

## ARTICLE II. ANIMAL CONTROL

---

Sec. 10-31. Title and purpose of article.

Sec. 10-32. Definitions.

Sec. 10-33. Penalty.

Sec. 10-34. Creation and staffing of animal control department.

Sec. 10-35. Responsibility and duties of animal control department.

Sec. 10-36. Appointment of animal control officer.

Sec. 10-37. Rabies vaccinations required.

Sec. 10-38. Confinement of biting animal.

Sec. 10-39. Veterinary report.

Sec. 10-40. Possession of vicious animal.

Sec. 10-41. Posted warning.

Sec. 10-42. Impoundment.

Sec. 10-43. Redemption.

Sec. 10-44. Adoption of impounded animals.

Sec. 10-45. Disposition of unredeemed or unclaimed animals.

Sec. 10-46. Injured animals.

Sec. 10-47. Escape, injury, or theft.

Sec. 10-48. Animals running at large.

Sec. 10-49. Animal shelter.

Sec. 10-50. Guard dogs.

Sec. 10-51. Animals in parks.

Sec. 10-52. Abuse of animals.

Sec. 10-53. Animal giveaway.

Sec. 10-54. Removal of waste or carcass.

Sec. 10-55. Nuisance.

Sec. 10-56. Wild and exotic animals.

Sec. 10-57. Restraint.

Sec. 10-58. Conduct of hearings.

Sec. 10-59. Enforcement.

Sec. 10-60. Obstruction of officer.

Sec. 10-61. Power to issue citations.

## **Sec. 10-31. Title and purpose of article.**

This article shall be known and may be cited as the animal control ordinance. The purpose of this article is to establish an animal control department and officer of such department. The further purpose of this article is to set forth requirements for possessing animals and fowl, including, but not limited to, vaccination, confinement, disposition, humane disposal, abandonment, registration, and other provisions.

*(Ord. of 2-16-1999, § 1)*

## **Sec. 10-32. 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:

*Abandoned animal* means any domesticated animal which shall have been placed upon public property or within a public building unattended or uncared for, or upon or within the private property of another without the express permission of the owner, custodian or tenant of such property. Any domesticated animal shall also be considered abandoned which shall have been upon or within the property of the owner or custodian of such animal unattended and without food and water for any period of time sufficient to create a danger to the health of such animal.

*Animal* means any and all types of animals, both domesticated and wild.

*Animal auction* means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this article. Individual sales of animals by owners are not auctions.

*Animal control department* means the Toccoa-Stephens County Animal Control Department, which is established by the board of commissioners and is charged with enforcing the provisions of this article.

*Animal control officer* means an individual employed by the board of commissioners or its designee to aid in the administration and enforcement of the provisions of this article.

*Animal establishment* means any pet shop, grooming shop, animal auction, kennel, performing animal exhibition, or animal shelter, or other facility engaged in the handling of animals, except that this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of U.S. PL 89544 and 91579.

*Animal shelter* means a facility designated or recognized by the county governing authority for the purpose of impounding or caring for animals held under the authority of this article or the laws of the state.

*At large* means off the premises of the owner or custodian of the animal or fowl, and not under the immediate control of the owner or custodian.

*Board* means the animal control board.

*Confined* means kept in a building, pen, or fenced area, secured by a leash or other enclosure built to prevent intrusion or escape by any animal.

*Cruelty* means every act, omission or neglect whereby unjustifiable pain, suffering, maiming or death may be caused or permitted to any animal.

*Dangerous animal* means any dog or other animal that, according to the records of an appropriate authority:

- (1)  
Inflicts a severe injury on a human being without provocation on public or private property at any time;
- (2)  
Aggressively bites, attacks, or endangers the safety of humans or other animals without provocation after the animal has been classified as a potentially dangerous animal and after the owner has been notified of such classification;
- (3)  
Causes reasonable fear of bodily injury to any person by attacking or threatening to attack such person; or
- (4)  
Has killed another domesticated animal.

*Fowl* means any and all fowl, domesticated or wild.

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

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

*Kennel* means an establishment kept for the purpose of breeding, selling, buying, boarding, exhibiting, letting for hire, or training for a fee, animals.

*Licensing authority* means the agency of the county, or designated representative thereof, charged with administering the issuance and/or revocation of permits and licenses under the provisions of this article.

*Neutered and spayed* mean rendered permanently incapable of reproduction.

*Nuisance* means an animal that:

- (1) Damages, soils, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
- (2) Causes a disturbance by excessive barking or other noisemaking.
- (3) Chases vehicles or attacks other animals.
- (4) Causes unsanitary, dangerous or offensive conditions.
- (5) Molests, attacks, or interferes with persons or other domestic animals on public or private property, unless the animal is a guard dog actively performing its duties while confined to the property of the owner or responsible person.

*Owner, tenant, custodian* means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust, owning, possessing, harboring, keeping, or having custody or control of a dangerous animal or potentially dangerous animal within the county, or knowingly permitting a dog or other animal to be in his care, or who permits a dog or other animal to remain on or about the premises.

*Potentially dangerous animal* means any dog or other animal that without provocation bites a human being or other animal on public or private property.

*Proper enclosure* means an enclosure for keeping a dangerous animal or potentially dangerous animal while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top, and if the animal is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured

in such a manner as to prevent the animal's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.

*Records of an appropriate authority* means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state, or local court; records of any animal control officer as provided in this article; or records of any dog control officer provided for in O.C.G.A. § 4-8-20 et seq.

*Restraint; under control* means that an animal is confined by a fence, pen, cage or secure enclosure to the premises of its owner or secured by a leash, chain or lead of sufficient strength to prevent it from escaping from the premises of its owner or is restrained by a leash, chain or lead or confined in an automobile when away from the premises of the owner.

*Severe injury* means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

*Vicious* means any animal which has attacked or has attempted to attack without reasonable provocation any person or animal.

*Wild and exotic animals* means any monkey or other nonhuman primate, or any raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, ferret, bear, wild rabbit, tarantula, wild rodent, and reptiles, including, but not limited to, crocodiles, alligators, snakes, caiman, and gravials, and any other animal so designated by the animal control department.

(Ord. of 2-16-1999, § II)

*Cross reference*— Definitions generally, § 1-2.

### **Sec. 10-33. Penalty.**

Any person violating this article may be punished by a fine of not less than \$50.00 nor more than \$500.00 for the first offense and not more than \$500.00 for each subsequent offense. Punishment is mandatory for any such subsequent offense.

(Ord. of 2-16-1999, § XVI(4))

### **Sec. 10-34. Creation and staffing of animal control department.**

There is created the Toccoa-Stephens County Animal Control Department which shall have the primary responsibility for animal control in the unincorporated areas of the county. The department shall be staffed by such employees as may be deemed feasible and

appropriate from time to time by the county board of commissioners, taking into account the need for such employees and available budgetary resources.

*(Ord. of 2-16-1999, § III(1))*

### **Sec. 10-35. Responsibility and duties of animal control department.**

The animal control department shall comply with intergovernmental agreements among local government and have the following responsibilities and duties:

- (1) Be responsible for the operations of any animal shelter which may be established by the board of commissioners in the performance of such duties and the keeping of such records related to animal control and welfare as the board of commissioners may require.
- (2) To cooperate with the county health department in the enforcement of rabies control regulations and animal control directives.
- (3) To cooperate with the county humane society.
- (4) To take up and impound animals which are in violation of this article.
- (5) To prosecute in the courts of the county, as well as any appeals therefrom, any violation of this article.

*(Ord. of 2-16-1999, § III(2))*

### **Sec. 10-36. Appointment of animal control officer.**

An animal control officer shall be appointed who shall serve pursuant to this article and whose duties shall be, but shall not be limited to, the duties of a dog control officer as those duties are set forth in O.C.G.A. §§ 4-8-20—4-8-30.

*(Ord. of 2-16-1999, § IV)*

*Cross reference— Officers and employees, § 2-91 et seq.*

### **Sec. 10-37. Rabies vaccinations required.**

No person shall own, keep or harbor any animal capable of being infected with rabies, that is over three months of age, within the county unless such animal is vaccinated for rabies. All animals shall be vaccinated for rabies by licensed veterinarians. A certificate of vaccination for rabies shall be issued to the owner of each animal vaccinated along with a vaccination tag indicating the year in which it was issued. The rabies tag shall be secured to

a collar on the animal in a manner that it cannot be easily removed or lost by the animal. Tags are not transferable from one animal to another animal. The animal control department may adopt such other rabies control regulations as it deems necessary for the protection of the public health and safety. The owner of such animal shall retain in his possession a certificate of vaccination or other written proof that such animal has been given a current vaccination. All rules and regulations of the county board of health and the state department of human resources presently existing or as adopted in the future pertaining to rabies control and vaccinations are incorporated in this section by reference as though fully set forth in this section.

*(Ord. of 2-16-1999, § V(1))*

### **Sec. 10-38. Confinement of biting animal.**

Any animal that is known to have bitten, scratched or attacked a person shall be confined for the purposes of rabies observation to an animal control facility, to a veterinary facility or to such other facility as may be directed by the animal control officer for a period of ten days after the date of the bite, scratch or attack. All expenses incurred for such confinement and observation shall be paid by the owner of such animal. Only animals which appear well shall be released from quarantine or impoundment. All animals capable of being infected with rabies that have come in contact with a rabid animal shall be destroyed by a humane method or shall be quarantined and/or vaccinated. If no vaccinations have been given within the previous 12 months, the animal may be vaccinated and then quarantined for 90 days. If vaccinated within the previous 12 months, the animal shall be revaccinated and then quarantined for 30 days.

*(Ord. of 2-16-1999, § V(2))*

### **Sec. 10-39. Veterinary report.**

Whenever a veterinarian is called upon to examine an animal capable of transmitting rabies and that has bitten, scratched or attacked any person, he shall promptly report the results of his examination to the county board of health and the animal control department.

*(Ord. of 2-16-1999, § V(3))*

### **Sec. 10-40. Possession of vicious animal.**

It shall be unlawful for any person to possess or maintain within the county any animal that is a vicious animal, unless such animal is confined in a proper enclosure. It shall be unlawful to permit the animal to leave such enclosure unless the animal is muzzled so as to make it impossible for the animal to bite. In the discretion of the animal control officer and a licensed veterinarian, a vicious animal shall be surrendered to and put to death by the animal control officer to prevent further injury to the public when it has been involved in one or more unprovoked attacks where bodily injury resulted.

*(Ord. of 2-16-1999, § VI(1))*

**Sec. 10-41. Posted warning.**

Clearly visible signs, including a symbol designed to inform children, shall be posted warning that there is a dangerous or potentially dangerous animal or other animal on the property by the owner.

*(Ord. of 2-16-1999, § VI(2))*

**Sec. 10-42. Impoundment.**

Any animal that is out of control or unattended or otherwise in violation of this article, whether or not the animal is on public or private property, may be impounded by the animal control department in accordance with rules and regulations adopted pursuant to this article.

*(Ord. of 2-16-1999, § VII(1))*

**Sec. 10-43. Redemption.**

It shall be the responsibility of the animal control department to attempt to notify the owner, if known, or can be reasonably ascertained, of every animal impounded, by telephone if possible, or written notice at the residence of the owner within one working day of the impoundment. The owner of the animal may claim and take custody of the animal within five days of such impoundment by the payment of required fees and the cost of inoculation and veterinary services. Any person reclaiming an animal shall pay a \$20.00 impoundment fee for the first impoundment, \$25.00 for the second impoundment, and \$30.00 for each subsequent impoundment plus \$10.00 per day for board plus the cost of inoculation and/or veterinary services. The owner shall be liable for the costs of impoundment and other applicable costs without regard to whether the animals is reclaimed.

*(Ord. of 2-16-1999, § VII(2))*

**Sec. 10-44. Adoption of impounded animals.**

The animal control department may offer for adoption any animal unclaimed after five days following impoundment or any animal that has been donated to the department for the purpose of adoption as provided for in this article. Any animal may be donated for adoption only by a resident of the county and may be made available for adoption upon the determination by the animal control officer that the animal is in reasonably good health and temperament. No unclaimed animal which is not neutered or spayed shall be released from the animal control department without written agreement from the person adopting the animal that such animal will be sterilized within 30 days from the date of adoption. Adopted animals under six months old must be sterilized by the time the animal is seven months old. The person adopting the animal will be responsible for any cost included in the adoption fee. Written proof of sterilization must be forwarded to the department by a licensed veterinarian.

*(Ord. of 2-16-1999, § VII(3))*

**Sec. 10-45. Disposition of unredeemed or unclaimed animals.**

Any animal or fowl not redeemed within five days after the owner is notified may be disposed of by euthanasia or adoption. The owner of the hospital or shelter is made an agent of the county for this purpose, and his actions in this regard are declared to be for a governmental purpose.

*(Ord. of 2-16-1999, § VII(5))*

**Sec. 10-46. Injured animals.**

After a reasonable inquiry and investigation to determine the owner of an animal, the animal control department or other authorized agent shall have the authority to humanely dispose of any animals which are diseased or injured, whenever it shall appear that any such animal is suffering great pain and whenever the animals do not bear a tag identifying the owner.

*(Ord. of 2-16-1999, § VII(7))*

**Sec. 10-47. Escape, injury, or theft.**

Employees of the animal control department shall exercise reasonable care to prevent the injury, escape, or theft of any animal which is in their custody or which they are attempting to bring into their custody under the provisions of this article, but they shall not be responsible for any such occurrence.

*(Ord. of 2-16-1999, § VII(8))*

**Sec. 10-48. Animals running at large.**

It shall be unlawful for the owner or keeper of any horses, cattle, mules, sheep, hogs, goats, or fowl to permit them to run at large in the county or to stray from the premises of the owner or keeper or to go upon the premises of any other person. This does not include dogs and cats that have been properly vaccinated and are wearing a collar with an appropriate vaccination tag.

*(Ord. of 2-16-1999, § VII(9))*

**Sec. 10-49. Animal shelter.**

An animal shelter is created by the animal control department. The animal shelter shall have the animals impounded by or donated to the animal control department. In addition to the fees established in this article, the animal control department shall establish fees for the apprehension, adoption and disposal of animals impounded under the provisions of this article. Such fees in all events shall be sufficient for the animal control department to recover its costs incurred in the administration of this article.

(Ord. of 2-16-1999, § VII(10))

**Sec. 10-50. Guard dogs.**

It shall be the duty of the owner, tenant or custodian of any residential or commercial property on which a guard 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 a clearly contrasting color. Such letters shall be not less than one inch in width and not less than five inches in height. 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 2-16-1999, § VIII)

**Sec. 10-51. Animals in parks.**

It shall be unlawful for any person to bring an animal onto the confines of any Stephens County Park or Government Building premises. The provisions hereof shall not apply to a bona fide seeing eye dog, other guide dog, or to horses, livestock, or other animals that are participants in a horseshow or authorized animal exhibition.

(Ord. of 2-16-1999, § IX; Ord. No. 04-03, 6-11-2004)

*Cross reference— Parks and recreation, ch. 50.*

**Sec. 10-52. Abuse of animals.**

The animal control department 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 with cruelty to animals as provided for in O.C.G.A. § 16-12-4.

(Ord. of 2-16-1999, § X)

**Sec. 10-53. Animal giveaway.**

No person in the county shall give away any live animal, fish, reptile or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement, or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(Ord. of 2-16-1999, § XI)

**Sec. 10-54. Removal of waste or carcass.**

(a)

It shall be unlawful for the owner or keeper of any animal to refuse or fail to immediately remove any feces deposited by such animal upon the public sidewalks, public streets, public parks or any other public property in the county.

(b)

The owner of a dead animal located upon the public streets and ways shall remove the same so as not to constitute a nuisance. If the owner fails to do so, the county shall remove and dispose of such carcass, and charge the cost of such removal and disposal to the owner of the carcass, if known, when any animal is found on private property. The owner of the dead animal or the owner of the premises upon which such animal is located shall remove the animal immediately at his own cost. Upon failure to do so within a reasonable time, the county shall remove the animal. The cost shall be collected from the owner of the dead animal and/or the property.

*(Ord. of 2-16-1999, § XII)*

### **Sec. 10-55. Nuisance.**

No person shall allow any animal over which he has custody or control to remain on his property or premises if the animal shall constitute a nuisance.

*(Ord. of 2-16-1999, § XIII)*

*Cross reference— Nuisances, § 34-71.*

### **Sec. 10-56. Wild and exotic animals.**

No person shall own, keep, or harbor or permit to be kept or harbored a wild or exotic animal within the county, other than those licensed and approved in writing by the animal control department, which licenses may be granted upon presentation of evidence satisfactory to the animal control department that appropriate safeguards for the protection of the public are maintained. The animal control department may impound any wild or exotic animal that is owned, kept or harbored in violation of this article, and may destroy or rehabilitate any such animal upon conviction of its owner or other responsible person for violation of this article, notwithstanding the impoundment provisions of this article.

*(Ord. of 2-16-1999, § XIV)*

### **Sec. 10-57. Restraint.**

(a)

*Maintenance of premises and disturbing noises.* An owner of an animal shall maintain such owner's premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing within a reasonable distance of such premises, and the animals themselves shall be

restrained in such a fashion that noise emanating therefrom shall not be disturbing to such persons.

(b)

*Confinement of animals.* An animal, whether vaccinated or not vaccinated, shall be confined such that the animal is within an adequate fence or enclosure or within a house, garage or other building, or shall be confined by a chain or leash affixed to its collar and attached to some substantial stationary object adequate to prevent the animal from running at large.

*(Ord. of 2-16-1999, § XV)*

#### **Sec. 10-58. Conduct of hearings.**

Pursuant to the provisions of O.C.G.A. § 4-8-22(e), the county board of health is designated to conduct the hearings provided for in O.C.G.A. § 4-8-24.

*(Res. of 1-3-1989)*

#### **Sec. 10-59. Enforcement.**

This article shall be enforced by the animal control department, the county marshal/code enforcement officer or the sheriffs department, or authorized representative. Upon information known to, or sworn statement lodged with, the county administrator or authorized officers of the animal control department that any owner of an animal is in violation of this article, a summons may be served upon authority of the county administrator by authorized officers requiring the owner of the animal to appear before the county magistrate court on a day and time certain to stand trial for violation of this article. If such violation has been witnessed by an officer, a subpoena may be issued to the person supplying the information on which a formal charge may be made to appear at such time and date to testify on behalf of the county.

*(Ord. of 2-16-1999, § XVI(1))*

#### **Sec. 10-60. Obstruction of officer.**

It shall be unlawful for any person to hinder, interfere with, harass, or otherwise obstruct the performance of any officer of the animal control department in the official performance of his/her duties as provided for this article.

*(Ord. of 2-16-1999, § XVI(2))*

#### **Sec. 10-61. Power to issue citations.**

Officers of the Toccoa Police Department, officers of the animal control department, and the county marshal/code enforcement officer are authorized to issue a summons relative to the enforcement of this article.

*(Ord. of 2-16-1999, § XVI(3))*