



**ORDINANCE ON REGULATIONS AS TO THE KEEPING OF WILD AND EXOTIC ANIMALS
WITHIN THE UNINCORPORATED AREAS OF FANNIN COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF GEORGIA**

December 14, 2023

ARTICLE I

PURPOSE

THE BOARD OF COMMISSIONERS OF FANNIN COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, HEREBY ENACTS A COUNTY ORDINANCE IN THE FUTURE OF ITS RESPONSIBILITIES TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELL BEING OF THE CITIZENS OF FANNIN COUNTY, GEORGIA, AND TO REGULATE THE KEEPING OF WILD AND EXOTIC ANIMALS WITHIN THE UNINCORPORATED AREAS OF FANNIN COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ARTICLE II

ENACTMENT AUTHORIZATION

The Board of Commissioners of Fannin County, Georgia, under authority of Article 9, Section 2 Paragraph of the Constitution of Georgia (1983); as set forth in Article I of this ordinance, hereby ordains and enacts into law the following articles and sections.

ARTICLE III

TITLE

This Ordinance shall be known and may be cited as “An Ordinance Regulating and the keeping of Wild and Exotic Animals within the unincorporated areas of Fannin County” a political subdivision of the State of Georgia.”

ARTICLE IV

REGULATIONS OF WILD AND EXOTIC ANIMALS FOUND WITHIN THE STATE OF GEORGIA

- A. The General Assembly of the State of Georgia has found and declared that it is in the public interest to ensure the public health, safety, and welfare by strictly regulating in the State of Georgia, the importation, transportation, sale, transfer, and possession of those wild animals which pose a possibility of being:
- (1) Harmful competition for wildlife.
 - (2) The introduction of a disease or pest harmful to wildlife.
 - (3) Problems of enforcing laws and regulations relative to wildlife.
 - (4) Threatening wildlife or other natural resources; or
 - (5) Endangering the physical safety of human beings.
- B. The State of Georgia prohibits the importation, transportation, sale, transfer, and possession of wild animals unless it can be clearly demonstrated that such actions can be accomplished in a manner that does not pose unnecessary risk to Georgia's wildlife and other natural resources or to the citizens of the State of Georgia or visitors to this state.
- C. The State of Georgia has in the Official Code of Georgia Annotated Section 27-5-1 through 27-5-12 set forth the requirements which must be met prior to a wild animal being imported, transported, sold, transferred, or possessed within the State of Georgia.
- D. Fannin County, a political subdivision of the State of Georgia, does hereby affirm and adopt said requirements. In addition to meeting the requirements set forth by the State of Georgia for importation, transportation, selling, transferring or possession of a wild animal, the terms and conditions set forth in the remaining provisions of this Ordinance must be met before a wild animal can be imported, transported, sold, transferred, possessed or maintained on property located within the unincorporated areas of Fannin County, Georgia.

ARTICLE V

WILD ANIMALS FOR WHICH A LICENSE OR PERMIT IS REQUIRED AND FOR WHICH THE BALANCE OF THIS ORDINANCE APPLIES

- A. The State of Georgia has listed and had the specific authority to supplement the list of wild animals to which a permit or license or both is required. Said list is provided in the Official Code of Georgia Annotated Section 27-5-5.
- B. Fannin County, a political subdivision of the State of Georgia, does by the enactment of this Ordinance adopt said list as it appears in the Official Code of Georgia Annotated Section 27-5-5, and any subsequent modifications to said list as the list of wild animals to which the balance of this ordinance is applicable.

ARTICLE VI

REQUIREMENTS FOR THE IMPORTATION, TRANSPORTATION, SALE, TRANSFER, POSSESSION OR MAINTENANCE OF WILD ANIMALS WITHIN THE UNINCORPORATED AREA OF FANNIN COUNTY, GEORGIA

A. NOTIFICATION TO FANNINCOUNTY, GEORGIA

- 1) Any person, business or entity desiring to own, keep, hold, or harbor a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County, a political subdivision of the State of Georgia, shall a minimum of ninety days prior to applying for a license or permit from the State of Georgia Department of Natural Resources for the location of such wild animal within Fannin County, Georgia, notify the Fannin County Land Development Officer of said intention.
- 2) Prior to applying for a license or permit from the State of Georgia Department of Natural Resources for the location of a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County, a political subdivision of the State of Georgia, said person or **organization**, business and or entity shall provide the Fannin County Land Development Officer with a survey of the property that is to be the location of the confinement of the subject animals, indicating the minimum acreage as set forth here under.
- 3) Prior to applying for a license or permit from the State of Georgia Department of Natural Resources for the location of wild animals as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County a political subdivision of the State of Georgia, said person, business, **organization**, or entity shall provide the Fannin County Land Development Officer with a written statement as to the species to be maintained on said property and the anticipated number of animals to be maintained on said property.

B. **MAXIMUM NUMBER OF ANIMALS:** The State of Georgia Department of Natural Resources set forth, in its regulations, standards for the space requirement for wild animals set forth in Official Code of Georgia Annotated Section 27-5-5. Fannin County, a political subdivision of the State of Georgia, hereby affirms said standards. No facility located within the unincorporated areas of Fannin County, Georgia, shall be allowed to maintain animals in a number greater than that is permitted by the State of Georgia Department of Natural Resources.

C. **LICENSE REQUIREMENTS:** A person, **organization**, business or entity desiring to own keep, hold, or harbor a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County, a political subdivision of the State of Georgia, must meet the licensing requirements of the State of Georgia Department of Natural Resources as set forth in Official Code of Georgia Annotated Section 27-5-4.

D. **CERTIFICATE OF HEALTH:** Prior to being transported into Fannin County, Georgia, any person, **organization**, business or entity desiring to own, keep, hold or harbor a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County a political subdivision of the State of Georgia, must furnish the Fannin County Animal Control Officer for Fannin County, a political subdivision of the State of Georgia, must furnish the Fannin County Animal Control Officer for Fannin County,

Georgia, a with a certificate of health for said animal. Said certificate of health must indicate that the animal is not currently a carrier for any disease communicable to humans or to other animals. Said certificate must be issued by a doctor or veterinary medicine licensed to work with the species in question.

- E. **ANIMAL MAINTENANCE:** A person, **organization**, business or entity desiring to own keep, hold, or harbor a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County a political subdivision of the State of Georgia, must meet the specifications for humane handling, care, confinement and transportation of wild animals as set forth in the Official Code of Georgia Annotated Section 27-5-6.
- F. **DISPOSAL OF ANIMAL EXCRETA:** A person, **organization**, business or entity desiring to own keep, hold, or harbor a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County a political subdivision of the State of Georgia, must insure that any excreta is disposed of a manner that does not violate any provisions of the United States Environmental Protection Agency's clean water drinking standards, and/ or such similar such statues or regulations.
- G. **CONFINEMENT OF WILD ANIMALS:** A person, **organization**, business or entity desiring to own keep, hold, or harbor a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County a political subdivision of the State of Georgia, must erect such confinement facilities as directed by State of Georgia Department of Natural Resources to provide for the safety of the general public as well as for the safety of the permitted animal.
- H. **MINIMUM ACERAGE:** In order to provide for the welfare of adjacent property owners, to insure privacy, and to avoid any claim of nuisance, no person, business, **organization**, or entity shall be authorized to own keep, hold, or harbor a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County a political subdivision of the State of Georgia, on a parcel or tract of land containing not less than one hundred acres.
- I. **MINIMUM SET BACK TO ADJACENT PROPERTY OWNERS:**
1. In order to provide for the welfare of adjacent property owners, to insure privacy, and to avoid any claim of nuisance, no facility designed for the confinement of a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County a political subdivision of the State of Georgia, shall be located within **five hundred (500) feet of the property line between the** property (a minimum of 100 acres) on which the facility is to be housed and any adjacent property owners.
 2. A minimum of 100 (one hundred) feet between the adjacent property owner and the subject parcel shall be maintained in its natural vegetative state.

3. For the purpose of establishing the commencement point from which setbacks should be calculated, the location of the outer barrier or fence for the area in which the subject wild animal is normally housed shall be said point. Boundary fences, perimeter fences or similar devices can be located within the minimum set back area.

J. WAIVER BY ADJACENT PROPERTY OWNERS:

1). This Article notwithstanding, any adjacent property owner shall be entitled to waive the setback requirements of this Article.

2). Said waiver or setback must be permanent and perpetual in nature, and must be binding on the heir, executors, successors and assigns of any person claiming under, by or through the person or entity executing the waiver of setback.

3). Said waiver must be executed in such a format that meets the requirements for recordation on the deed records of Fannin County, Georgia, as maintained in the office of the Clerk of the Superior Court for Fannin County, Georgia.

4). Said waiver must be recorded on the deed of records of Fannin County, Georgia, as maintained in the office of the Clerk of the Superior Court for Fannin County, Georgia and cross referenced against the source of title for the adjacent property owner who is waiving the setback requirements of Article VI Section 9 of this Ordinance.

5). If any adjacent property owner electing to execute a waiver of setback has a security interest in said property held by a third party, the consent of said third party must be obtained, and recorded in accordance with the provisions of section to constitute a valid release from the within required setback requirements.

K. REQUIREMENTS OF THE FANNIN COUNTY, GEORGIA LAND DEVELOPMENT ORDINANCE. Nothing contained here shall be deemed to exclude any person, organization, business, or entity which shall be engaged in land disturbing activity from meeting the requirements of the applicable ordinances of Fannin County, Georgia.

ARTICLE VII

LIABILITY INSURANCE

Liability insurance is required for the possession of any wild animal that is classified as being inherently dangerous to people in subsection (a) of the Official Code of Georgia Annotated Section 27-5-5 or as required by regulations of the State of Georgia Department of Natural Resources. A minimum of fifteen days prior to possessing any wild animal that is classified as being inherently dangerous to people in subsection (a) of the Official Code of Georgia Annotated Section 27-5-5 or as required by regulations of the State of Georgia Department of Natural Resources, any person, business, **organization**, or entity desiring to own, maintain, keep or possess such animal must provide proof of liability insurance from a company licensed to do business in this state. Said insurance must be maintained in force and effect and cover claims for injury or damage to persons or property in an amount equal to \$100,000.00 for each inherently dangerous animal up to a maximum of \$1,000,000.00. Liability insurance is not required for animals not considered by the State of Georgia as inherently dangerous to people.

ARTICLE VIII

EXHIBITION EXCEPTION

- A. **PERMITTED PURPOSES:** Notwithstanding the foregoing, nothing contained herein shall be deemed to prevent the displaying of wild or exotic animals within the unincorporated areas of Fannin County, Georgia, in conjunction with an educational program, fair, circus, or animal exhibition, or similar such program.
- B. **LICENSE REQUIREMENTS:** Any person, business or entity bringing a wild or exotic animal into Fannin County, Georgia, in conjunction with an educational program, fair, circus, or animal exhibition or a similar such program shall be the holder of such licenses or permits as may from time to time be required by the **Georgia** Department of Natural Resources.

ARTICLE IX

REHABILITATION EXCEPTION

- 1. **PERMITTED PURPOSES:** Notwithstanding the foregoing, nothing contained herein shall be deemed to prevent an individual or organization from keeping or maintaining not more than three wild or exotic animals, which weigh not more than fifty pounds each, within the unincorporated areas of Fannin County, Georgia, for a period not to exceed thirty days in conjunction with the rehabilitation of an injured animal. It being the intention of this provision to allow for the care of an otherwise wild animal, with the goal of reintroducing said animal to its natural habitat.

ARTICLE X

PROHIBITION ON BIOMEDICAL RESEARCH

ABSOLUTELY NO ANIMAL WILL BE ALLOWED TO BE OWNED, KEPT, HELD, HARBORED OR MAINTAINED WITHIN FANNIN COUNTY, GEORGIA, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, WHICH HAS EVER BEEN INVOLVED IN ANY MANNER IN ANY BIOMEDICAL RESEARCH INVOLVING A CONTAGIOUS OR COMMUNICABLE DISEASE THAT IS STILL PRESENT (IN AN ACTIVE OR DORMANT FORM) IN SAID ANIMAL.

ARTICLE XI

COUNTY APPROVAL AND VARIANCES

- A. **APPROVAL OF FACILITY:** In conjunction with the goal and duty of Fannin County Board of Commissioners to ensure the safety, health and wellbeing of the citizens of Fannin County, Georgia, the Board of Commissioners shall have the right to review each application for location of a facility to house wild or exotic animals within Fannin County, Georgia, to insure that said facility meets the requirements contained within this ordinance; that the location of said facility with Fannin County, Georgia, will not be counterproductive to the overall good of Fannin County, Georgia, and to insure that the location of said facility is not counterproductive to the health, safety, and wellbeing of the citizens or Fannin County, Georgia. If the Board of Commissioners determines, after review of the application, that additional safeguards are required, it shall have the option of imposing said safeguards. Moreover, if the Fannin County Board of Commissioners determines that such a facility cannot be operated, within Fannin County, Georgia, in a manner to ensure the health, safety and wellbeing of the citizens of this County, then the Board of Commissioners shall have the right to reject the application. The decision of the Board of Commissioners in any individual case shall be final.
- B. **VARIANCES:** In conjunction with the goal and duty of the Fannin County Board of Commissioners to ensure the safety, health and wellbeing of the citizens of Fannin County, Georgia, the Board of Commissioners shall have the right to grant a variance to the minimum lot size for location of facility to house wild or exotic animals within Fannin County, Georgia, if in the opinion of the Board of Commissioners, the granting of said variance will not be counterproductive to the overall good of Fannin County, Georgia. The decision of the Board of Commissioners in any individual case shall be final.

ARTICLE XII

VIOLATIONS

- A. **NOTIFICATION OF VIOLATIONS:** The Fannin County Animal Control Officer shall be authorized to inspect any facility constructed for the purpose of owning, maintaining, keeping, holding, or harboring a wild animal as listed by the State of Georgia as being such, which said list has been reaffirmed by Fannin County, a political subdivision of the State of Georgia. **The Fannin County Animal Control Officer shall report any suspected violation of this ordinance to the Fannin County Board of Commissioners and the Georgia Department of Natural Resources.**
- B. **NOTIFICATIONS OF VIOLATIONS:** Any violations of this ordinance or any revocation of license or permit noted or made by the **Georgia** Department of

Natural Resources shall be forwarded to the Fannin County Board of Commissioners.

- C. **ISSUANCE OF CEASE-AND-DESIST ORDERS:** The Fannin County Board of Commissioners, can on its own initiative or at the request of the Fannin County Animal Control Officer, prior to a hearing, issue a cease-and-desist order or other appropriate order to any person who is violating the provisions of the Ordinance.
- D. **HEARINGS:** Any alleged violation of this Ordinance shall be appealable in the same manner as alleged violations of the permit and license requirements of the **Georgia Department of Natural Resources.**

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