under the supervision of a licensed veterinarian or physician. This shall not be construed, so as to require, that a veterinarian or physician be present at the time euthanasia is performed.
- (h) A letter, stating which layperson(s) is properly trained for a method of euthanasia shall be on file at the animal shelter and with the Georgia Department of Agriculture.
- (i) No dog or cat may be left unattended between the time euthanasia procedures are first begun and the time death occurs, nor may its body be disposed of, until death is confirmed by a qualified person.
- (j) The supervising veterinarian shall be subject to all record-keeping requirements and inspection requirements of the State Board of Pharmacy pertaining to sodium pentobarbital and other drugs authorized under paragraph (3) of this rule section and may limit the quantity of possession of sodium pentobarbital and other authorized drugs to ensure compliance with the provision of this Code section.
- (k) Euthanasia records shall be kept on forms approved by the Georgia Department of Agriculture and the State Board of Pharmacy and shall be signed by the person performing euthanasia and the witness.
- (l) Euthanasia records shall be maintained for a period of one (1) year and shall be made available to the Commissioner of Agriculture or his duly authorized representative for inspection upon request.

- (m) The animal shelter must be registered with the Drug Enforcement Administration prior to the storage of any controlled substance.
- (n) The storage of any controlled substance must be in an approved, secure safe or if a lockable storage container is used it must be approved by the Georgia Department of Agriculture and be strictly maintained under double lock and key.
- (o) The Commissioner or his authorized agent shall have the right to obtain a sample of the euthanasia agents for analysis.
- (p) Species other than dogs and cats should be humanely euthanized by a method recommended by the American Veterinary Medical Association, when such recommendation exists. (Authority Ga. L. Sec. 4-11-1 et seq.)

*(Ord. No. 12-2007, § 1, 10-22-07)*

#### **Sec. 4-99. Violations.**

- (a) It is unlawful for any person to act as a pet dealer or operate an animal shelter, kennel, or stable unless such person has a valid license issued by the Commissioner of Agriculture. Any person acting without a license in violation of this subsection shall be guilty of a misdemeanor.
- (b) It is unlawful for any person to sell, use, or move any animals in violation of any quarantine, stop sale, stop use, or stop movement order issued under this division.
- (c) Any person, partnership, firm, corporation, or other entity violating any provision of this division shall be guilty of a misdemeanor.
- (d) The Commissioner may deny, suspend, or revoke any license required by this chapter, subject to notice and hearing, in any case in which he finds there has been a violation of this division. All proceedings for denial, suspension, or revocation of a license shall be conducted in conformance with [Chapter 13](#) of title 50, the "Georgia Administrative Procedure Act".
- (e) Notwithstanding the existence of an adequate remedy at law and in addition to other remedies, the Commissioner may apply to the Superior Court for an injunction or restraining order. (Authority Ga. L. Sec. 4-11-1 et seq.)

(Ord. No. 12-2007, § 1, 10-22-07)

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FOOTNOTE(S):

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**Editor's note**— *The provisions of this division derive from the Rules of the Georgia Department of Agriculture Animal Protection Division, §§ 40-13-13-.01—40-13-13-.09. [\(Back\)](#)*