

**2008 ANIMAL CONTROL ORDINANCE**  
**September 5th, 2008 / Draft #3**

**Sec. 1-1. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned animal* means an animal which has been knowingly and intentionally placed or left unattended or uncared for on either public or private property without the express permission of the owner, and in addition, any animal that has been knowingly and intentionally left unattended on or within the property of the owner without proper food and water for a period of time in excess of 36 hours.

*Animal* means a dog, cat, or other pet or domesticated animal, actually in, or intended to be in, the custody and control of an owner (see definition of owner,) and does not include any wild animal or horse, goat, pig, or any livestock, unless specifically mentioned. The term "domesticated animal" shall have the same meaning as "animal."

*Animal control officer* means an individual selected by the commissioner pursuant to the provisions of O.C.G.A. § 4-8-22 to aid in the administration and enforcement of this chapter and all applicable state laws.

*Animal control* means Fannin County Animal Control, and its officers and employees.

*At large* means an animal which is off of its owner's premises and not under the restraint or control of its owner or custodian.

*Dangerous animal* means an animal that, according to the records of an appropriate authority, has inflicted severe injury on a human, without provocation, on public or private property; or any animal that aggressively bites, attacks or endangers the safety of humans, without provocation, after the animal has been classified as a potentially dangerous animal and after the owner has been notified of such classification.

*Governing authority* means the Fannin County Board of Commissioners or other designated official.

*Humane care of animals* means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter and proper food and water to an animal, consistent with the normal requirements and feeding habits of the animal's size, species and breed as determined by a veterinarian or animal control officer..

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*Impound* means temporarily placing an animal in the care of an authorized person or shelter where the animal will receive humane care.

*Nuisance* means an animal which damages private property other than its owners' property, or public property or recreation areas; or an animal which chases, molests, attacks, threatens, causes fear, or interferes with persons, vehicles or other domestic animals on public or private property.

*Owner* means any person or legal entity who or which owns, possesses, harbors, keeps, cares for, feeds, maintains, has custody or control of an animal within the jurisdiction of the Board of Commissioners.

*Potentially dangerous animal* means any animal with a known propensity, tendency or disposition to attack unprovoked, cause injury or otherwise threaten the safety of humans; or any animal that, when unprovoked, inflicts injury on a person on public or private property, or chases or approaches a person upon the streets, sidewalks or any public grounds in a vicious or terrorizing manner in an apparent attitude of attack; or any animal which, according to the records of an appropriate authority, has killed a domestic animal without provocation.

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

*Public nuisance* means any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance" shall mean and include, but is not limited to, any animal that:

- (1) Damages the property of anyone other than its owner.
- (2) Attacks other domestic animals.
- (3) Unprovoked, aggressively threatens pedestrians or passersby.
- (6) Has been found by an officer of the department of animal control to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.
- (7) Is found sick, dead, or injured on public property.

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*Records of an appropriate authority* means the records of any state, county or municipal law enforcement agency, animal control agency, county board of health, federal, state or local court, or animal control officer.

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

*Shelter* means any facility operated by or under contract for the state, a county, a municipal corporation or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats and other animals; any veterinary hospital or clinic operated by a veterinarian which operates for such purpose in addition to its customary purposes; and any facility operated, owned or maintained by a duly incorporated humane society, animal welfare society or other nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

*Sterilized, sterilization* means permanent removal of an animal's reproductive organs.

*Working dog* means and includes, but is not limited to, seeing eye dogs; certified guard dogs; working cattle dogs; dogs whose primary function is hunting; and dogs which compete in conformation, agility or obedience competitions.

*Vaccination* means a protection against rabies by inoculation with anti-rabies vaccine given in an amount sufficient to provide immunity from rabies for a minimum of one year and be administered, per state law, by a licensed veterinarian

The terms "dangerous animal" and "potentially dangerous animal," as defined in herein, shall not include the following:

- (1) An animal that inflicts an injury upon a person when the animal is being used by a law enforcement officer to carry out his official duties; and
- (2) An animal that inflicts an injury upon a person who, at the time, was committing a willful trespass or other tort, or was tormenting, abusing or assaulting the animal, or had in the past been observed or reported to have tormented, abused or assaulted.

## **1-2. Penalties.**

Any owner whose animal is found to be in violation of any of the provisions herein may be cited by an animal control or county law

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enforcement officer. Private citizens who are aware of violations of the provisions of this ordinance may notify an animal control or county law enforcement officer for further investigation. Any owner found guilty of violating this article may be fined as provided for herein.

**1-3. Duties of animal owners and citizens.**

(a) It shall be the duty of every owner or custodian of an animal within the county to exercise reasonable care and take all necessary steps and precautions to protect other people and property from injuries and damage which might result from the animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness or ferocity. Every animal shall be restrained or controlled so as to prevent it from chasing vehicles or chasing, menacing, or attacking persons or other animals.

(b) It shall be the duty of all animal owners to prevent their animals from constituting a nuisance.

(c) If the owner of an animal is a minor, the parent or guardian of such minor shall be responsible to ensure compliance with all provisions of this chapter.

(d) Any person within the jurisdiction of the county who is aware of any animal bite inflicted upon a human by any animal, including any wild animal, shall be required to report the bite to the animal control officer or a public health official pursuant to state law.

(e) It is advised that every animal owner notify animal control as soon as an animal is determined to be missing so as to ensure proper return of animal if found. Additionally, animal owners who find their animal, which was reported missing, are to immediately notify animal control of recovery.

(f) It shall be the duty of any animal owner or person residing with an animal owner to respond within 24 hours, or no later than 10:00 a.m. of the next business day, whichever is later, to a notice or request for information from animal control left or posted at the premises on or near where an animal is living or kept. The notice, which shall not be a citation, shall be posted prominently in full view, or left with an adult on the premises, may be delivered as part of an investigation, as the result of a complaint, or part of a follow-up, and requires a response, either in person or by telephone. If the response is by telephone, any message left must provide a return number or other reliable way to make contact. Each notice that is ignored shall constitute a separate offense.

(g) It shall be unlawful for any person to remove any tracking collar or identification from any animal other than the person's own animal.

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**Sec. 1-4 Animal control officer.**

(a) The governing authority shall either (1) appoint, pursuant to O.C.G.A. § 4-8-22(c), one or more animal control officers, who shall serve at the pleasure of the governing authority, and whose compensation shall be established from time to time by the governing authority; or (2) may delegate responsibility for animal control to the Fannin County Sheriff's Office which shall then appoint, pursuant to O.C.G.A. § 4-8-22(c), one or more animal control officers, and whose compensation shall be established from time to time by the Fannin County Sheriff.

(b) The primary responsibility for enforcement of this chapter shall be vested in the animal control officer who may call upon such other officers or employees of any law enforcement agency as may be necessary for the enforcement of this chapter. The animal control officer shall notify the appropriate agency of any known violation of state enforced regulations or laws.

(c) The animal control officer shall be authorized to make whatever inquiry or investigation is deemed necessary to ensure compliance with this Ordinance.

(d) The animal control officer is authorized to ascertain that all animals of proper age, in which the officer comes into contact with during the normal course of their duties, are vaccinated against rabies with a current vaccination, and that all dogs are properly tagged or have an appropriate certificate of vaccination.

(e) All law enforcement agencies within the jurisdiction of the governing authority shall cooperate with the animal control officer in enforcing the provisions of this chapter.

(f) It shall be a violation of this chapter, for any person to interfere with the animal control officer in the performance of his duties.

**Sec. 1-5. Enforcement contract.**

The board of commissioners is hereby authorized to negotiate and execute a contract with the board of health of the county to effectuate an identical plan for animal control of the county and further to provide that the department of animal control shall be authorized to enforce the animal control ordinance in other municipalities within the county, if such an agreement is entered into between the County and said municipality. The department agent shall be authorized to issue citations for violations of this article.

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**Sec. 1-6. Vaccinations.**

(a) Any dog, cat or ferret, which is more than three months of age, within the jurisdiction of the Fannin County Board of Commissioners must have a valid and current rabies vaccination which shall have been administered by a licensed veterinarian. The burden shall be on the owner to provide verifiable proof of vaccination to animal control. Animals being kept in a shelter shall be exempt from the requirement of a rabies vaccination for up to 30 days. The requirements of this subsection include the need for up-to-date revaccinations. An animal owner found in violation of this subsection shall be required to comply with this subsection within seven days, or the animal control officer is hereby authorized to impound the animal and have the animal vaccinated. Any animal impounded under this section shall not be released to the owner unless and until all of the requirements of this chapter are met.

(b) An owner of an animal which bites or scratches a human being with force sufficient to break the integrity of the skin shall be subject to impoundment, and shall be subject to citation if found either in violation of the requirement to have a current rabies vaccination, or in violation of quarantine requirements, and may be further subject to additional requirements and penalties pursuant to other provisions of this chapter as well as all Georgia state quarantine requirements.

(c) It is unlawful for anyone (other than a licensed veterinarian or animal control) to kill or release any animal under observation for rabies or suspected of having been exposed to rabies or any animal which has bitten a human being, or to remove such animal from the county without written permission from animal control and the director of public health.

(d) All owners of animals vaccinated against rabies shall obtain and keep available for each animal owned a valid certificate of vaccination, along with a rabies tag indicating the year it was issued. It is strongly recommended that the tag be securely fastened to a collar on the dog for which it was issued. It is assumed that an animal has not had a rabies vaccination if proof cannot be provided for the administration of such vaccination by either tag or certificate.

(e) All dog owners are strongly encouraged to affix identification to their animals, either on the dog's collar or by other means such as microchip, and such identification shall be sufficient to trace or locate the dog's owner. This recommendation exists to facilitate proper and timely return of missing dogs to their rightful owners.

(f) Any dog, cat or ferret that has been in an animal shelter is required to obtain a current rabies vaccination and be sterilized upon release for

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adoption. Return of owned animals requires current rabies vaccination and recommendation of sterilization. If the dog, cat or ferret is less than three months of age, the animal shelter shall require the owner to fulfill the requirement after animal has reached appropriate age.

(g) It is specifically prohibited within the jurisdiction of the Fannin County Board of Commissioners for an individual to impound for quarantine purposes any animal that the Fannin County Board of Health or the State Board of Health requires to be quarantined for potential rabies on private property. Any animal required to be quarantined shall be quarantined with either a veterinarian, State licensed facility, or health department approved location.

**Sec. 1-7. Abandonment, cruelty, mistreatment and abuse.**

(a) It shall be unlawful for any person to abandon or abuse, injure, neglect, torture, torment, maim, mutilate, beat, wound, poison or kill an animal, or to confine or tether an animal in an unsafe or non-humane manner, or to confine an animal without sufficient ventilation and protection from extreme temperatures. The allowance of any condition, or failure to provide any care, which shall endanger an animal's health shall constitute abuse. This shall also include having a number of animals that exceeds an owner's ability to provide proper care and shelter in the opinion of animal control or a licensed veterinarian, and failure to provide adequate food and water, failure to obtain needed veterinary care to relieve pain and suffering, failure to appropriately treat an animal for parasitic infestations, and failure to provide humane care.

(b) It shall be unlawful for anyone to abandon any animal, owned by or in the possession, including temporary possession, of any person. Such abandonment shall include leaving or putting out any animal, whether the animal is healthy, sick, injured, or diseased, on any private or public property, or aiding or permitting such leaving or putting out. It shall be unlawful for anyone to abandon any dead animal on any private or public property, or to fail to bury or otherwise properly dispose of the carcass within 24 hours after an animal's death in accordance with applicable state and county health regulations.

(c) Animals may be confined by a chain, tether or combination thereof so long as it is of appropriate length, at the determination of an animal control officer, to permit the animal to reach shade, shelter, and a supply of fresh water and food. Animals confined by chain or fenced area shall be provided shelter which shall meet the following minimum requirements:

- (1) The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury, to

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contain the animal, and to protect the animal from extreme temperatures or inclement weather conditions.

(2) Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement.

(3) Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt and trash to minimize health hazards.

(d) It shall be unlawful to buy, trade, own, possess, keep, sell or train any animal with the intent that such animal shall be engaged in an exhibition of fighting; or to build, make, maintain or keep a pit, or allow a pit to be built, for the purpose of an exhibition of animal fighting; or, in any manner, to encourage, instigate, promote or assist in an exhibition of animal fighting; or charge admission, be an assistant, umpire or participant or be present as a spectator to any exhibition of animal fighting.

(e) Upon a finding of extreme circumstances determined in conjunction with a veterinarian and applicable law enforcement officer, animal control may immediately impound any abandoned, mistreated or abused animals as described in this section and shall deal with the animal in accordance with animal control regulations and the provisions of this chapter.

(f) A person who commits any offense of abandonment, cruelty, mistreatment or abuse as delineated in the above provisions shall be subject to a citation in addition to the criminal penalties imposed by O.C.G.A. § 16-12-4. The animal shall be immediately evaluated by a veterinarian and be impounded in accordance with the provisions of O.C.G.A. §§ 4-11-9.2--4-11-9.6.

**Sec. 1-8. Animals disturbing the peace.**

It is unlawful for any person to allow any animal in his possession or control to persistently or continuously bark, howl, or make noise common to their species or otherwise to disturb the peace and quiet of a generally accepted residential neighborhood or subdivision. It shall likewise be unlawful to keep or maintain such animals in such a manner as to produce noxious or offensive odors or to otherwise endanger the health and welfare of surrounding inhabitants.

**Sec. 1-9. Cleanup requirement.**

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The owner of any animal shall be responsible for the removal of any excrete deposited by such animal on public or private property.

**Sec. 1-10. Keeping of sick or diseased animals.**

It is unlawful for any person to own any animal which is seriously sick or injured without providing proper veterinary care for such animal. This section shall not be construed to include animals under active veterinary care or veterinary hospitals. Nothing contained herein shall prevent the owner of an animal that is seriously sick or injured from having the animal put down or from putting down said animal.

**Sec. 1-11. Animal fights.**

Except for lawful hunting activity, it is unlawful for any person to promote, stage, hold, manage, conduct, carry on, train for, attend, or own any animal for the purpose of participating in any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal.

**Sec. 1-12. Animals in heat.**

It shall be unlawful for the owner of any animal to allow the animal to run at large while in heat. Such animals must be confined so as to prevent access by intact males. ("In heat" is defined as a female animal in estrus.)

**Sec. 1-13. Destruction of property.**

No animal shall destroy or damage private or public property.

**Sec. 1-14. Impoundment.**

(a) *Length of time prescribed.* Any non-biting animal seized and impounded under any of the provisions of this article shall be detained for a minimum period of three working days (or longer space permitting), ten days for biting animals, and if the ownership of the animal is not determined within that period, the animal can be disposed of in such a manner as the animal control department may designate. Any animal seized that is wearing identification tags shall be kept for five days, ten days for biting animals, and the animal control department shall attempt to notify the owner by phone or in writing if possible.

(b) *Waiver of time for well animals.* If at any time during the required waiting period set forth above the owner indicates to the animal control department his intention to not reclaim the animal, the

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balance of the waiting period shall be waived and the animal shall be disposed of pursuant to this section.

(c) *Waiver of time for sick and threatening animals.* If at any time during the required waiting period, an examination of the animal by the animal control department indicates the animal to be severely sick and/or to be a threat to the health of other animals detained in the impoundment, the balance of the waiting period shall be waived and the animal shall be disposed of pursuant to this section. At any time the animal control officer has doubt as to the health or degree of illness of the animal in question, they shall obtain consultation from a licensed veterinarian.

(d) *Authority to kill menacing animals.* If it is deemed impossible or impractical to rescue, confiscate or seize by reasonable and normal means a dangerous, injured or sick animal due to its viciousness, suffering, or other unhealthful condition, it shall be the duty of any law enforcement agency or the animal control officer to immediately and humanely destroy the animal in the field if the officer deems such destruction is necessary for the protection of the public health and safety of the citizens of the county. The animal's owner, if known, shall be liable for a reasonable fee associated with such immediate destruction of such animal.

(e) *Seizure and quarantining of animals that have been deemed harmful by the department of animal control.* If an animal has harmed any person to the extent to where the skin is either scratched or punctured, that animal shall be seized and impounded in quarantine for a period of ten working days regardless of the knowledge of the ownership of that animal and the desire of such owner to release the animal.

(f) *Destruction of animals seized three or more times.* If any animal is seized and/or impounded under any of the provisions of this chapter on three or more occasions, the animal may be destroyed at the discretion of the animal control department. **Sec. 1-15. Unlawful interference by third parties.**

(a) *Holding animal without consent of owner.* No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal which he does not own for more than 72 hours without first reporting the possession of such animal to the animal control department.

(b) *Causing animals to be in violation of article.* No person shall willfully cause an animal to be in violation of any portion of this article.

(c) *Attack, assault, or interfere with an officer of the animal control department.* It shall be unlawful for any person to attack, assault, or

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in any way physically or verbally threaten or interfere with an animal control officer in the performance of those duties required to enforce this article.

(d) *Motorist to notify animal control department and render assistance.* Any motor vehicle operator who knowingly strikes any animal shall immediately give notice to the animal control department or appropriate law enforcement agency if unable to identify the owner immediately. If the animal needs veterinarian assistance, the owner shall be responsible for any veterinary bills under the circumstances.

(e) *Cruelty to animals prohibited; defense allowed.* No person shall perform a cruel act on any animal nor shall any person harm, maim, or kill any animal except for the animal control department as provided under section 1-17 or attempt to do so, except that a person may:

- (1) Defend his person or property, or the person or property of another, from injury or damage being caused by an animal; or
- (2) Kill any animal causing injury or damage to any livestock or poultry.

The method used for killing the animals shall be designed to be as humane as is possible under the circumstances. A person who humanely kills an animal under the circumstances described herein shall incur no liability for such death.

**Sec. 1-16. Magistrate jurisdiction.**

The magistrate court of the county shall have jurisdiction over all alleged violations of any portion of this article and shall have all powers granted to it which are necessary and incident to the hearing and disposition of the matters brought before the court, such powers to include the authority to issue citations and summons for witnesses. The following persons have standing to file complaints for violations herein:

- (1) Animal control officers.
- (2) Other law enforcement officers.
- (3) Public health officials.

**Sec. 1-17 Violations; penalties.**

(a) Any person, firm, corporation, association or partnership violating any provision of this chapter as it exists or may be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of Fannin County, and upon conviction shall be punished at least as provided below for each violation, in the discretion of the court, to a maximum of \$1,000.00 fine and 60 days in jail, or both. Each day a

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violation is committed or permitted to continue shall constitute and shall be punishable as a separate offense.

(b) The following minimum fines and penalties shall be imposed for violations of this chapter. A second citation for the same owner for the same offense within two years, even if for a different animal, shall subject the owner to a fine of double the amount of the first fine. In the case of a third citation for the same owner for the same offense within two years of the second offense, even if for a different animal, the fine shall be double the amount of the second fine, and the animal may be confiscated. Animal Control or Law Enforcement Officers may issue warnings for minor and non-repeat violations. Officers shall issue citations upon follow up if violations are not corrected.

TABLE INSET:

Section/violation	Minimum fine 1st offense
No rabies vaccination or proof of rabies vaccination	\$50.00
Failure to report an animal bite	
Remove tracking collar or ID	\$100.00
Knowingly fail to respond to a notice	
Nuisance	\$150.00
Failure to follow through on adoption agreement	
Failure to confine an animal in heat (estrus).	\$250.00
Failure to exercise reasonable care	
Violation of quarantine requirements	\$250.00
Animal bite, no rabies vaccination	
Abandonment, cruelty, mistreatment, abuse	
Illegal killing of an animal	

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Failure to comply with special conditions or sterilization requirements as may be specified by animal control or department of health.	
Interfere with animal control officer	
Any violation by dangerous animal	\$500.00
Kill or release animal under rabies observation	
Any felony violation	See ordinance and state laws
Any other violation	\$50.00 minimum fine

(c) A citation shall be personally served upon the animal owner or the alleged violator.

(d) Penalties provided in this chapter are in addition to those provided under state law. All fines imposed by this chapter do not include court costs which shall be an additional amount imposed by the court and added on to each fine.

(e) When an animal has been confiscated or surrendered for any reason and becomes the property of animal control, it shall be within the discretion of animal control to determine the best and most humane options for disposition of the animal. Animal control policy may include surrender to another shelter, euthanasia, or adoption, and previous owners are not entitled to any further information once the animal becomes the property of animal control.

(f) Upon issuance of a citation for nuisance, failure to take reasonable care, or an animal has been declared dangerous or potentially dangerous, animal control may require that an owner take special preventative measures on a case by case basis in addition to fines and penalties, including but not limited to leash requirements, fencing, enclosures, immediate sterilization, etc. In considering whether to impose a special preventative measure, animal control is authorized to consider additional factors as aggravating circumstances such as:

- (1) Child under 13 living near or found to usually walk by or is otherwise in close proximity to the animal;
- (2) The animal has bitten a human being or other animal;
- (3) A dog has been trained for fighting or attack;
- (4) The animal, without provocation, has approached a person in an apparent attitude of attack;

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(5) The individual animal has a known propensity, reputation, or tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings, domestic animals, livestock, or other animals.

**Sec. 1-18. Trapping.**

(a) Upon written request by a resident of the county that a trap is needed to be placed on the resident's property to aid in the seizure of an animal, if the animal control department determines that such request is in the best interest of public safety, the animal control department may provide the resident with a trap for placement on the resident's property. If a trap is provided to the resident requesting a trap, the resident shall deposit a fee as set forth in the schedule of fees and charges on file in the office of the county clerk. The allotted time a resident will be allowed to retain the trap shall be limited to either such time as the animal is caught or two weeks, whichever comes first.

(b) The resident shall also agree in writing that after the issuance of a trap and the trap is subsequently stolen, destroyed, unable to be located, or is damaged or misused in any manner, the resident shall be responsible for the replacement of such trap up to but not exceeding \$300.00.

**Sec. 1-19. Maximum limits.**

No person or household shall own, possess, harbor or keep more domesticated animals than that person or household has the physical and financial ability to appropriately care for, unless such person is a licensed pet dealer as defined under O.C.G.A. § 4-11-2. Animal Control shall seek the advice of law enforcement, health department and veterinary expertise if such a situation arises. An exception, not to exceed 70 days, will be granted for weaning and placement of new litters. No person or household shall be granted more than two exceptions within a 12-month period, unless otherwise exempted or prohibited by state law.

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