

STATE OF GEORGIA

COUNTY OF OCONEE

AN ORDINANCE TO CREATE THE POSITION OF ANIMAL CONTROL OFFICER WHO SHALL SERVE AS DOG CONTROL OFFICER; TO ESTABLISH HIS OR HER DUTIES; TO PROVIDE REGULATIONS FOR THE VACCINATION OF DOGS, CONFINEMENT, DISPOSITION, AND HUMANE DISPOSAL OF DOGS; TO PROVIDE FOR REGULATING ANIMALS AND FOWL RUNNING AT LARGE; TO PROVIDE FOR THE CLASSIFICATION AND REGISTRATION OF DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS IN THE UNINCORPORATED AREAS OF OCONEE COUNTY; TO PROVIDE FOR REQUIREMENTS FOR POSSESSING SUCH DOGS; TO PROVIDE GROUNDS FOR THE CONFISCATION AND DISPOSITION OF SUCH DOGS; TO COMPLY WITH THE PROVISIONS OF OCGA @ 4-8-20 ET.SEQ.; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Section 101.

Short Title

This Ordinance shall be known and may be cited as the "Animal Control Ordinance."

Section 102.

Definitions.

As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"Animal" shall mean any and all types of animals, both domesticated and wild, male and female, singular and plural.

"Animal establishment" means any pet shop, grooming shop, animal auction, kennel, performing animal exhibition, or animal shelter, except 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. Pub. Laws 89544 and 91579.

"Animal control officer" means an individual selected by the governing authority pursuant to the provisions of OCGA @ 4-8-22 to aid in the administration and enforcement of the provisions of this ordinance.

"Animal shelter" is a facility designated or recognized by the Oconee County governing authority for the purpose of impounding or caring for animals.

"At large" shall mean 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.

"Dangerous dog" means any dog 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 after March 31, 1989; or
- (2) Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

"Dog control officer" - see "animal control officer."

"Fowl" shall mean any and all fowl, domesticated and wild, male and female, singular and plural.

"Governing authority" means the Oconee County Board of Commissioners.

"Guard dog," means any dog which has been trained to attack persons or other animals independently or upon verbal approval 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" is an establishment kept for the purpose of breeding, selling or boarding dogs or cats or engaging in training of dogs or cats.

"Licensing Authority" means the Oconee County agency or designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

"Neutered" means rendered permanently incapable of reproduction.

"Nuisance" means a dog or cat shall be considered a nuisance if it:

- (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 molests, attacks, or interferes with persons or other domestic animals on public or private property.

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

"Potentially dangerous dog" means any dog that without provocation bites a human being on public or private property at any time after March 31, 1989.



Section 106.

Rabies vaccinations required.

- (A) No person shall own, keep or harbor any dog over four months of age within Oconee County unless such dog is vaccinated for rabies.
- (B) All dogs shall be vaccinated for rabies by a licensed veterinarian.
- (C) 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.
- (D) 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.

Section 107.

Animals and fowl not to be permitted at large to cause injury or annoyance.

A person owning or having animals or fowl in his custody and control shall at all times control such animal so as to prevent animals or fowl to go at large to the injury or annoyance of others. Failure to do so shall constitute the action of the animal or fowl to be a nuisance and dangerous to public health and safety.

Section 108.

Property owner or injured party may impound.

Any person finding any animal or fowl upon his property to his injury or annoyance may take up same and remove it to any private or other animal shelter that will take possession of it. If no such shelter is available, he may hold the animal or fowl in his own possession, and as soon as possible notify the Animal control officer of this custody, giving a description of the animal or fowl and the name of the owner if known.

Section 109.

Animal control officer authorization.

The Animal control officer shall be authorized but not required to impound animals or fowl not on the owner's or custodian's property. The Animal control officer can, in lieu of impoundment, issue a citation for violations of this ordinance.

Section 110.

Owner liable for costs of impoundment.

The owner of an animal impounded under the authority of this ordinance shall be liable for the cost of maintenance of said animal during such impoundment provided that the cost for a small animal shall not exceed \$3.00 per day and the cost for livestock shall not exceed \$5.00 per day. Said costs shall be payable upon redemption of said animal.

Section 111.

Disposition of unredeemed animals.

Any animal or fowl not redeemed with 72 hours 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







- (2) The dog is not maintained in a proper enclosure as defined in this ordinance; or
  - (3) The dog is outside a proper enclosure in violation of subsection (B) of Section 31-113 of this ordinance.
- (C) Any dog that has been confiscated under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this ordinance as determined by the dog control officer and upon payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this section within twenty days of the date the dog is confiscated, the dog shall be destroyed in an expeditious and humane manner.

Section 116.

Violations; penalties.

- (A) Any person violating Section 106 "Rabies vaccinations required" of this ordinance shall be subject to the imposition of a fine not to exceed \$50.00. Each day a violation continues shall constitute a separate offense.
- (B) Any person violating Section 107 "Animals and fowl not to be permitted at large to cause injury or annoyance" of this ordinance shall be subject to the imposition of a fine not to exceed \$100.00. Each day a violation continues shall constitute a separate offense.
- (C) The owner of a dangerous dog who violates the applicable provisions of Section 113 or 114 of this ordinance or whose dangerous dog is subject to confiscation under subsection (A) of Section 115 of this ordinance shall be guilty of a misdemeanor. The owner of a dangerous dog who is convicted for a violation of this subsection shall be punished by a fine of up to \$500.00 or by imprisonment for up to 60 days or by both.
- (D) The owner of a potentially dangerous dog who violates the applicable provisions of Section 113 or 114 of this ordinance or whose potentially dangerous dog is subject to confiscation under subsection (B) of Section 115 of this ordinance shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this subsection, for the second conviction a fine of not less than \$150.00 shall be imposed and for a third or subsequent conviction a fine of not less than \$300.00 shall be imposed.
- (E) If an owner who has a previous conviction for a violation of this ordinance knowingly and willfully fails to comply with the provisions of this ordinance, such owner shall be guilty of a felony if the owner's dangerous dog attacks or bites a human being under circumstances constituting another violation of this ordinance. The owner of a dangerous dog who is convicted for a violation of this subsection shall be punished by a fine of up to \$500.00 or by imprisonment for up to 60 days or by both.

- (F) An owner who knowingly and willfully fails to comply with the provisions of this ordinance shall be guilty of a felony if the owner's dangerous dog aggressively attacks and causes severe injury or death of a human being under circumstances constituting another violation of this ordinance. The owner of a dangerous dog who is convicted for a violation of this subsection shall be punished by a fine of up to \$500.00 or by imprisonment for up to 60 days or by both.
- (G) In addition to the penalties for violations under subsection (E) or (F) of this section, the dangerous dog involved shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer and placed in quarantine for the proper length of time as determined by the county board of health, and thereafter the dangerous dog shall be destroyed in an expeditious and humane manner.
- (H) No owner of a dangerous dog shall be held criminally liable under this article for injuries inflicted by said owner's dog to any human being while on the owner's property.
- (I) Penalties provided for herein are in addition to those provided for under State law.

Section 117.

Liability for damages.

It is the intent of this ordinance that the owner of a dangerous dog or potentially dangerous dog shall be solely liable for any injury to or death of a person caused by such dog. Under no circumstances shall the Governing Authority or any employee or official of the Governing Authority which enforces or fails to enforce the provisions of this ordinance be held liable for any damages to any person who suffers an injury inflicted by a dog that has been identified as being a dangerous or potentially dangerous dog or by a dog that has been reported to the proper authorities as being a dangerous dog or potentially dangerous dog or a dog that the Governing Authority has failed to identify as a dangerous dog or potentially dangerous dog or by a dog which has been identified as being a dangerous or potentially dangerous dog but has not been kept or restrained in the manner described in Section 114 of this ordinance or by a dangerous dog or potentially dangerous dog whose owner has not maintained insurance coverage or a surety bond as required in Section 113 of this ordinance.

Section 118.

General provisions.

- (A) If any provision of this ordinance, or the application of this ordinance to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application of such other provisions of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are hereby declared to be severable.
- (B) All laws and ordinances, or parts thereof, which conflict with the provisions of this ordinance are repealed.

- (C) This ordinance shall take effect and shall be enforced from and after the date of its adoption, the public welfare demanding it.

Adopted and approved by the Board of Commissioners of Oconee County, Georgia, this 3<sup>rd</sup> day of April 1990.

OCONEE COUNTY BOARD OF COMMISSIONERS  
SIGNATURES ON FILE

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GEORGIA, OCONEE COUNTY

AN AMENDMENT TO THE ANIMAL CONTROL ORDINANCE  
OF OCONEE COUNTY, GEORGIA

Title. An Ordinance amending the Animal Control Ordinance of Oconee County, Georgia by adding certain provisions of same related to Animal Care and Voluntary Surrender of Animals.

Enactment Clause. For the purpose of promoting the health, safety and general welfare of the present and future inhabitants of Oconee County and to further the purposes of the animal Control Ordinance of Oconee County, Georgia, the Board of Commissioners of Oconee County does hereby ordain and enact into law the following changes in the animal Control Ordinance of Oconee County, Georgia.

Item 1. Section 107, entitled "Animals and fowl not to be permitted at large to cause injury or annoyance" is amended by changing the title to: "Animal Care, Surrender of Animals and Animals at Large."

The New Section 107 shall read as follows:

Section 107. Animal Care, Surrender of Animals and Animals at Large."

- (A) No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (B) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

- (C) No owner of an animal shall abandon such animal.
- (D) A person owning or having animals or fowl in his custody and control who no longer has the means or will to properly care for said animal may voluntarily surrender the animal to Oconee County Animal Control Department. To be valid, the surrender of an animal must be accompanied by the written certification and statement of surrender form as provided by the Oconee County Animal Control Department and may be humanely euthanized immediately at the discretion of the Animal Control Officer.
- (E) A person owning or having animals or fowl in his custody and control shall at all times control such animal so as to prevent animals or fowl to go at large to the injury or annoyance of others. Failure to do so shall constitute the action of the animal or fowl to be a nuisance and dangerous to public health and safety.

Item 2. Should any sentence, section, sub-section or provision of this ordinance amending the Animal Control Ordinance of Oconee County, Georgia, or application thereof, be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the other provisions of the animal Control Ordinance of Oconee County, Georgia, as amended, as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.

Item 3. Effective Date. This Ordinance amending the Animal Control Ordinance of Oconee County, Georgia shall take effect and shall be enforced from and after the date of its adoption, the public welfare demanding it.

Adopted and approved by the Board of Commissioners of Oconee County, Georgia, this 2<sup>nd</sup> day of April 1991.

OCONEE COUNTY BOARD OF COMMISSIONERS  
SIGNATURES ON FILE

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STATE OF GEORGIA,  
COUNTY OF OCONEE

SPAY/NEUTER ORDINANCE  
ANIMAL CONTROL

AN ORDINANCE TO REQUIRE THE SPAY/NEUTER OF ALL CATS AND DOGS TO BE ADOPTED FROM THE OCONEE COUNTY ANIMAL SHELTER, TO REPEAL CONFLICTING ORDINANCES AND FOR RELATED PURPOSES.

ENACTMENT CLAUSE

Be it ordained by the Oconee County Board of Commissioners as follows:

SECTION 1. TITLE. This Ordinance shall be known as the "Spay/Neuter Ordinance for Animal Control in Oconee County."

SECTION 2. ADOPTION POLICY: Upon adoption of any animal from Oconee County Animal Control, all adopted pets shall be required to undergo Spay/Neuter procedure before adoption is complete in accordance with the attached policies.

SECTION 3. SEVERABILITY: It is intended that the provisions of the ordinance be severable and should any portion be held invalid, such validity shall not affect any other portion of the ordinance.

SECTION 4. REPEAL OF CONFLICTING RESOLUTIONS OR ORDINANCES. All Resolutions or Ordinances and parts or sections of resolutions or ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. EFFECTIVE DATE: This ordinance shall take effect this date.

ADOPTED AND APPROVED, this 5<sup>th</sup> day of July 1994.

OCONEE COUNTY BOARD OF COMMISSIONERS  
SIGNATURES ON FILE

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#### OCONEE ANIMAL CONTROL

#### SPAY/NEUTER POLICY

**ADOPTION POLICY:** Upon adoption of any animal from Oconee County animal Control, all adopted pets shall be required to undergo Spay/Neuter procedure before adoption is complete. Persons adopting animals shall sign all forms and pay all fees to Oconee County Animal Control for adoption, rabies, DHLPP, Worming, and Spay/Neuter.

**ADOPTION PROCEDURE:** The animal to be adopted shall be transported to the veterinarian by Oconee County Animal Control for the required medical procedures. The adopter will pick up the animal from the veterinarian after all services have been performed.

The person who has adopted the dog will be responsible for returning the animal to the veterinarian for removal of the sutures due to the spay/neuter.

**ADOPTION COMPLETED:** No further charges are required by Animal Control to complete the adoption process. The adopted animal becomes the responsibility of the person it has been adopted by. If the animal is returned to the Oconee County Animal Shelter there shall be no refunds of fees.

**VETERINARIAN SERVICES:** At the end of the month, Oconee County will pay the veterinarian the amount collected by Animal Control for their services for each animal adopted that month.

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STATE OF GEORGIA  
COUNTY OF OCONEE

TITLE

AN ORDINANCE TO PROHIBIT OWNERS OF DOGS FROM PERMITTING SAME TO EMIT AN EXCESSIVELY LOUD AND DISTURBING NOISE IN THE UNINCORPORATED AREAS OF OCONEE COUNTY DURING CERTAIN HOURS; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR PROCEDURE FOR ENFORCEMENT HEREOF; TO PROVIDE FOR PUNISHMENT FOR VIOLATION HEREOF; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF OCONEE COUNTY:

SECTION 1: Definitions.

- (1) "Dog" shall mean any and all types of dogs, including domesticated, wild, stray, male, female, neutered, singular and plural.
- (2) "Owner" is the person who owns, harbors, or keeps, or knowingly causes or knowingly permits a dog to be harbored or kept, or has a dog in his care, or who permits a dog to remain on or about his premises.
- (3) "Noise" includes any sound emitted from a dog that is excessively loud and disturbing and is done in a continual repetitive manner, without good and sufficient cause.
- (4) "Excessively Loud and Disturbing" means if a person of normal hearing who is inside a residence that is not the location of the source of the noise can:
  - (a) Clearly hear the noise, and
  - (b) Distinguish the noise from the background ambient noise, and
  - (c) Ascertain and identify the nature and the source of the noise.

SECTION 2: Excessively Loud and Disturbing Noise by Dog Prohibited.

No person owning or having a dog in his custody in unincorporated Oconee County shall permit same to emit any noise in any manner that is excessively loud and disturbing

and is continual and repetitive, without good and sufficient cause between the hours of 11:00 p.m. and 7:00 a.m., legally prevailing time.

**SECTION 3: No Conviction on First Offense.**

No conviction shall be authorized under this Ordinance for the first offense. A second offense shall be punishable, on conviction, provided the violator was given reasonable written notice of the prior violation and same occurred within six months of the violation for which prosecution is sought. Said written notice shall be in the form of either registered or certified mail by the complaining party, describing the date and the nature of the incident complained of. A copy of said prior notice and mail receipt shall be submitted in evidence for prosecution under this Ordinance.

**SECTION 4: Penalty.**

Any person charged with a violation of this Ordinance shall, upon conviction thereof, be punished by a fine in an amount of not more than \$200.00. Each day such violation continues shall constitute a separate offense.

**SECTION 5: Conflict with Other Laws.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 6: Separability.**

Should any sentence, section, subsection, or provision of this Ordinance, or application of a provision of this Ordinance, be unconstitutional or invalid, such declaration shall not affect or impair the validity of the remainder of said ordinance, as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid, and the County hereby declares that it would have adopted the remainder of said ordinance despite such invalid provision.

**SECTION 7: Effective Date.**

This Ordinance shall take effect and shall be in force upon approval by the Board of Commissioners of Oconee County.

ADOPTED, this 5<sup>th</sup> day of May 1987.

OCONEE COUNTY BOARD OF COMMISSIONERS  
SIGNATURES ON FILE

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*State of Georgia, Oconee County*

**AN AMENDMENT TO THE ANIMAL CONTROL ORDINANCE**

**WHEREAS**, it has come to the attention of the Board of Commissioners that the provisions of the Animal Control Ordinance do not adequately protect members of the public and their property from certain animals and fowl; and

**WHEREAS**, it has further come to the attention of the Board of Commissioners that the Animal Control Ordinance does not adequately protect the County employees charged with enforcing the provisions of the Animal Control Ordinance;

**NOW THEREFORE**, the Oconee County Board of Commissioners does and hereby ordains as follows:

**ARTICLE ONE.**            **Section 107** is amended by deleting section (E) and adding the following paragraphs (E), (F) and (G).

**Section 107.**                    **Animal Care, Surrender and Control**

- (E) A person owning or having animals or fowl in his custody or control shall at all times control such animals so as to prevent such animal or fowl from going at-large on either public or private property and causing injury or the reasonable apprehension of injury to the person or injury to the property of others. Failure to do so shall constitute the action of the animal or fowl a nuisance and dangerous to public health and safety. The following actions shall be presumed to be to the injury of the person or property of others. Such list is not intended to be comprehensive, but for illustrative purposes: a) any visible damage to the property of another; b) disturbance of trash or other refuse or destruction of newspapers; d) defecation or urination by an animal or fowl on the property of another, unless same is promptly removed by the person owning or having control of such animal or fowl; e) killing or injuring other animals or fowl on the property of another; f) any bite or scratch inflicted by such animal or fowl upon a person who is not the owner of such animal or fowl; g) any animal or fowl chasing or threatening attack on pedestrians, bicyclists or motorists.
  
- (F) A person owning or having animals or fowl in his custody or control shall prevent such animal or fowl from disturbing the peace of any other person by loud, persistent, habitual barking, howling, growling, yelping or whining; however, no person may be charged with the violation of this subsection unless a written warning has previously been issued by an animal control officer within thirty (30) days of the charge of violation. Additionally, there must be at least two complaining witnesses who have signed a written statement giving the address of the owner, a description of the animal, a description of the offense, and the date, time and location of the offense.
  
- (G) In order to protect the safety of Animal Control Officers, Law Enforcement Officers and other Oconee County employees while on County business, an owner or person having animals or fowl in his custody and control shall take all necessary measures to restrain animals and fowl and to prevent or stop

attacks when an Animal Control Officer, Law Enforcement Officer, or other Oconee County employee enters upon private property on County business.

**ARTICLE TWO.**            **Severability.**

It is intended that the provisions of this Amendment be severable and should any portion be held invalid, such invalidity shall not affect any other portion of this Amendment.

**ARTICLE THREE.**        **Repealer.**

All resolutions or ordinances and parts of sections of resolutions or ordinances in conflict with this Amendment are hereby repealed.

**ARTICLE FOUR.**        **Effective Date.**

This Amendment to the Animal Control Ordinance shall take effect on the date this Amendment is adopted by the Oconee County Board of Commissioners.

ADOPTED AND APPROVED, this 2<sup>nd</sup> day of May 2000.

OCONEE COUNTY BOARD OF COMMISSIONERS  
SIGNATURES ON FILE