

# Animal Control Ordinance Of Oconee County, Georgia

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## ARTICLE I: GENERAL PROVISIONS

An Ordinance to create the position of Animal Control Director; to establish his or her duties; to educate the public in proper pet care and pet ownership; to provide regulations for the rabies vaccination of dogs, cats, and ferrets, and the confinement, disposition, and humane treatment and disposal of animals; to provide for regulating domestic animals and livestock running at large; to provide for the classification and registration of dangerous dogs and potentially dangerous dogs in the 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 Georgia law, to provide for an effective date; and for other purposes.

### Section 1-1-1: Title

This Ordinance shall be known as the "Oconee County Animal Control Ordinance".

### Section 1-1-2: Purpose and Intent

A. The purpose of this Ordinance is to provide for the control of dogs, cats, ferrets, livestock, and other designated domestic animals and to require all dogs, cats, ferrets, livestock, and other such designated animals not be allowed to run at large.

B. Vermin are excluded from and are not subject to this Ordinance.

C. Nothing in this Ordinance shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law. Nothing in this Ordinance shall be interpreted or applied so as to create any liability on the County, its employees, agents, or officials who enforce or fail to enforce any of the provisions provided herein, or any applicable provisions of state law.

## ARTICLE II: DEFINITIONS

### Section 1-2-1: Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated or the context clearly indicates a different meaning is intended:

**Abandoned Animal** means any domestic animal or livestock left unattended or not cared for. A domestic animal shall be considered abandoned upon or within the property of the owner or custodian of the animal if left unattended or not cared for a period of time in excess of thirty-six (36) hours.

**Adequate Housing** means a roof or other structural shield providing sufficient temperature control and ventilation and protecting a domestic animal from excessive inclement weather consistent with the normal requirements of the animal's size, species, and breed.

**Adult** means a person at least 18 years of age.

**Animal** means any and all types of animal, domesticated and wild, male and female, singular and plural.

**Animal Control Director** means the person appointed by the Oconee County Board of Commissioners to serve as the Animal Control Department Director and who serves as the Dog Control Officer under the provisions of O.C.G.A. 4-8-20 et. seq.

**Animal Control Officer** means an individual selected by the County to aid in the administration and enforcement of this Ordinance.

**Animal Shelter** means any facility operated by the County for the purpose of impounding or harboring seized, stray, homeless, abandoned, surrendered, or unwanted animals also **Animal Control Facility**.

**Board** means the Animal Control Board as established by the Board of Commissioners in accordance with the provisions of *O.C.G.A.* § 4-8-23.

**County** means Oconee County, its governing authority, or its employees and agents.

**Cruelty to Animals** means causing the death or unjustifiable pain or suffering to any animal by an act or omission, or willful neglect.

**Dangerous Dog** shall have the same definition as set out in *O.C.G.A.* §4-8-20 et seq., known as the *Responsible Dog Ownership Law*.

**Domestic Animal** means any dog, cat, ferret, or other legally owned animal not defined as wildlife or livestock.

**EAID** means an Electronic Animal Identification Device: microchip or similar device.

**Feral Animal** means any animal that exists in a wild or untamed state due to birth or to a reversion to a wild state from domestication.

**Governing Authority** means the Oconee County Board of Commissioners.

**Humane Manner** in the care of a domestic animal includes, but is not limited to, provision of adequate heat, air, ventilation, and sanitary shelter, wholesome food and water, and secure containment in moving vehicles, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

**Identification** means a document whereby a person or thing may be reasonably identified, including but not limited to, a current state issued drivers license, state-issued identification, passport, or military identification.

**Impoundment** means the action of taking physical control of an animal by an Animal Control Officer or other persons empowered to act by law or Ordinance and the subsequent transportation of such animal to the Animal Control Facility.

**Livestock** means bovine, swine, equine, poultry, sheep, goats, mules, and other grazing animals, raites, and non-traditional livestock but not limited to, ostriches, emus, rheas, and farmed deer.

**Neutered** means rendered permanently incapable of reproduction, sterilized.

**Nuisance** An Animal is considered to be a nuisance if it:

- A. damages the property of another;
- B. disturbs trash or other refuse;
- C. runs at large frequently or while in heat or in a county recreational park;
- D. defecates or urinates on the property of another unless same is promptly removed;
- E. chases vehicles or threatens, attacks, or interferes with person, other Domestic animal, or livestock on public or private property; or
- F. disturbs the peace of any person by loud, persistent, or habitual vocalization.

**Obstruction of an Officer** means obstruction, interference, or hindrance of an Animal Control Officer or law enforcement officer in the discharge of his or her official duties.

**Owner** means any person or entity who has the right of property or who has any animal under his, her, or its care, as custodian, or who assumes responsibility for that animal, either temporarily or permanently at any time in the County and includes a person or entity which knowingly permits any domestic animal or livestock, to be kept, harbored, possessed, or otherwise kept upon his or her premises for a period or seven (7) days or longer in the County.

**Premises** means a parcel of land and the structures thereon and is equivalent to the term real property.

**Proper Enclosure** means an enclosure for keeping a public threat animal, dangerous dog, or vicious dog while on the Owner's property, securely confined indoors or outdoors in a securely locked and enclosed pen, fence, or structure suitable to prevent the animal from leaving such property.

**Public Road** means any street, sidewalk, alley, highway, or other ways open to travel by the public, including right-of-way, bridges, common ground, and easements.

**Public Threat** means a domestic animal or livestock that without provocation:

A. menaces, chases, or displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person;

B. causes unprovoked physical injury to any domestic animal or livestock while at large; or

C. threatens to attack or attacks an Animal Control Officer or law enforcement officer in the lawful discharge of official duties.

**Rabies Control Rules and Regulations for Oconee County** means those rules and regulations adopted by the Oconee County Board of Health pursuant to the authority vested in Oconee County Board of Health by *O.C.G.A.* § 31-19-5.

**Running at Large** A Domestic Animal or livestock is Running at Large if it is on public property and not Under Control or upon the property of any person other than its Owner without the consent of such other person.

**Sanitary** means in a clean, healthy condition; hygienic; consistent with the normal requirements of the animal's living area, size, species, and breed.

**Secure Enclosure** means a locked pen or structure constructed to prevent a dog or cat in heat (estrus) from escaping over, under, or through the enclosure and preventing other animals entering.

**Serious Injury** shall have the same meaning as set out in *O.C.G.A.* §4-8-20 et seq., known as the *Responsible Dog Ownership Law*.

**Tethered** means attached to a stationary object or pulley system by a chain, rope, cable, or similar device. This shall not include using a leash for walking purposes.

**Under Control** means secured within the property limits of the Owner's property or property of another with that person's consent; when off such property, on leash, at heel or under voice control of a responsible person and obedient to the person's commands, within the passenger area of a vehicle while being driven or parked on a street, or secured in the bed of an open vehicle in a manner which prevents escape or ejection from the vehicle.

**Vermin** means pests that raid as opposed to infest: mainly predators such as foxes, coyotes, raccoons, skunks, sometimes wolves or rarely, bears; but also (to a lesser degree) herbivores and burrowing Animals which directly damage the land. As an example only: armadillo, opossum, and feral deer.

**Vicious Dog** shall have the same definition as set out in *O.C.G.A.* § 4-8-20 et seq.; known as *the Responsible Dog Ownership Law*.

**Wildlife** shall have the same definition as set out in *O.C.G.A.* § 27-4-255.

**Willful Neglect** means the intentional withholding of food and water required by an animal to prevent starvation or dehydration and shall have the same definition as set out in *O.C.G.A.* § 16-12-4, *Cruelty to Animals*.

### **ARTICLE III: VACCINATION AND IDENTIFICATION**

#### **Section 1-3-1: Rabies Vaccinations Required**

A. Except as provided in E. below, no person shall own, keep, or harbor any dog, cat, or ferret (3) three months of age or older within Oconee County unless such dog, cat, or ferret is currently vaccinated for rabies by a licensed veterinarian.

B. A certificate of vaccination for rabies shall be maintained by the Owner of each animal vaccinated.

C. A rabies tag indicating the year the vaccination was issued shall be secured to a collar on the dog, cat, or ferret in a manner where it cannot be easily removed or lost.

D. The Owner of any Animal that has bitten any person or Domestic Animal or of any animal that exhibits any signs of rabies must notify the Oconee County Board of Health and confine such animal

in accordance with the rules and regulation of the Oconee County Board of Health and in accordance with O.C.G.A. §31-19-4.

E. A dog, cat, or ferret three months of age or older that is not vaccinated for rabies and which is in the County for a period of less than fourteen (14) calendar days, must be confined or leashed at all time.

F. To reclaim an impounded dog, cat, or ferret three months of age or older for which the Owner cannot provide proof of current rabies vaccination; the Owner must present a pre-paid rabies voucher from a licensed veterinarian.

G. Any person bitten by a dog, cat, ferret or other animal or any owner of a dog, cat, ferret, or other animal that has bitten a person shall report the bite to Oconee County Animal Control within 24 hours giving all know information relevant to an investigation.

H. Physician or other medical personnel, including veterinarian establishments, shall report incidences of animal bites treated in the County to Oconee County Animal Control within 24 hours.

I. The County adopts the Oconee County and Georgia Rabies Control Manual as recited in its entirety herein.

#### **ARTICLE IV: RESPONSIBLE DOG OWNERSHIP**

##### **Section 1-4-1: Responsible Dog Ownership**

O.C.G.A. §4-8-20 et seq., known as *the Responsible Dog Ownership Law* is hereby adopted and incorporated herein by reference. In addition to the requirements of the Responsible Dog Ownership Law, the owner of a Dangerous dog shall present to the dog control officer evidence of (a) a policy of insurance in the amount of at least \$15,000 issued by an insurer authorized to transact business in this state insuring the owner of the Dangerous Dog against any liability for personal injuries inflicted by the dangerous Dog; or (b) a surety bond in the amount of at least \$15,000 issued by a surety company authorized to transact business in this state payable to any person or persons injured by the Dangerous Dog.

#### **ARTICLE V: OWNER RESPONSIBILITIES**

##### **Section 1-5-1: Proper Care of an Animal**

A person owning or having animals in his or her custody or control will at all times treat said animal in a humane manner.

##### **Section 1-5-2: Running at Large**

An Owner of a domesticated animal or livestock will prevent such domestic animal or livestock from running at large. The fine shall be increased for Running at Large for an animal classified as Public Threat, Dangerous Dog, or Vicious Dog, and for repeat offenses.

##### **Section 1-5-3: Tethering**

An Owner shall not:

A. Tether an animal within ten (10) feet of public roads, public property, access, easements, common grounds, or the property of another without the express consent of said property owner;

B. It shall be unlawful to tether an animal outdoors, except when all of the following conditions are met:

1) Only one (1) animal may be attached to each tethering system.

- 2) Tethers must be made of a substance which cannot be chewed by the animal and shall be of an appropriate size and weight for the animal.
- 3) Any tethering device used to tether an animal must be at least ten (10) feet in length and mounted not more than seven (7) feet above the ground level and shall not allow the animal to come within ten (10) feet of the edge of the property line of the property upon which such animal is tethered.
- 4) The animal must be attached to the tether by a properly fitted harness or collar with enough room between the collar and the animal's throat to prohibit the choking or injury of the animal.
- 5) The tether must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal.
- 6) The tethering system must be a sufficient distance from any other object and to prevent the animal from tangling of the cable, to prohibit the cable from extending over, around or through an object or an edge that could result in injury or strangulation of the animal.
- 7) The animal must be cared for in a humane manner.

#### **Section 1-5-4: Animal Nuisance**

- A. An Owner of an animal shall at all times control such animal so as to prevent it from creating a nuisance; however, no person may be charged with a violation of this Ordinance as a result of excessive barking or other vocalizing unless a warning has previously been issued by an Animal Control Officer within thirty (30) days of the charge of a violation, and unless a complainant has 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.
- B. A dog in heat may not be allowed to roam free. If outdoors, a dog in heat must either be under control of a responsible person or must be confined in a secure enclosure.
- C. A cat in heat may not be allowed to roam free. If outdoors, it must be confined in a secure enclosure.

#### **Section 1-5-5: Public Threat**

- A. Procedure for classifying an animal as a public threat:
  - 1) The Animal Control shall investigate the circumstance of any complaint filed against an animal alleged to be a public threat and notify the Animal's Owner of the complaint. The Animal Control Director shall report the results of the investigation to the animal's owner via certified mail. If the animal's owner disputes the Animal Control Director's designation that the animal is a public threat, the Owner may appeal to the Animal Control Board within fifteen (15) days.
  - 2) Notwithstanding the above, the Animal Control Director shall have discretionary authority to refrain from classifying an animal as a public threat if the offending behavior involved mitigating circumstances.
- B. Sanctions for owning an animal classified as a public threat:
  - 1) The Owner must provide a proper enclosure to confine the animal on the Owner's property.
  - 2) When off the Owner's property, the animal must be kept on a leash of no more than six (6) feet and under the control of a responsible person.
  - 3) The Owner must file photographs of the animal with the Animal Control Director and implant an EAID for identification.
  - 4) The Owner must register the animal and pay a yearly registration fee, as determined by the County.
- C. Removal of public threat classification:

If for a period of eighteen (18) months a public threat animal commits no further actions which would justify classification as a public threat and the Owner can provide proof of obedience training at a reputable club or business or a "Canine Good Citizen" certificate or the equivalent from a

reputable kennel club, the Owner may appeal in writing to the Animal Control Board for removal of the classification.

**Section 1-5-6: Owner Surrender**

A County resident who is the Owner of a domestic animal and who no longer has the means or desire to properly care for such animal may voluntarily surrender the animal to the County for a fee., The surrender of such domestic animal must be accompanied by the written certification and statement of surrender form as provided by the County.

**Section 1-5-7: Property Owner or Injured Party; Right to Impound**

A person finding any domestic animal upon his or her property or causing injury or annoyance may take up same and remove it to the Oconee County Animal Shelter. A person may hold the domestic animal in his or her own possession, for up to seventy-two (72) hours, but shall notify the Oconee County Animal Control Shelter of said possession and provide a description of the Domestic Animal and the name of the Owner and/or address if known. In the discretion of the County, it the County may impound livestock and other animals.

**Section 1-5-8: Animal Reclaim**

All domestic animals reclaimed will receive an EAID, medication, and vaccinations, at the Owner's expense if an EAID and medical history are not verified upon impound. An Owner reclaiming his or her animal from the Animal Control Shelter must provide:

- 1) valid identification and proof of ownership; and
- 2) for dogs, cats, and ferrets three months of age or older, proof of a current rabies vaccination or a pre-paid rabies voucher, from a licensed veterinarian, if the Owner of the dog, cat, or ferret cannot provide proof of a current rabies vaccination.
- 3) dogs, cats, and ferrets being reclaimed or adopted during the period of impoundment shall be vaccinated within 72 hours of release.

**Section 1-5-9: Owner Liability for Costs**

The Owner of an animal impounded under the authority of this Ordinance shall be liable for the cost of maintenance and medical care of such animal during such period of impoundment. The cost of such boarding is determined from time to time by the County. Such costs shall be payable upon reclaiming the animal. If the Owner is unable to make payment, an agreement may be signed between said Owner and the County to provide for the payment. Failure to make payment shall constitute a violation of this Ordinance.

**ARTICLE VI: ADOPTION AND STERILIZATION**

**Section 1-6-1: Animal Disposition**

A. Except as otherwise provided by law, any domestic animal the Owner of which is unknown and which remains unclaimed three (3) business days following the first full day of impoundment, may be donated to an appropriate non-profit institution, foster home, or other agency for humane placement or rescue, may be made available for adoption upon the determination by the Animal Control Director that the domestic animal is of reasonably good health and temperament, or may be euthanized in the sound judgment of the Animal Control Director.

B. A person who wishes to adopt a domestic animal must make an application for adoption with the County, meet the requirements associated with the humane housing and care of the domestic animal as determined by the Animal Control Director, and pay the required fees.

C. The decision for approval or denial of all applications for adoption is at the discretion of the Animal Control Director. All applications are verified for accuracy and any application with incomplete or false information may be denied. If the applicant rents his or her residence, the Animal Control Director may require the landlord's consent to the adoption of the domestic animal.

D. To adopt a dog or cat which is not neutered or spayed, the person adopting the dog or cat must enter into an agreement with the County guaranteeing that sterilization will be performed as provided in *O.C.G.A.* §4-14-3. Failure to comply with such agreement is a violation of this Ordinance and my result in a citation or impoundment of the domestic animal.

E. No live domestic animals in the possession of Oconee County Animal Control shall be released, sold, or given to any individual, institution or private firm for the purposes of medical or scientific research.

F. In the reasonable discretion of the Animal Control Director, the County may euthanize a seriously ill or injured animal upon impoundment.

## **ARTICLE VII: ANIMAL ABANDONMENT**

### **Section 1-7-1: Animal Abandonment**

It shall be unlawful for anyone to knowingly abandon any domestic animal or livestock within the boundaries of the County. Any person who knowingly abandons, willingly permits the abandonment, or aids in the abandonment of any domestic animal or livestock shall be in violation of this Ordinance.

## **ARTICLE VIII: INJURED ANIMALS**

### **Section 1-8-1: Action Required**

It shall be a violation of this Ordinance for any person injuring any domestic animal, by any means, to fail to immediately notify the Owner of the domestic animal if known, the County, or the appropriate law enforcement agency and to give the approximate location of said injured animal.

## **ARTICLE IX: CRUELTY TO ANIMALS**

### **Section 1-9-1: Cruelty to Animals**

*O.C.G.A.* §16-12-4 et seq., *Cruelty to Animals*, is hereby adopted and incorporated herein by reference.

## **ARTICLE X: DISPOSAL OF DEAD ANIMALS**

### **Section 1-10-1. Proper Disposal**

Dead animals may be disposed of by burning, incineration, burial, rendering, or any method using appropriate disposal technology which has been approved by the Commissioner of Agriculture. Disposal of dead animals by any of the approved methods must be completed within twenty-four (24) hours after death or discovery. Dead animals that are buried must be buried at least three (3) feet below the ground level, have not less than three (3) feet of earth over the carcass, and must not contaminate ground water or surface water in accordance with *O.C.G.A.* § 4-5-5.

## **ARTICLE XI: ANIMAL CONTROL RECORDS**

### **Section 1-11-1: Records**

It shall be the duty of Oconee County Animal Control to keep accurate written records. Animal Control records shall show the final disposition of all animals impounded by date, description, and other identifying data of the Animal. All records shall be kept for a period of twenty-four (24) months after the date of impoundment.

## **ARTICLE XII: ESCAPE, INJURY, OR THEFT**

### **Section 1-12-1: Escape, Injury, or Theft of Impounded Animals**

Employees of the County shall exercise reasonable care to prevent the injury, escape, or theft of any animal in their custody or during an attempt to take into custody under the provisions of this Ordinance, but shall not be held responsible in the event of such occurrence.

## **ARTICLE XIII: ANIMAL CONTROL AUTHORITY**

### **Section 1-13-1: Authority**

A. The Animal Control Director shall be appointed by the County, and together with the Animal Control Officers, shall be empowered to enforce the provisions of this Ordinance

B. While on County business, and subject to applicable laws, rules, and regulations, an Animal Control Officer has the authority to go onto public or private property during the course of an investigation.

### **Section 1-13-2: Obstruction of an Officer**

Obstruction of an Officer includes, but is not limited to, the following:

A. relocating, interfering with, and/or altering the operation of any device, equipment, item, or property of the County used for Animal Control.

B. placing one's own animal into or removing any animal confined within a cage operated by the County for animal control purposes.

C. giving a false name, address, or date of birth to any officer, employee, or agent of the County while in the lawful discharge of their official duties pursuant to this Ordinance.

D. intentionally giving information with the intent to mislead an officer, employee, or agent of the County.

E. refusing to show proper identification where required by this Ordinance.

### **Section 1-13-3: Disposition of Impounded Wild or Feral Animals**

The County shall be authorized to euthanize any animal appearing to be wild or feral upon impound when reasonably necessary to insure the health, safety, and welfare of the public.

### **Section 1-13-4: Violation; Penalties**

Any person found in violation of this Ordinance may be punished by a fine and/or imprisonment not to exceed the maximum allowed by law. Each act or omission in violation of this Ordinance shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. The court may suspend the service of the sentence imposed upon such terms and conditions as it may prescribe for the payment of a fine, for performance of community service in

lieu of a fine or incarceration, for the payment of restitution to a victim, or other condition related to the underlying offense. The Court may order service of a sentence so suspended as provided by law.

**Section 1-13-5: Miscellaneous**

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 the Ordinance are hereby declared to be severable.

B. All laws and Ordinances, or parts thereof which conflict with the provisions of this Ordinance are hereby 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 5<sup>th</sup> day of January, 2016.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

*Melvin Davis*

Chairman

*Jim Lake*

Member

*John Darnell*

Member

*William C. Walsh*

Member

*Marv T. Soy*

Member

Attest: *Jane L. Greathouse*  
Jane Greathouse, County Clerk

(County Seal)

