OCONEE COUNTY ANIMAL SERVICES ORDINANCE

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ARTICLE I: GENERAL PROVISIONS

An Ordinance to create the position of Manager of Oconee County Animal Services; to establish duties for that officer; 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 public threat, Dangerous Dogs and Vicious 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: Title

This Ordinance shall be known as the "Oconee County Animal Services Ordinance" and may be referred to as such, or herein the "Ordinance".

Section 1-2: Purpose and Intent

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 and vermin are not subject to this Ordinance. No provisions of 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 and to the extent that any provision of this Ordinance is so interpreted, then that provision shall be severed and considered null and void with the balance of this Ordinance remaining in full force and affect. No provisions of 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 except to the extent mandated by state or federal law.

ARTICLE II: DEFINITIONS

Section 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 for which either care has or is not being provided or which is left unattended. A domestic animal shall be considered abandoned on

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 Food means a sufficient quantity of non-contaminated and nutritionally healthy sustenance, appropriate to the animal or as directed by a licensed veterinarian, which is sufficient to prevent starvation, malnutrition, or risk to the animal's health and does not include garbage, spoiled, rancid or contaminated food.

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.

Adequate Shelter means protective cover appropriate for the species and adequate space to maintain the animal in good health and prevents pain, suffering or a significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with 3 - 4 sides with a door opening, a constructed floor, and a roof. It shall be clean, dry and compatible with current weather and age, size, species and condition of the animal. The structure shall be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. Adequate shelter must be compatible with the number of animals on the property.

(a) Adequate shelter includes, but is not limited to:

1. Sufficient coverage and insulation to protect from extreme hot and cold temperatures;
2. Sufficient protection from the elements to keep the animal dry;
3. Sufficient shade and ventilation to prevent overheating and/or dehydration; and
4. Adequate bedding or resting area suitable for the animal.

(b) Materials not suitable for shelters include, but are not limited to:

1. Inadequately insulated containers;
2. Plastic kennels or airline-type animal shipping crates;
3. Metal or plastic drums;
4. Abandoned or parked vehicles;
5. Uncovered porches or decks;
6. Lean-tos; or
7. Any other structure that fails to provide sufficient protection from the elements.

Adequate Veterinary care means care from or under the direction of a veterinarian and necessary to maintain health, or to prevent suffering from infections, parasites, disease; or any other condition/injury where withholding or neglecting to provide such care would endanger the health or welfare of the animal or promote the spread of diseases.

Adequate Water Adequate water means potable water in adequate supply.

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

Animal Services Manager (the "Manager") means the person appointed by the Oconee County EMA Director to serve as the Animal Services Manager and who serves as the Dog Control Officer under the provisions of O.C.G.A. §4-8-20, *et seq.* For all purposes of this Ordinance, the Manager is an ASO.

Animal Services Officer ("ASO") means an individual selected by the County to aid in the administration and enforcement of this Ordinance and who serves as a Dog Control Officer under the provisions of O.C.G.A. §4-8-20, *et seq.*

Animal Services Advisory Board means the individuals acting collectively appointed to serve on such Board to assist the Animal Services Officer and to fulfill its duties under this Ordinance as more fully set out below and, in the resolution, establishing same. This Board may be referred to in this Ordinance as "Authority" for purposes of the Oconee Responsible Dog Ownership Law or as the "Advisory Board".

Animal Shelter means the facilities operated by the County for the purpose of impounding or harboring seized, stray, homeless, abandoned, surrendered, or unwanted animals also Oconee County Animal Shelter and shall also include any facilities meeting the definition of same set forth in O.C.G.A. §4-14-2.

***Animal under Restraint means*:** any animal controlled within the property of its owner, secured by a leash with a collar, enclosed by way of a fence or other enclosure, at heel or beside a competent person and obedient to the person's commands or inside a vehicle driven or parked on the streets.

Board means the Oconee County Animal Services Advisory Board as established by the Board of Commissioners in accordance with the provisions of O.C.G.A. §4-8-23.

Classified Dog means any dog that has been classified as either a Dangerous Dog or Vicious Dog pursuant to Article V of this Ordinance.

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*, which is: any dog that:

(a) causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this definition;

(b) aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury

occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this definition; or

(c) while off the owner's property, kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

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 means, in the care of a domestic animal shall include, but is not limited to, the 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 and includes providing adequate housing, adequate shelter and adequate food as defined above.

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

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

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

Mail means to send by certified mail or statutory overnight delivery to the recipient's last known address.

Neutered means rendered permanently incapable of reproduction and sterilized.

Nuisance means an animal that: damages the property of another; disturbs trash or other refuse; runs at large frequently or while in heat (estrus) or in a County recreational park; defecates or urinates on the property of another unless same is promptly removed; chases vehicles or threatens, attacks, or interferes with person, other Domestic animal, or livestock on public or private property; or disturbs the peace of any person by loud, persistent, or habitual vocalization.

Obstruction of an Officer means obstruction, interference, or hindrance of an Oconee County Animal Services Officer or law enforcement officer in the discharge of official duties under this Ordinance.

Owner 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 an animal. In the case of a dog owned by a minor, the term "Owner" includes the parents or person in loco parentis with custody of the minor. Owner does not include a feral cat colony caretaker.

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 menaces, chases, or displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person; causes unprovoked physical injury to any domestic animal or livestock while at large; threatens to attack or attacks an Oconee County Animal Services 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 means a Domestic Animal or livestock running at large on public property and not Under Control, as defined below, 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 means the same as is stated in O.C.G.A. §4-8-20 *et seq.*, known as the *Responsible Dog Ownership Law*, which is any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

Spayed means to sterilize (a female animal) by removing the ovaries.

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 and mainly includes predators such as foxes, coyotes, raccoons, skunks, sometimes wolves or bears; and may include herbivores and burrowing Animals which directly damage the land, including, without limitation such Animals as armadillos, opossums, and feral deer.

Veterinarian means a person who has received a doctorate degree in veterinary medicine from a college or school of veterinary medicine and who holds a valid license to practice veterinary medicine in the State of Georgia.

Vicious Dog means the same as is stated in O.C.G.A. §4-8-20 *et seq.*, *Responsible Dog Ownership Law*, which is a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

Wildlife means the same as is stated 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 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 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 times.

(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 Veterinarian.

(g) The County adopts the Oconee County and Georgia Rabies Control Manual as adopted and approved by the Oconee County Board of Health and as attached hereto in its entirety as an appendix to this Ordinance.

ARTICLE IV: RESPONSIBLE DOG OWNERSHIP

Section 4-1: Responsible Dog Ownership.

(a) The provisions of this Article IV are adopted under the authority of O.C.G.A. §4-8-20, *et seq.*, *the Responsible Dog Ownership Law* and to the extent of any conflict between the provisions of State law and this Ordinance, State law shall prevail as if enacted into this Ordinance.

(b) In addition to the requirements of the *Responsible Dog Ownership Law*, the owner of a Dangerous Dog shall present to the ASO who acts as 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.

(c) This article shall be known and may be cited as the "Oconee Responsible Dog Ownership Law."

Section 4-2: Exemptions. No dog shall be classified as a Dangerous Dog or Vicious Dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a Dangerous Dog or a Vicious Dog if the person injured by such dog was a person who, at the time, was

committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. §16-5-1, *et seq.,* (Article 5 of Title 16).

Section 4-3: Classification of vicious or Dangerous Dog; notice; hearing; judicial review.

(a) Upon receiving a report of a dog believed to be subject to classification as a Dangerous Dog or Vicious Dog within the County, the ASO shall make such investigations as necessary to determine whether such dog is subject to classification as a Dangerous Dog or Vicious Dog.

(b) When the ASO determines that a dog is subject to classification as a Dangerous Dog or Vicious Dog, the ASO shall mail a dated notice to the dog's Owner, herein "Owner" within 72 hours. Such notice shall include a summary of the ASO's determination and shall state that the Owner has a right to request a hearing from the Authority on the ASO's determination within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the ASO's determination shall become effective for all purposes under this Ordinance. If an Owner cannot be located within ten days of the ASO's determination that a dog is subject to classification as a Dangerous Dog or Vicious Dog, such dog may be released to an Animal Shelter or humanely euthanized, as determined by the ASO.

(c) When a hearing is requested by the Owner in accordance with subsection (b) of this Article, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the Authority for good cause shown. At least ten days prior to the hearing, the Authority shall mail to the Owner written notice of the date, time, and place of the hearing. At the hearing, the Owner shall be given the opportunity to testify and present evidence and the Authority conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the ASO's determination.

(d) Within ten days after the hearing, the Authority which conducted the hearing shall mail written notice to the Owner of its determination on the matter. If such determination is that the dog is a Dangerous Dog or a Vicious Dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to Section 1-4-6, the notice shall specify the date by which the euthanasia shall occur.

(e) Judicial review of the Authority's final decision may be had in accordance with O.C.G.A. §15-9-30.9 and judicial review of any decision resulting from the Probate Court's final decision pursuant to such appeal shall be in accordance with O.C.G.A. §5-3-2 with costs paid as provided in O.C.G.A. §5-3-22.

Section 4-4; Impoundment; threat to public safety.

A law enforcement officer or ASO shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.

Section 4-5: Judge authorized to order euthanasia.

Under the authority of O.C.G.A. §4-8-26, the County may apply to the Oconee County Superior Court for an order of euthanasia of a dog after the hearing provided for in Section 1-4-3. O.C.G.A. §4-8-26 provides that an order of euthanasia may be entered if the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and the owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog.

Section 4-6: Euthanasia for causing serious injury on more than one occasion.

A dog that is found, after notice and opportunity for hearing as provided by Code Section 4-8-23, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this section.

Section 4-7: Issuance of certificate of registration.

(a) It shall be unlawful for an Owner to have or possess within this County a Classified Dog without a certificate of registration issued in accordance with the provisions of this section or from another local governing authority under the provisions of O.C.G.A. §4-8-27. Certificates of registration issued by the County shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.

(b) Unless otherwise specified by this section, a certificate of registration for a Dangerous Dog shall be issued if the ASO determines that the following requirements have been met:

(1) The Owner has maintained an enclosure designed to securely confine the Dangerous Dog on the Owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the Dangerous Dog from leaving such property; and

(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;

(c) Except as provided in subsections (e) and (f) of this section, a certificate of registration for a Vicious Dog shall be issued if the ASO determines that the following requirements have been met:

(1) The Owner has maintained an enclosure designed to securely confine the Vicious Dog on the Owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the Vicious Dog from leaving such property;

(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;

(3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and

(4) The Owner maintains and can provide proof of general or specific liability insurance in the amount of at least $50,000.00 issued by an insurer authorized to transact business in this state insuring the Owner of the Vicious Dog against liability for any bodily injury or property damage caused by the dog.

(d) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this Article.

(e) No person shall be the Owner of more than one Vicious Dog.

(f) No certificate of registration for a Vicious Dog shall be issued to any person who has been convicted of:

(1) A serious violent felony as defined in O.C.G.A. §17-10-6.1;

(2) The felony of dogfighting as provided for in O.C.G.A. §16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. §16-12-4; or

(3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. §16-13-31 and O.C.G.A. §16-13-31.1 from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.

(g) Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a Vicious Dog, the ASO shall verify that the Owner is continuing to comply with provisions of this Article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this Article.

Section 4-8: Duties and prohibitions for the Owner of a Classified Dog.

(a) The Owner of a Classified Dog shall notify the ASO within 24 hours if the dog is on the loose or has attacked a human and shall notify the ASO within 24 hours if the dog has died or has been euthanized.

(b) A Vicious Dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.

(c) The Owner of a Classified Dog who moves from one jurisdiction to the County shall register the Classified Dog with the ASO within ten days of becoming a resident of the County and notify the dog control officer of the jurisdiction from which he or she moved. The Owner of a similarly classified dog who moves into this County from another state shall register the dog as required in O.C.G.A. §4-8-27 within 30 days of becoming a resident of the County.

Section 4-9: Unlawful acts by the Owner of a Dangerous Dog or Vicious Dog; violations.

(a) It shall be unlawful for an owner of a Dangerous Dog to permit the dog to be off the Owner's property unless:

(1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;

(2) The dog is contained in a closed and locked cage or crate; or

(3) The dog is working or training as a hunting dog, herding dog, or predator control dog.
(b) It shall be unlawful for an Owner of a Vicious Dog to permit the dog to be:

(1) Outside an enclosure designed to securely confine the Vicious Dog while on the Owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the Vicious Dog from leaving such property unless:

(A) The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or

(B) The dog is contained in a closed and locked cage or crate; or

(2) Unattended with minors.

(c) A classified dog causing serious injury to a human being under circumstances constituting another violation of this Article shall be euthanized at the cost of the owner.

(d) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the Owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.

Section 4-10: Confiscation of dangerous or Vicious Dog; noncompliance with Article.

(a) A Dangerous Dog or Vicious Dog shall be immediately confiscated by the ASO or by a law enforcement officer in the case of any violation of this Article. A refusal to surrender a dog subject to confiscation shall be a violation of this Article.

(b) The Owner of any dog that has been confiscated pursuant to this Article may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by the ASO, the Authority, or the Probate Court. All fines and all charges for services performed by a law enforcement or the ASO shall be paid prior to Owner recovery of the dog. Prosecution shall not be stayed due to Owner recovery or euthanasia of the dog.

(c) In the event the Owner has not complied with the provisions of this Article within 14 days of the date the dog was confiscated, such dog shall be released to an Animal Shelter or euthanized in an expeditious and humane manner. The Owner shall be required to pay the costs of housing and euthanasia.

Section 4-11: Previously classified.

(a)(1) Any dog classified prior to July 1, 2012, as a potentially Dangerous Dog in this state shall on and after that date be classified as a Dangerous Dog under this Article.

(2) Any dog classified prior to July 1, 2012, as a Dangerous Dog or Vicious Dog in this state shall on and after that date be classified as a Vicious Dog under this Article.

(b) The owner of any dog referred to in subsection (a) of this Code section is required to be in compliance with all current provisions of this Article.

ARTICLE V: OWNER RESPONSIBILITIES

Section 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.

The Animal Services Officers of Oconee County Animal Services Division shall be authorized to enforce the provisions of the Title 4, Article 11, Article 1 of the Official Code of Georgia Annotated, entitled "the Georgia Animal Protection Act" (O.C.G.A § 4-11-2 et seq.) under the authority of O.C.G.A. §4-11-18.

Section 5-2: Running at Large.

An Owner of a domesticated animal or livestock will prevent such domestic animal or livestock from running at large. If the animal is classified as Public Threat, Dangerous Dog, or Vicious Dog and for repeat offenses there shall be an increased fine as set out in the Oconee County Schedule of Fees.

Section 5-3: Duty of owner to keep animals under control.

It shall be unlawful for the Owner of any domesticated animal, or anyone having a domesticated animal in his possession or control, to permit such domesticated animal to be at large. If the

Owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure compliance with all provisions of this Article.

Section 5-4: Duty to keep animals under restraint while on Owner's property.

It shall be the duty of every Owner or custodian to ensure that their animals are kept under proper restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its Owner or custodian.

Sec. 5-5 Duty to keep animals under restraint while off Owner's property.

(a) It shall be the duty of the Owner or anyone having an animal in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the Owner, possessor or custodian. For the purpose of this section, an animal shall be deemed under control when off the Owner's real property limits when:

(1) The animal is within a vehicle, parked or in motion;

(2) The animal is properly confined within a secured enclosure with the property Owner's permission;

(3) The animal is securely restrained by a leash or other method held by a competent person; or

(4) The animal is under immediate voice command of a competent person at all times.

(b) Hunting dogs shall be deemed under control for the purpose of this Article when they are being hunted in accordance with state game and fish department laws, rules, and regulations.

Section 5-6: Specific requirements for confinement.

It shall be an offense for any Owner of a domestic animal not to satisfy the following requirements:

(a) A domestic animal may not be chained, tied, fastened or otherwise tethered to dog houses, trees, fences, vehicles or other stationary objects as a means of confinement except that the animal may be temporarily confined by a tether while attended by its Owner. Any tether used to temporarily confine an animal while attended by its Owner must be attached to a collar or harness and shall not be wrapped directly around the animal's neck. Such tethers shall not be excessively heavy or weighted so as to inhibit the animal's movement.

(b) All domestic animals shall be provided with Adequate Shelter. Nothing in this subsection shall be construed to prevent the transportation and temporary confinement of a domestic

animal within the passenger area of a vehicle provided that the animal is provided adequate ventilation and temperature control in order to protect the animal from excessive heat or cold.

(c) All domestic animals shall be provided with clean, potable water at all times.

(d) An owner must promptly remove and dispose of animal excrement and food wastes and debris so as to minimize vermin infestation, contamination, odors, and disease hazards.

(e) All domestic animals shall be provided with a safe and sanitary confinement area constructed to confine the animal, to protect the animal from injury, and of a sufficient space to allow for adequate exercise suitable to the age, size, species, and breed of animal. The area shall have a means to rapidly eliminate excess water and minimize mud.

(f) *Exemptions.* Feral cat colony caretakers are exempt from the requirements of this section.

Section 5-7: Number of Animals.

(a) The maximum number of animals that may be kept on the owner's premises may not exceed the following limits: i) for premises less than 1.5 acres – a total of 10 dogs and cats; ii) for premises between 1.5 acres and 2.5 acres – a total of 20 dogs and cats; and iii) for a premises larger than 2.5 acres – a total of 30 dogs or cats. Dogs or cats less than 4 months old shall not be included in the totals.

(b) In the event that an owner is in violation of this Section 5-7, then the ASO shall give the Owner written notice of the violation and a period of thirty days to correct same. Failure to correct same shall be a violation of this Ordinance.

(c) The ASO may issue an "Excess Animal Habitat Permit" upon the Owner demonstrating to the ASO's satisfaction that the animals will be cared for in a humane manner and will not be in any other violation of this Ordinance. Such permit will be renewed annually at such fee as is established by the Governing Authority.

(d) *Exemptions.* Feral cat colony caretakers are exempt from the requirements of this section.

Section 5-8: Animal Nuisance.

(a) An Owner shall not allow his or her animals to be a Nuisance. In the case of loud, persistent or habitual vocalization, the following standard shall be used: if a person of normal hearing who is inside a residence that is not the location of the source of the noise can: clearly hear the noise, distinguish the noise from the background ambient noise and ascertain and identify the nature

and the source of the noise, then the noise is a nuisance between the hours of 11:00 p.m. and 7:00 a.m.

(b) A dog in heat (estrus) 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 and if outdoors, must be confined in a secure enclosure.

(d) This article shall not apply to noises arising from normal animal behavior or agricultural activities or operations as long as same are in compliance with the Unified Development Code and other County Ordinances.

(e) If any person neglects or refuses to abate a noise in violation of this Article the ASO may impound the animal causing the noise if the ASO determines that such action is necessary to abate the noise. Any such impoundment the animal will be available for the owner to reclaim the next business day during normal business hours.

Section 5-9: Public Threat.

A. Procedure for classifying an animal as a Public Threat.

1) Oconee County Animal Services shall investigate the circumstance of any complaint filed against an animal alleged to be a Public Threat and shall notify the animal's Owner of the complaint by Mail or written notice delivered in person. The Manager of Oconee County Animal Services shall report the results of the investigation to the animal's Owner via certified mail. If the animal's owner disputes the Manager of Oconee County Animal Services designation that the animal is a Public Threat, the Owner may appeal to the Advisory Board within fifteen (15) days.

2) Notwithstanding the above, the Manager of Animal Services 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 Oconee County Animal Services 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 a "Canine Good Citizen" certificate or the equivalent from a reputable kennel club, the Owner may appeal in writing to the Advisory Board for removal of the classification.

D. Duty of the Oconee County Animal Services Advisory Board.

It shall be the duty of Oconee County Animal Services and the Advisory Board to either call a meeting and review the appeal or review the case under appeal at the next scheduled Advisory Board meeting. The Advisory Board may either vote to uphold or dismiss the designation.

Section 5-10: 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 upon the payment of the fee designated by the County. The surrender of such domestic animal must be accompanied by the completion of an Oconee County Animal Services Owner Surrender Form.

Section 5-11: 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 72 hours, but shall notify the Oconee County Animal 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, the County may impound livestock and other animals.

Section 5-12: Animal Reclaim.

(a) 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.

(b) An owner reclaiming his or her animal from the Animal 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.

Section 5-13: 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, a citation will be issued to the Owner for liability of reclaim fees and medical reimbursement. Failure to make payment of such fees by the court date shall constitute a violation of this Ordinance.

ARTICLE VI: ADOPTION AND STERILIZATION

Section 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 Manager of Animal Services that the domestic animal is of reasonably good health and temperament; or may be euthanized at the direction of the Manager of Animal Services.

(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 Manager of Animal Services, and pay the required fees.

(c) The decision for approval or denial of all applications for adoption is at the discretion of the Manager of Animal Services. 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 Manager of Animal Services may require the landlord's consent to the adoption of the domestic animal. The Manager may require such other information as deemed relevant to approving any such application.

(d) To adopt an animal which is not neutered or spayed due to age, size, or medical conditions, the person adopting the animal must execute an agreement by way of a Sterilization Voucher with Oconee County Animal Services 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 may result in a citation or impoundment of the domestic animal.

(e) No live domestic animals in the possession of Oconee County Animal Services 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 Manger of Animal Services, the County may euthanize a seriously ill or injured animal upon impoundment.

ARTICLE VII: ANIMAL ABANDONMENT

Section 7-1: Animal Abandonment.

It shall be unlawful for anyone to knowingly abandon any domestic animal or livestock within 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 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 9-1: Cruelty to Animals.

(a) As used in this Article, the terms:

(1) "Animal" shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure.

(2) "Conviction" shall include pleas of guilty or nolo contendere or probation as a first offender pursuant to Article 3 of Article 8 of Title 42 of the Code of Georgia and any conviction, plea of guilty or nolo contendere, or probation as a first offender for an offense under the laws of the United States or any of the several states that would constitute a violation of State law if committed in this state.

(3) "Willful neglect" means the intentional withholding of food and water required by an animal to prevent starvation or dehydration.

(b) No person shall cause death or unjustifiable physical pain or suffering to any animal by an act, an omission, or willful neglect.

(c) No person shall knowingly and maliciously cause death or physical harm to an animal by rendering a part of such animal's body useless or by seriously disfiguring such animal.

(d) The provisions of this Article shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific, research, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the State Department of Agriculture, State Department of Natural Resources, the Oconee County board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.

(d)(1) Nothing in this Article shall be construed as prohibiting a person from:

(A) Defending his or her person or property, or the person or property of another, from injury or damage being caused by an animal; or

(B) Injuring or killing an animal reasonably believed to constitute a threat for injury or damage to any property, livestock, or poultry.

(2) The method used to injure or kill such animal shall be designed to be as humane as is possible under the circumstances. A person who humanely injures or kills an animal under the circumstances indicated in this subsection shall incur no civil or criminal liability for such injury or death.

ARTICLE X: DISPOSAL OF DEAD ANIMALS

Section 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 State 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 SERVICES RECORDS

Section 11-1: Records.

It shall be the duty of Oconee County Animal Services to keep accurate written records. Oconee County Animal Services 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 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. - MANAGED CARE OF FERAL CATS

Section 13-1: Additional Definitions related to Feral Cats.

Abandoned cat means a domesticated cat that an owner has forsaken or neglected to provide care and support.

Domesticated cat means a cat socialized to humans and appropriate as a companion for humans.

Ear tipping means straight-line cutting of the tip of the left ear of a cat.

Feral cat means a cat (i) born in the wild or the offspring of an owned or feral cat and not socialized, (ii) a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm.

Feral cat caretaker means any person other than an owner who provides food, water or shelter to or, otherwise, cares for a feral cat.

Feral cat colony means a group of cats that congregates, more or less, as a unit. Any non-feral cats that congregate with a colony shall be deemed part of it.

Feral cat colony caretaker means a feral cat caretaker approved by Oconee County Animal Services to care for a colony.

Sponsor is any humane society, organization, business, or individual that agrees to comply with this article for sponsors and provides written notice that it will serve as a sponsor.

TNR means trap, neuter, and return.

TNR program means feral and stray cats are trapped, neutered or spayed, ear tipped, vaccinated against rabies, and returned to the location where they congregate.

Section 13-2: Feral and colony cats TNR.

Feral and colony cat requirements:

(1) All such cats must be cared for on the private property of the caregiver or with permission of the property owner or manager or qualified person making decisions.

(2) All caregivers shall assist Oconee County Animal Services to have all cats within their care sterilized, vaccinated against rabies, and ear-tipped.

(3) All caregivers shall provide proper nutrition and potable water.

(4) Sick or injured cats will be removed from the colony for either immediate veterinary care or humane euthanasia as determined by Oconee County Animal Services or a veterinarian.

(5) Dumping on the ground or dispensing food more than will be immediately eaten by the cats present is prohibited. Feeding areas must be clean and sanitary.

(6) Caregivers shall make reasonable attempts to remove kittens for domestication and notify Oconee County Animal Services when new kittens arrive in the colony.

(7) A person returning a cat to the colony must provide the cat's description and any other information upon request by Oconee County Animal Services.

(8) Such cats are exempt from the license tag requirements of Article III, Section 3-1(c).

(9) Oconee County Animal Services may remove or authorize removal of any unsterilized feral or colony cats without identification or because of immediate public health or safety concerns. Cats found at large, without proper identification (rabies tag or EAID) in an area active for TNR, Oconee County Animal Services, at its discretion, may TNR said cat. If the Owner is known, Oconee County Animal Services will attempt to make contact with the Owner and a

written warning will be issued on first offense. If the Owner does not timely comply in accordance with the Animal Services Ordinance a citation may be issued. If cat is TNR and owner is identified after the procedure, the Owner is responsible for costs.

(10) No such cat shall be released at any park, natural area, environmentally sensitive land or on any easement adjacent to such lands without approval from the property owner.

(11) Healthy cats impounded may be returned to the colony, released to a caregiver or adopted. If such cat is injured or diseased and appears to be suffering and it appears that such cat cannot be expeditiously cured and returned, transferred to a humane society or similar or placed in foster care, then Oconee County Animal Services may humanely euthanize the cat.

(12) Oconee County Animal Services may provide donated food to the caregiver when necessary. If Animal Services does not have donated food it is the caregiver's responsibility to provide the food.

Section 13-3: Unlawful Interference with Registered Feral Cat Colony.

It is unlawful for any person knowingly to prevent, interfere with, or obstruct the management of a registered feral cat colony. However, nothing herein shall prohibit a property owner from taking lawful steps to control or restrict feral cats within the limits of the owner's property.

ARTICLE XIV: ANIMAL SERVICES AUTHORITY

Section 14-1: Authority.

(a) The Manager of Animal Services shall be appointed by the Oconee County EMA Director, and together with the ASOs, shall be empowered to enforce the provisions of this Ordinance.

(b) While on County business, and subject to applicable state and federal laws, rules, and regulations, an ASO has the authority to go onto public or private property during the course of an investigation.

Section 14-2: Obstruction of an Officer.

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

(a) relocating, interfering with, or altering the operation of any device, equipment, item, or property of the County without permission;

(b) placing one's own animal into or removing any animal confined within a cage operated by the County;

(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; or

(e) refusing to show proper identification where required by this Ordinance.

Section 14-3: Disposition of Impounded Wild or Feral Animals.

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

Section 14-4: Violation; Penalties.

Any person found in violation of this Ordinance may be punished by either a fine or imprisonment or both 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 1-14-5: 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.

This ordinance shall become effective upon its approval after a first reading on the 28th day of July, 2020 and adoption this 4th day of August, 2020.

Board of Commissioners of Oconee County, Georgia

John Daniell, Chairman

Mark Thomas, Commissioner Post 1

Chuck Horton, Commissioner Post 2

Vacant, Commissioner Post 3

Mark Saxon, Commissioner Post 4

Attest:

Kathy Hayes, County Clerk