

Section _____ Animal Control

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

1.1 Abandoned animals. Any domesticated animal shall be considered abandoned, for all rights and purposes of this chapter, when such animal has been placed upon public property and/or within a public building unattended either caged or uncaged, or placed upon or within the private property of another without the permission of the property owner, or is left unattended either caged or uncaged.

1.2 Animal at large means any animal found loose and not under proper restraint.

1.3 *Animal Control Officer* means any person so designated by the board of commissioners to perform the duties of animal control and ordinance enforcement.

1.4 Animal under restraint. Any animal is considered under restraint if (i) it is controlled within the property limits of its owner; or (ii) it is controlled by a leash; or (iii) it is at heel or beside a competent person and is obedient to the person's commands; or (iv) it is within a vehicle being driven or parked on the streets.

1.5 "Domesticated animals" means animals that are accustomed to living in or about the habitation of men, including, but not limited to, cats, dogs, cows, fowl, horses, swine, domesticated wild animals and/or exotic animals.

1.6 Impoundment means the action of taking physical control of an animal by an Animal Control Officer and/or other officers empowered to act by law and the transporting of such animal to the animal control facility.

1.7 Owner means any person who owns, harbors, keeps and maintains, has lawful possession of, or knowingly causes or permits an animal to be harbored or kept, who has an animal in his care, who shelters and/or provides for such animal sufficient quantities of wholesome food and water for 20 consecutive calendar days or longer, and permits an animal to remain on or around his premises. The term "owner" shall include any person hired or acting as custodian of the animal for its owner.

1.8 Vicious or dangerous animal means any animal that has attacked, bitten or caused injury to human beings, other domestic animals or livestock without adequate provocation.

2. Animal Control Unit. There is created for the County an Animal Control Unit which shall be staffed with such personnel as may be from time to time authorized by the Board of Commissioners. The Animal Control Unit shall be charged with enforcing this chapter and the operation of the animal shelter.

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 that all provisions of this chapter are complied with.

4. Duty to keep animals under restraint while on owner's property. It shall be the duty of every animal owner or the custodian of any dog to ensure that such 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, possessor or custodian.

5. Duty to keep animals under restraint while off owner's property.

5.1 It shall be the duty of the animal 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 owners real property limits when:

- (A) The animal is within a vehicle, parked or in motion;
- (B) The animal is properly confined within a secured enclosure with the property owner's permission;
- (C) The animal is securely restrained by a leash or other method held by a competent person; or
- (D) The animal is under immediate voice command of a competent person at all times.

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

6. Enforcement.

6.1 Primary enforcement responsibility. The primary responsibility for enforcement of this chapter shall be vested in the Animal Control Unit.

- (A) The Animal Control Unit shall consist of Animal Control Officers, the number and identity of which shall be designated by the Board of Commissioners.
- (B) These officers shall be vested with the authority to issue citations for violation of this chapter.
- (C) The officers comprising the Animal Control Unit may also call upon such other officers, constables and employees of the Magistrate's Office or Sheriff's Department of the County as may be

necessary for the enforcement of this chapter.

6.2 Issuance of citations. Upon information known to any officer or member the Animal Control Unit, or the County's Sheriff's department that any owner or possessor of a domesticated animal is in violation of this chapter, a citation may be issued requiring the owner or possessor of such domesticated animal to appear before the judge of the Magistrate's Court of the County on a day and time certain to stand trial for the violation of this chapter.

6.3 Testimony of witnesses. If a violation of this chapter has not been witnessed by an officer of the Animal Control Unit, the Sheriff's Department or other employee of the County, a subpoena shall be issued to the person making the complaint requiring such person to appear on the day and time set to testify on behalf of the County.

6.4 Impoundment of animals. In the event that the owner or possessor of any domesticated animal is not known, and such domesticated animal is at large in violation of this chapter, upon complaint made to, or information known to the Animal Control Unit, it shall be the duty of the Animal Control Unit to timely take possession of such domesticated animal and impound it according to such rules and regulations and ordinances of the County for the detention, control and disposition of domesticated animals.

6.5 Pursuit of animals onto private property. Animal Control Officers may pursue an animal at large onto private property to effect capture and impoundment of such animal only if such officer has at that time seen the animal away from the property of its owner. Prior to such action the Sheriff's Department shall have been notified requesting backup and assistance.

7. Disposition of impounded animals.

7.1 Notice of impoundment. It shall be the duty of the Animal Control Unit to immediately notify the owner of each domesticated animal impounded if the owner of the domesticated animal is known or can be reasonably ascertained.

7.2 Reclaiming animal; fees. The owner of any domesticated animal impounded may, within 72 hours of such impoundment, reclaim such domesticated animal by payment of the impoundment fee and daily board rate established from time to time by the board of commissioners or Animal Control Unit as the case may be. Although reclamation may be had thereafter, the animal may be subject to adoption.

7.3 Animal adoption. The Animal Control Unit shall release for adoption any animal unredeemed or unclaimed according to such Animal Control Units internal policies and procedures unless no such procedures exist in which case, after 72 hours, and following adoption internal or state procedure as the case may be. Any person adopting an animal shall pay the required license fees, cost of rabies inoculation, impoundment fee and any other such fees deemed necessary.

7.4 Treatment or euthanization of diseased or injured animal. Unless contrary to any Animal Control Unit's internal processes and procedures, if any animal is seized or impounded by the Animal Control Unit and shows evidence of contagious, infectious or fatal diseases, is seriously ill or severely injured, such animal will be evaluated and the advice of a licensed veterinarian sought to determine whether to treat the animal or euthanize.

7.5 Veterinary expenses. All veterinary expenses incurred shall be charged to the owner of such animal.

7.6 Destroying animals. Any animal which is suffering excessively or which exhibits feral or wild tendencies and/or may present a perceived danger to persons or other animals may be, without regard to confinement period, destroyed by the most humane method available.

8. Public nuisance animal.

8.1 Any animal will be deemed a public nuisance animal if:

- (A) It is repeatedly found at large;
- (B) It damages the property of anyone other than the owner of such animal.

(C) It is vicious;

(D) It produces, because of quantity, manner or method in which animals are kept, unsanitary conditions in areas of the County zoned R-1 or PUD subdivisions. This section shall not be construed as to apply to hooved animals or livestock.

8.2 Any animal that excessively and continuously makes disturbing noises shall be defined as a nuisance animal. Excessive noises shall be defined as continuous howling, barking or crying or causing unreasonable annoyance continuously for a period of one-half hour or more. For the purposes of this chapter, the animal must be within 200 feet of the property line of the complaining party.

8.3 Any such animal may be impounded and the owner or possessor charged for violation of this chapter.

9. Abandoned animals. It shall be unlawful for anyone to knowingly abandon or permit such abandonment of or aid in such abandonment of any domesticated animal within the County limits.

10. Biting dogs, cats, and exotic animals, wildlife, rehabilitated wildlife kept as pets.

10.1 Confinement. All domesticated animals, whether vaccinated or not, and who are known to have bitten a person causing an injury that is open and bleeds, shall be confined for a period of ten days for observation of rabies.

10.2 Destruction and analysis of animals suspected of rabies. For all wild animals, exotic animals, and domesticated wild animals, or in the case of consent of owner for owned dogs and cats, the animal shall be destroyed immediately, decapitated and its brain tissue analyzed for indications of rabies, if it has bitten a human or another animal.

10.3 Destruction of unvaccinated dogs or animals. A dog or other animal which has not been vaccinated or which has been vaccinated less than one month prior to being bitten by a known rabid animal shall be

immediately destroyed.

10.4 Confinement of animal in isolation. If the owner is unwilling to destroy such animal, it shall be confined in strict isolation in a location approved by the Animal Control Officer for a period of six months.

10.5 Vaccination of confined animal. The confined animal must be vaccinated within five months after the bite.

10.6 Revaccination and confinement. Any dog or other animal for which rabies vaccination effectiveness has been established and having current vaccination at least one month prior to being bitten by a known rabid animal may be revaccinated and then confined in a manner approved by the Animal Control Officer for 30 days; thereafter, it shall be released to the owner if the animal exhibits no signs (clinical) of rabies as adjudged by a veterinarian.

11. Establishment of infected area quarantine. Whenever the department of human resources may declare the county or any area therein an "infected area" pursuant to O.C.G.A. § 31-19-2, then every dog in such infected area shall be quarantined and confined to the owner's or custodian's premises during the entire period of time for which such declaration to the department of human resources is in effect.

12. Confinement area of facility.

12.1 Place of confinement. Confinement area or facility to which a dog or other animal is confined in compliance with the provisions of this chapter shall be either an animal shelter, kennel, animal hospital or such other place as designated by the Animal Control Officer.

12.2 Requirements for confinement facility. Unless otherwise authorized by the Animal Control Officer, unvaccinated biting animals and animals to be confined as prescribed in section 12.1 shall be confined in an animal shelter, kennel or animal hospital at the owner's expense. Such facility shall provide for the following:

- (A) Construction and management which will keep the animal dry, clean, prevent its escape and prevent its contact with both people and other animals;
- (B) A method and procedure for the identification of the animal and the recording of the date of its admission to the area or facility;
- (C) Assurance that the animal will have safe and adequate water and food;
- (D) Adequate space for the animal's exercise;
- (E) Protection against excessive heat and cold; and
- (F) Space, cages, pens and other necessary equipment to isolate the animal for its protection against injury and infectious diseases.

13. Animal impoundment and control. Dogs or other animals within any of the following classes may be captured and impounded:

- (A) Dogs and other animals whose ownership is unknown;
- (B) Vicious dogs or animals of all kinds;
- (C) Animals off premises of their owners;
- (D) Dogs or other animals which have bitten a person or animal or which have been bitten by a dog or animal suspected of having rabies;
- (E) Dogs or other animals suspected of having rabies;
- (G) Unconfined dogs in quarantine areas.

14. Summons. Any Animal Control Officer may at his discretion not impound a dog or other animal found in violation of this section but may instead return the animal to its rightful owner.

15. Interference with an Animal Control Officer. It shall be unlawful to interfere with any Animal Control Officer or officer empowered to act by law or to take or attempt to take any animal from the County vehicle used to transport such animal or to take or attempt to take any animal from the animal control shelter or impounding area.

16. Humane treatment of animals.

16.1 Provision of food, water and shelter. No person, corporation or

other entity having an animal in its possession and/or control shall fail to provide such animal sufficient food, water, shelter, and adequate protection from the elements. Veterinary care should be provided as needed to prevent suffering to such animal. Animals shall be treated with humane care at all times.

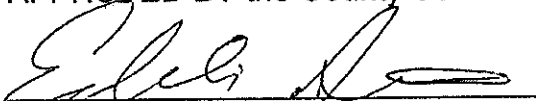
16.2 Ill treatment prohibited. No person shall beat, ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit combat between animals.

16.3 Exposure to poisonous substances. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall be likely to be eaten by any domesticated animal.

17. Liability of county, officers and employees. The County, the Animal Control Unit and its officers shall not be held responsible or liable for any accidents, diseases, injuries or deaths to any animal while being impounded or boarded at the animal shelter. Furthermore, the County, the Animal Control Unit and its officers shall not be responsible or liable in any way for the health, welfare or actions of an animal after its adoption.


18. Violations. Any person who shall do anything prohibited by this chapter as this chapter exists or as it may hereafter be amended or who shall fail to do anything required by this chapter as this chapter exists or as it may hereafter be amended shall be guilty of a misdemeanor and subject to the jurisdiction of the magistrate court of the county.

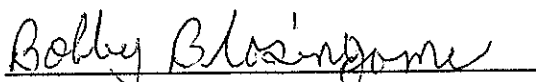
APPROVED BY the County Commission this 6 day of MAY, 2009.


Eddie Still, Chairman


Frank Hollis, Commissioner


Dean Fripp, Commissioner


Gene Hamlin, Commissioner


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Pat Kelly, County Manager