

Animal Control

ARTICLE I. IN GENERAL

14-1-1 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:

Animal means any living thing other than a plant or a human being.

Animal control officer means any employee of the county duly designated as an animal control officer by the commissioners to enforce the provisions of this chapter.

Confined means restricted by a fence or leash to the premises of the owner or custodian at all times or merely on the property under the control of the owner or custodian whereby the animal shall not be permitted to leave those premises, unless leashed and accompanied by the owner or custodian. Exempted are hunting dogs while being trained and during the act of hunting.

Fowl means a bird of any kind.

Guard dog means any dog which has been trained to attack persons and/or animals independently or upon command, and any dog which, while not so trained, has a known propensity to attack persons or animals and is used for the purpose of providing security to any person or premises.

Health department means the county health department.

Livestock means all animals of the equine, bovine or swine class, including goats, sheep, mules, and other grazing animals.

Nuisance animal means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds, recreational areas or parks;
- (4) Is repeatedly at large;
- (5) Damages private or public property;
- (6) Barks, whines or howls in an excessive, continuous, or untimely fashion; or

(7) Constitutes a nuisance as the term is defined by the law of this state.

Owner means any person having a right of property of any animal; who keeps or harbors any animal or has its care; who permits any animal to remain on or about the premises owned, possessed or occupied by him; who voluntarily abandons an animal; or who runs an animal away after possessing or owning it.

Rabies certificate means a certificate signed by a licensed veterinarian bearing a license number, ownership, name, address, breed, color and sex of animal, which shall be issued for each animal vaccinated. The date of last vaccination of such animal shall be clearly stated on such certificate, and a copy of such certificate shall be sent by such veterinarian to the health department.

Running at large means the conduct of any animal, other than a hunting dog while hunting, not confined by its owner or keeper within walls or a fence of proper design, controlled by a leash, or kept in some manner as to keep it from coming in contact with members of the public.

Vaccinate or inoculate means the injection of a specified dose of an anti-rabies vaccine by a veterinarian into the proper site of an animal, such vaccine having the U.S. Department of Agriculture Biological Control Section license number and approval stamped on the label of the container and having been approved by the state department of human resources.

Vaccine means an injectable material containing killed or live rabies virus, licensed by the U.S. Department of Agriculture Biological Control Section, and approved by the state department of human resources. The vaccine used for the purpose of this chapter shall be stored at the temperature prescribed on the package label. Outdated vaccine shall not be used.

Veterinarian means any person who holds a valid license to practice the profession of veterinary medicine in any state of the United States or any province of Canada.

Vicious animal means an animal which has, without provocation, attacked and bitten a person or other animal.

14-1-2. Enforcement of chapter

The civil provisions of this chapter shall be enforced by those persons or agencies designated by the county. The animal control officer shall have the power to conduct such investigations as may be deemed reasonably necessary to carry out the duties as referred to in this chapter.

Compliance and Penalties

- All issues of compliance of this ordinance shall fall under the jurisdiction of the Magistrate Court of Toombs County. Any person, firm, corporation, or other entity which does any act prohibited by this article or fails to discharge any duty imposed hereby shall

be subject to the imposition of a fine of \$500 per violation. Every day of non-compliance of this section shall constitute a separate offense. Applicable court costs will be payable in addition to imposed fines and other punitive action.

- Violators of this ordinance shall also be subject to the injunctive powers of any court having jurisdiction in the matter.

14-1-3. Animal control officer

(a) The animal control officer will be an employee of the board of commissioners or its designee and shall be duly designated as an animal control officer, to enforce the rules and regulations of this chapter.

(b) The duties of the animal control officer will include:

- (1) Investigating and maintaining a record of animal bites in the county.
- (2) Providing for proper confinement of an animal involved in a bite; or if the animal is dead or killed, immediate notification of the health department.
- (3) Enforcing proper disposition of animals exposed to known rabid animals.
- (4) Providing stray animal pickup and impoundment.
- (5) Issue citations for violations of this chapter.
- (6) Other related duties as stated in this chapter or as ordered by the County Manager.

14-1-4. Interference with the animal control officer

It shall be unlawful to resist, interfere with, hinder or molest the animal control officer or any person charged with the enforcement of any provision of this chapter, in the performance of any duties imposed by this chapter, nor shall any person seek to release or remove any animal captured in the animal control department's humane traps or impounded pursuant to the provisions of this chapter. Damage to or removal of the department's traps is strictly prohibited.

14-1-5. Violations of chapter

Whenever it has been determined that any provision of this chapter has been violated, prior to filing a warrant or accusation pertaining to such violation, the appropriate authority may serve the owner of the premises on which the violation has occurred with a copy of this chapter; provide such owner with written notice of the violation; and allow such owner a reasonable time as determined by the appropriate authority or his representative, but not exceeding 7

days, in order to permit such owner to avoid prosecution by correcting the condition constituting the violation. For purposes of this chapter, the appropriate official includes an official of the county health department, the animal control officer or a member of the sheriff's department.

14-1-6. Penalty

Whenever by this chapter any act is prohibited or is made or declared to be unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of such provision of this chapter shall, upon conviction, be punishable by fine to the maximum extent allowed by law. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.

14-1-7. Animals constituting a nuisance—Determination

It shall be unlawful for the owner or custodian of an animal or fowl to permit, whether willfully or through failure to exercise due care or control, such animal or fowl to commit a public nuisance by barking, whining, howling or making other objectionable noises; by chasing or running after vehicles, or persons; by destroying or damaging property of another; by causing annoyance to a neighboring residence and interfering with reasonable use and enjoyment of their property; or by doing any other thing which is so offensive as to create a nuisance.

14-1-8. Same—Impoundment authorized.

Should any owner or custodian of an animal or fowl fail upon proper notice of not less than seven days to abate a nuisance created by such animal or fowl, or fail to take the necessary steps to provide adequate confinement or properly care for the animal, after the necessary notice, the animal control officer shall be empowered to impound the animal or fowl under the terms and provisions of this chapter.

14-1-9. Vicious animals and guard dogs.

(a) *Muzzling or caging.* No owner or custodian of an animal, having been notified of such animal's viciousness by the animal control officer and/or health department, or having knowledge of such viciousness, shall permit such animal to leave his property unless such

animal is restrained by a leash as well as being properly muzzled so as to prevent it from biting any person or other animal.

(b) *Reports.* All reports of vicious animals shall be made to the health department and/or animal control department.

14-1-10. General care and feeding

Animals within the county shall be adequately confined by a fence, leash, or other appropriate measure, to the premises of the owner or custodian at all times, which confinement shall be clean and provide adequate and safe food, water, exercise space and protection from the weather. The animal shall not be permitted to leave those premises unless leashed and accompanied by the owner or custodian and shall not be permitted to run loose on the property of others or on public streets, alleys, beaches, parks, picnic areas, recreation areas, and/or public sites at any time. This section shall not apply to those animals actively engaged in animal shows, exhibitions or field trials, or while hunting or training during hunting season as prescribed by the game and fish division of the state department of natural resources.

14-1-11. Female animals in heat

Any female animal, while it is in breeding season, shall be kept on the premises of the owner or custodian and shall be confined in such place and manner as to avoid nuisances caused by the attraction of male animals.

(State law references: Permitting female dog in heat to roam free, O.C.G.A § 4-8-6 et seq.

14-1-12. Livestock

No owner or custodian of livestock shall knowingly permit such livestock to run at large or stray upon any public roads of this county or on any private property not belonging to such owner or custodian unless by permission of the owner of such property.

State law references: Livestock running at large, O.C.G.A. § 4-3-3 et seq.

14-1-13. Dangerous Dog Control Law

The state laws regulating dangerous and vicious dogs are adopted in their entirety.

State law references: Dangerous Dog Control Law, O.C.G.A. § 4-8-(20-45) et seq.

ARTICLE II RABIES CONTROL*

State law references: Control of rabies, O.C.G.A. § 31-19-1 et seq.; inoculation of animals against rabies, O.C.G.A. § 31-19-6; rabies inoculation tags, O.C.G.A. § 31-19-6.

14-2-1. Vaccination of animals

Every owner of an animal three months or older that requires rabies vaccine shall cause such animal to be vaccinated against rabies. No person shall vaccinate any animal against rabies that is not a licensed veterinarian. The first vaccination using an attenuated vaccine, or kill vaccine, shall be administered and is good for 12 months only. Thereafter, a vaccination shall be required at least every three years when a live attenuated vaccine is used. If the health department's file copy of the certificate of vaccination is unattainable, the owner's or the veterinarian's copy of the certificate may be substituted.

14-2-3. Certificate of vaccination

- (a) Evidence of vaccination shall consist of a certificate of vaccination with each item answered, prepared in triplicate and signed by the veterinarian administering the vaccine.
- (b) Any veterinarian is authorized and required in connection with his practice to issue certificates of vaccination and vaccination tags, providing one copy of the certificate to the animals' owner, one copy to the health department, and retaining one copy for his files.
- (c) The certificates of vaccination furnished to the health department shall be maintained in an orderly indexed file for a period of not less than three years.
- (d) Out-of-state visitors and non-county residents with animals must comply with local animal control regulations while within this county. Current rabies vaccination certificates from other states or territories will be honored.

14-2-4. Vaccination tags.

- (a) In addition to the issuance of the certificate of vaccination, the person authorized to issue the certificate shall also furnish to the owner of the vaccinated animal a serially numbered tag bearing the same number and year as the certificate. The tag shall be securely attached to the collar or harness worn by the vaccinated animal, which collar or harness shall be provided by the owner of the vaccinated animal.

(b) No person shall remove a vaccination tag from any animal's collar without the consent of the owner or custodian, nor shall any person attach a vaccination tag to any animal for which it was not issued.

14-2-5. Public clinics

(a) The animal control officer, or other designee of the board of commissioners, may operate or cause to be operated county organized clinics for the vaccination of animals against rabies.

(b) The vaccination fee for such clinics, including the administering and cost of the vaccine, the issuance of certificates and tags, and other necessary expenses shall be predetermined 15 days in advance of a clinic. Public notice of the scheduled clinic shall include the day, hour, place and fees.

(c) In emergencies or during quarantine, 15 days' notice prior to the clinic shall not apply.

14-2-6. Quarantine

(a) Where rabies has been found to exist in any warm-blooded animal, or where its existence is suspected, the health department may designate an area within which quarantine shall be maintained as provided by the terms of this article. Every such animal shall be immediately confined to the premises designated by the health department, whether or not the animal has been vaccinated against rabies.

(b) No animal shall be removed from or brought into a quarantined area without written permission of the health department. The application for such permission shall be in writing, filed with the health department, stating the reason for movement and the location at which the animal will be confined after movement.

(c) Where an animal has been suspected of having rabies or has rabies symptoms, the area or premises where such animals are kept shall be posted by the health department with signs to read as follows: "Rabies Suspected" or "Rabies, Keep from Animals." Such signs shall be conspicuously displayed on the premises, printed with type that is easily legible, and shall remain on the premises for the duration of the quarantine.

(d) Persons living within a quarantine area having in their possession an animal subject to rabies or to the terms of this article shall be given written notice of the quarantine, the animals subject to quarantine, and an order to confine their animals so subject to the premises of the owner, together with any other information the health department deems advisable. Such notice shall be signed by a duly authorized agent of the health department.

(e) The violation by any person of any quarantine order issued by the health officer shall be a violation of this article, and the person so violating shall be subject to all the penalties prescribed by law for a violation.

14-2-7. Examination of heads

The heads of all domestic animals and of all wild animals suspected of having rabies before their death or having rabies at the time of death shall be submitted to the state laboratory for examination.

ARTICLE III CRUELTY PROVISIONS*

***State law references:** Cruelty to animals, O.C.G.A. § 16-12-4.

14-3-1. Abandonment

(a) No person, owner or custodian of an animal shall release such animal on any property, public or private, with the intention of abandoning that animal.

State law references: Abandoning dogs, O.C.G.A. § 4-8-3 et seq.

(b) No person, owner or custodian of an animal shall abandon a dead animal on any private property of another unless he shall have first obtained permission from the owner of the property on which the animal is to be left.

State law references: Dumping dead dogs on another's property, O.C.G.A. § 4-8-1 et seq.

(c) No person, owner or custodian of an animal shall abandon a dead animal on any public property or public right-of-way unless the place is an approved sanitary landfill or other facility designed for receiving such and has been designated by the board of commissioners as a public facility for receiving trash or other refuse.

State law references: Dumping dead dog on public property, O.C.G.A. § 4-8-2 et seq.

14-3-2. Cruelty generally

1. No person shall harm, maim or kill any animal or attempt to do so; except a person may:
 - (1) Defend his person or property or pets, or the person or property or pets of another, from injury or damage being caused by an animal; or

(2) Kill any animal causing injury or damage to livestock or poultry or pets.

The killing of animals under the above circumstances shall be done as quickly and humanely as possible.

State law references: Performing cruel acts on dogs, O.C.G.A. § 4-8-5 et seq.

1. "Willful neglect" means the intentional withholding of food and water required by an animal to prevent starvation or dehydration.
2. Malicious Cruelty: A person commits the offense of aggravated cruelty to animals when he or she knowingly and maliciously causes death or physical harm to an animal by rendering a part of such animal's body useless or by seriously disfiguring such animal.

State law references: Cruelty to Animals O.C.G.A. §16-12-4

14-3-3. Defense against vicious animals

No person shall willfully or maliciously kill; maim; disfigure; torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance; drive over with any vehicle or otherwise cruelly set upon any animal; except reasonable force may be employed to drive off vicious animals.

14-3-4. Poison

No person shall expose any known poisonous substance, whether mixed with food or not, so that such substance may be liable to be eaten by any animal. This section does not apply to persons exposing to their own property common rodent poison mixed only with a vegetable substance.

14-3-5. Shelter

No owner, custodian or caretaker shall refuse to provide any animal in his charge or custody with proper food, drink, shade, shelter, space and care, or to carry any animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal.

14-3-6. Diseased, crippled animals

(a) It shall be unlawful for any person to have, keep or harbor any animal infected with any dangerous disease or any incurable, painfully crippling condition. The animal control officer may

impound such diseased or painfully crippled animals, and all such animals impounded may be destroyed humanely as soon thereafter as possible. Upon the destruction of such animal, the animal control officer shall not be required to give any notice. This subsection shall not be construed to include veterinary hospitals or animals under veterinary care.

(b) No owner or custodian of any animal shall fail to provide proper veterinary care to any animal when needed to prevent suffering.

14-3-7. Protective custody

Whenever the animal control officer finds that any animal is or will be without proper care because of injury, illness, incarceration or other voluntary absence of the owner or person responsible for the care of such animal, the animal control officer may impound such animal for protective care; and in the event of injury or illness, the animal control officer may take such action as called for to prevent undue pain and suffering, including immediate euthanasia of the animal.

14-3-8. Duty of vehicle operator

Any person operating a motor vehicle who strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; if the owner cannot be ascertained or located, the person shall report the accident to the police or animal control department.

ARTICLE IV IMPOUNDMENT

14-4-1. Authorization

Any animal, confined or otherwise, found in violation of this chapter shall be confiscated and impounded by the animal control officer.

14-4-2. Animals running at large

(a) It shall be unlawful for the owner or keeper of any animal to permit it to run at large in the county, or to stray from the premises of the owner or keeper, or go upon the premises of any other person.

(b) It shall be unlawful for any owner of a dog to allow such dog to run at large without a collar, which shall have attached a valid vaccination tag as required by the laws of the state and an identification tag showing the name and address of the owner.

(c) If any properly tagged hunting dog is taken into custody by the animal control unit, such dog shall be boarded for a minimum of five days by a licensed animal shelter at the boarding cost provided in this article. No penalties shall be charged.

(d) If an owner does not repossess his dog within five days of the dog's having been taken into the custody of the animal control unit, such dog shall be treated as abandoned.

(e) It shall be unlawful for the owner of any animal to allow such animal to feed or to be loose on any part of the right-of-way of any public road of the county.

14-4-3. Confinement of animals at large

Unrestrained dogs, nuisance animals and animals found running at large shall be taken by the animal control officer and impounded in a licensed animal shelter and confined in a humane manner.

14-4-4. Pursuit of animals

The animal control officer may pursue the animal onto private property, including the owner's or custodians, but not into a human dwelling, to evoke capture of an animal subject to impoundment under this article.

14-4-5. Notice to owner if known.

If an animal impounded under the provisions of this article bears vaccination/identification tags, a reasonable effort to locate its owner shall be made.

14-4-6. Tranquilization

Any animal that is found away from the premises of the owner and not under the control of the owner will be classified as being unconfined; therefore, it may be shot with a tranquilizer gun by the animal control officer in an attempt to capture the animal. The animal control officer operating the tranquilizer gun and/or the county health department or the board of commissioners shall not be held liable for any injury or death to an animal that might occur from the use of the tranquilizer gun or equipment.

14-4-7. Biting animals

- (a) An animal, whether vaccinated against rabies or not, having bitten a human or other pet animal, shall be quarantined for a period of ten days, at the owner's property or in a place and manner approved by the animal control officer.
- (b) Any animal under such quarantine that is not confined by the owner or is running at large shall be immediately impounded by the animal control officer and boarded at a licensed animal shelter until the ten-day period is over.
- (c) At the time quarantine is ordered by the animal control officer, the animal owner or custodian shall sign a home quarantine agreement or submit the animal to a licensed animal shelter for the ten-day period and pay any fees required. All expenses incurred for boarding the animal for this period of time shall be paid by the owner or custodian of the biting animal, unless the bite was provoked, in which event the person provoking the bite shall be responsible for all expenses incurred.
- (d) An unvaccinated animal bitten by a known rabid animal shall immediately be destroyed under the supervision of the animal control officer. Exceptions to this section are as noted by the state department of human resources.
- (e) Any animal, the rabies vaccination of which is current as evidenced by the certificate of vaccination, which is bitten by a known rabid animal, must be revaccinated, confined in a manner approved by the environmental health rabies control officer, an employee of the health department, for a period of 45 days and then released only if no signs of rabies are evident.

14-4-8. Confinement area

The area or facility used to confine any animal in compliance with the provisions of this article shall be subject to the approval of the animal control officer. The confinement area or facility may include a licensed animal shelter, kennel, animal hospital, or other place in the county that provides:

- (1) Construction and management that will keep the animal dry and clean and will prevent its escape or exposure to the public.
- (2) Assurance that the animal will have safe and adequate water and food.
- (3) Adequate and clean space for the animal to exercise.
- (4) Protection against excessive heat, cold and other inclement weather.
- (5) Space, cages, pens and other necessary equipment to isolate the animal for its protection against injury and infectious disease.

(6) A method and procedure for the identification of the animal and the date of its admission to the area.

14-4-9. Report of bites

(a) Any person bitten by an animal shall be required to immediately notify the animal control officer and/or health department.

(b) The owner or custodian of any animal having signs suggestive of rabies shall confine the animal and immediately notify the animal control officer and the rabies control officer of the state department of health, reporting any information regarding any person bitten or attacked by such animal.

(c) The health department or the animal control officer shall report all known cases of rabies in the county to the state department of human resources.

14-4-10. Period of impoundment for dogs and cats

Impounded dogs and cats shall be kept for a period of time depending upon the physical condition of the animal. Abandoned or severely ill/injured animals may be destroyed immediately at the discretion of the authorized animal shelter and animal control officer.

14-4-11. Fees and charges

Any owner of or person adopting an impounded animal shall pay such fees and charges as set forth by the authorized animal shelter.

14-4-12. Deadline for payment of fees after impoundment; adoption or euthanasia

Any dog or cat impounded under this article whose owner, possessor or representative shall not come forward within five working days after the impoundment and pay the fees specified in this article shall be put up for adoption or euthanasia in some humane way.

14-4-13. Redemption

(a) Any person reclaiming an animal impounded under this article must supply appropriate proof of proper rabies vaccination or pay a vaccination fee as set forth in the schedule of fees and charges on file at the authorized animal shelter or in the office of the county clerk.

(b) Any animal not reclaimed by an owner or custodian within five working days becomes property of the authorized animal shelter and may be placed for adoption or humanely euthanized at the discretion of the authorized animal shelter.

Effective Date

Be it further ordained that this ordinance shall take effect immediately after passage by the Toombs County Board of Commissioners and shall be enforced from and after said date.

So adopted and approved by the Board of Commissioners of Toombs County, Georgia this 20th day of September 2016.