

CHAPTER 9

ANIMAL CONTROL ORDINANCE

- 9-101 Definitions
- 9-102 Vaccination and Licensing Required
- 9-103 Vaccination and Registration of Dogs and Cats
- 9-104 Tag to be Attached; Number of Rabies Certificate; Term
- 9-105 Kennel License
- 9-106 Re-Vaccination
- 9-107 Only Licensed Veterinarians to Vaccinate; Inferior Vaccinations
- 9-108 Impoundment of Unlicensed, Unvaccinated Dogs or Cats
- 9-109 Rabies Cases to be Reported
- 9-110 Quarantine
- 9-111 Examination of Heads
- 9-112 Restrictions on Dogs Running at Large
- 9-113 Notification Regarding Tag Requirement
- 9-114 Impoundment of Dogs And Cats
- 9-115 Duty of Animal Control Officer
- 9-116 Dogs and Cats Kept Seven (7) Days
- 9-117 Payment of Fees
- 9-118 Dogs or Cats Put to Death
- 9-119 Delegation of Shelter of Dogs and Cats
- 9-120 Enclosures for Fowl
- 9-121 Bird Sanctuary
- 9-122 Distances Large and Small Farm Animals and
Animal Enclosures from Property Lines
- 9-123 Nuisances
- 9-124 Penalty
- 9-125 Euthanasia
- 9-126 Hunters/Hunt Clubs Exemption
- 9-127 Jurisdiction
- 9-128 Court Proceedings
- 9-129 Effective Date
- 9-130 No Effect on State Law

Adopted: July 7, 1998

Signed: _____
Donna M. Waters, Clerk

**CHAPTER 9
ANIMAL CONTROL ORDINANCE**

ARTICLE I: IN GENERAL

9-101 Definitions. For the purposes of this chapter, the following words shall have the meanings indicated, unless the context clearly indicates a contrary meaning.

1. Animal. Any non-human living creature, domestic or wild.
2. Animal Control Officer. Any person or persons hired by Bryan County to carry out this Ordinance.
3. At Large. Off the premises of the owner and not under the control of the owner, a member of his immediate family, or some other person, either by leash, cord, or other holding device (except cats).
4. Cat. All felines of either sex, whether vaccinated against rabies or not vaccinated.
5. Dangerous animal. Any animal which is not naturally tame or gentle but is of a wild nature or disposition, or any domestic animal, which, because of said animal's size, vicious nature or other characteristics, would constitute a danger to human life, other domesticated animals, or property if not kept or maintained in a safe manner or secure quarters. (Revised 5/4/99)
6. Dog. A domesticated or undomesticated carnivorous mammal or canine of either sex, whether vaccinated against rabies or not vaccinated.
7. Enclosures. Any uncovered, enclosed parcel of land where animals or fowl are kept.
8. Farm Animals, Large. Horses, cows, goats, sheep, hogs, or other animals commonly considered as livestock.
9. Farm Animals, Small. Any animal not defined as a Large Farm Animals, and raised or bred for commercial purposes or fowl which shall mean chickens, turkeys, geese, ducks, pigeons, and similar fowl.
10. Health Officer. The Environmental Health Specialist for Bryan County.
11. Housing. Any building, shed, cage, pen or similar structure used for the housing of animals and fowl.

Adopted: July 7, 1998

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12. Nuisances. Whatever is dangerous or detrimental to human life or health and whatever renders or tends to render soil, air, water, or food, impure or unwholesome.

13. Rabies Certificate. A certificate signed by a licensed veterinarian who administered the rabies vaccination. A certificate shall be issued for each dog or cat vaccinated and must bear a license number, owner name, address, breed, color, and sex of such dog or cat. The date of last vaccination of such dog or cat shall be clearly stated on such certificate and a copy of such certificate is to be sent by the veterinarian to the Animal Control Office.

14. Vaccination and License Tag. A metal tag issued by authority of the Bryan County Commissioners and also a license or serial number showing that such dog or cat has been vaccinated as required by this Chapter.

15. Vaccinate or Inoculate. The injection into the body of a dog or cat of an approved anti-rabies vaccine prescribed by the State of Georgia, such vaccine having a U. S. Government license number approval stamped on the label of the vaccine container and which vaccine has been approved by the Bryan County Health Department (“Health Department”). Vaccine used for vaccination of dogs or cats against rabies shall have been refrigerated and kept under proper conditions showing no signs of spoilage and otherwise being unfit for producing immunity against rabies.

16. Veterinarian. A person who has received a doctor’s degree in veterinary medicine from a school of veterinary medicine and holds a license to practice the profession of veterinary medicine in the State of Georgia. The number of the aforesaid veterinary license shall be the same as that recorded by the Georgia State Board of Veterinary Examiners.

17. Secure Enclosure. An enclosure for keeping a Dangerous Animal while on the owner’s property securely confined indoors or in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of young children and designed to prevent the Dangerous Animal from escaping. Any such pen or structure shall have secure sides and a secure top, and if the Dangerous Animal is enclosed within a fence, all sides to the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the Dangerous Animal’s escape either from over or under the fence.
(Revised 5/4/99)

9-102. Vaccination and Licensing Required. It is a violation of this Ordinance for any person to own, keep, maintain, or harbor any dog(s) or cat(s) four (4) months of age or older without first having the dog(s) or cat(s) vaccinated against rabies and obtaining from the Animal Control Office of the Bryan County Board of Commissioners for each dog or cat the Vaccination and License Tag for the rabies certificate described in Sub-section 9-101. Such License Tag is to be obtained either in person or by mail for each dog or cat from the Animal Control Office within 30 days of such animal’s annual inoculation.

Adopted: July 7, 1998

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9-103 Vaccination and Registration of Dogs and Cats. All dogs and cats which have become four (4) months of age shall be vaccinated against rabies, by a licensed veterinarian and their owners shall obtain a license for such dogs or cats every twelve (12) months following the original vaccination and licensing of these dogs or cats.

1. Registration of dogs and cats. All persons owning, keeping or harboring any dog or cat shall pay a yearly registration fee to the County in such amount as fixed from time to time by the Bryan County Commission (“Commission”). Current fees are as follows:

(1) Registration for non-neutered and non spayed dogs or cats	\$ 3.00
(2) Registration for neutered and spayed dogs and cats	\$ 1.00
(3) Registration for dangerous dogs.	\$25.00
(4) Registration for a Kennel (10 dogs or more, flat fee)	\$40.00

2. Certification of Registration. Upon receipt of the registration fee required by this section, and the exhibition of an unexpired certificate of rabies vaccination, the Commission Clerk, or other such person(s) designated by the Commission, shall issue a registration certification to the owner of the dog(s)/cat(s), giving the owner’s name, the date issued, the amount paid, the description, name, age, and sex of the dog(s)/cat(s); the registration tag number, and the date the dog(s)/cat(s) was vaccinated and the type of vaccine used.

3. Registration Tag. At the time a registration certificate is issued pursuant to this section, the Commission Clerk, or other such person(s) designated by the Commission, shall also deliver a Registration Tag bearing the serial number of the Registration Certificate and year in which it was delivered. The shape and color of the tag shall be changed each year and it shall be the duty of every owner to provide each dog or cat for which a Registration Tag is issued with a collar or harness to which the Registration Tag must be affixed. The owner shall see that the collar or harness and the Registration Tag are constantly worn. In case a Registration Tag is lost or destroyed, a duplicate will be issued upon presentation of a receipt showing the original payment and \$1.00 as a replacement fee for such duplicate.

9-104 Tag to be Attached; Number of Rabies Certificate; Term.

1. Every dog or cat which has received a rabies vaccination as set forth in Sub-section 9-103 shall have attached to a collar around its neck a Vaccination and License Tag described in Sub-section 9-103; unless otherwise provided herein by this Ordinance..

2. The rabies certificate shall bear a license number identified with that of the tag attached to the collar of the dog or cat. Both certificate and tag will expire one (1) year from date of issue.

9-105 Kennel License. The fee for obtaining a license known as “kennel license” shall be forty (\$40.00) dollars and this license shall only be issued to kennel owners keeping, breeding or maintaining ten (10) or more dogs or cats that at the time of issuance of the license have reached the age of four (4) months or over, and after each dog or cat therein has been

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vaccinated for rabies by a licensed veterinarian. All dogs and cats in the custody of or in the care of kennel owners or operators and not being the legal property of the kennel operator shall be inoculated and tagged. ONE tag per kennel will be issued.

9-106 Re-vaccination. Where a license has been issued following vaccination, the owner of the dog(s) or cat(s) shall be exempt from paying a late fee provided the re-vaccination and license are acquired on or before the expiration date on the certificate for animal rabies vaccination issued by a licensed veterinarian.

9-107 Only Licensed Veterinarians To Vaccinate; Inferior Vaccinations.

1. No person who is not licensed to practice veterinary medicine in the State of Georgia, shall be allowed to vaccinate dogs or cats against rabies.

2. A veterinarian or any person having vaccinated dogs or cats against rabies with inferior vaccines or any drugs biologic, chemical, or material, which are not specified in this Chapter or that have not been approved by the Health Department or who violates any provision of this Chapter in whole or in part shall not be permitted within Bryan County to vaccinate dogs or cats against rabies and shall be fined as specified in Section 9-124 of this Ordinance.

9-108 Impoundment of Unlicensed, Unvaccinated Dogs or Cats. Any dog or cat found within Bryan County not wearing, or displaying a valid, current Vaccination Tag, and not confined within a fence on the premises of the owner with all gates and openings closed shall be immediately impounded, quarantined, or otherwise disposed of as required by this Chapter. Any dog found within Bryan County not vaccinated as required by this Chapter within the previous twelve (12) months shall likewise be impounded, quarantined, or otherwise disposed of as required by this Ordinance.

9-109 Rabies Cases and Animal Bites to be Reported.

1. All animals, such as dogs, cats, horses, cattle, mules, goats, foxes, swine, raccoons, and other animals of like species showing symptoms of, or having rabies within Bryan County, shall be immediately reported to the Bryan County Health Department, or Bryan County Animal Control (653-3816/653-2034) by the owner or the person having custody or any citizen having knowledge of these facts. All animal bites should be report to Animal Control to determine if specific measures are necessary concerning the animal inflicting the bite. It shall be the duty of every person having knowledge of suspected rabid animals or animal bites to make an immediate report.

2. When dogs, cats, or any animals are being held under quarantine by the owner or by a veterinary hospital, boarding or breeding kennel, or any other person at any other place, such owner, veterinarian or person shall immediately report the existence of rabies or its symptoms to the Health Department, or Bryan County Animal Control with a history of the case and information regarding name and address of such owner, veterinarian, or person. It shall be

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the duty of every person having knowledge of the facts to see that the report required by this subparagraph is made.

9-110 Quarantine.

1. Where rabies has been found to exist in any warm blooded animal, or where its existence is suspected, the Health Department may designate an area within which quarantine shall be maintained as provided by the terms of this Ordinance. Every such animal shall thereupon be immediately confined to the premises designated by the Health Department, whether or not the animal has been vaccinated against rabies.

2. No animal shall be removed from a quarantined area and no animal brought into a quarantined area without written permission of the Health Department. The application for such permission shall be in writing, filed with the Health Department, giving the reason for movement and the location at which the animal will be confined after movement.

3. When quarantine is ordered by the Health Department it shall be maintained for a period of ninety (90) days, with the right of the Health Department to increase or diminish the period at its discretion.

4. Where an animal has been suspected of having rabies or has rabies symptoms, the area or premises where such animals are kept shall be posted by the Health Department with signs to read as follows: "Rabies Suspected" or "Rabies, keep away from animals." Such signs shall be conspicuously displayed on the premises, printed with type that is easily legible and shall remain on the premises for the duration of the quarantine.

5. Persons living within a quarantine area having in their possession an animal subject to rabies or to the terms of this chapter shall be given written notice of the quarantine, and an order to confine their animals to the premises of the owner, together with any other requirements specified by the Health Department. Such notice shall be signed by a duly authorized agent of the Health Department.

6. The violation by any person of any quarantine order issued by the Health Officer shall be violation of this Ordinance and the person so violating shall be subject to all the penalties prescribed by law for a violation.

9-111 Examination of Heads. The heads of all domestic animals and of all wild animals suspected of having rabies before their death or having rabies at time of death, shall be submitted to the Health Department which shall be responsible for delivery to the State Laboratory for examination. Either human or animal exposure to these animals shall constitute sufficient reason for laboratory examination.

Adopted: July 7, 1998

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9-112 Restrictions on Animals Running at Large.

1. It shall be a violation of this Ordinance for any dog, large farm animal or small farm animal to be on the streets, lanes, highways, roads or premises other than the premises of its owner (unless the owner of such premises consents to the presence thereon of such animal) within R-1, R-2, R-3, R-4, R-30 Zoning Districts in the unincorporated areas of Bryan County, unless such animal is firmly under the control of its owner or other responsible person, by leash, chain or otherwise. Provided, however, dogs which meet the requirements of Section 9-126 of this Ordinance are exempt from the provision of this section. (Revised 5/4/99)

2. It shall be a violation of this Ordinance for any dog owner to keep or have within the unincorporated area of Bryan County, a dog which bites, snaps at, attacks pedestrians, bike riders or conducts itself so as to be a public nuisance when said dog is not on the owner's premises. Such animals must be retained on the owner's premises or the Animal Control Officer shall impound the animal, and place it in county kennel for proper disposal. To effect the impounding of such a dog, the Animal Control Officer shall have the right to muzzle or employ such other methods as the Animal Control Officer may deem reasonably necessary to impound such dog.

9-113 Notification Regarding Tag Requirement. Where any dog or cat is found within Bryan County, but outside of the corporate limits of any municipality therein, without having a license tag as hereby required, it shall be the duty of the Animal Control Officer to issue a citation and subpoena for such violation of the County Ordinance.

9-114 Impoundment of Dogs and Cats. Any dog or cat found upon the streets, lanes, highways, roads or on the premises other than the premises of its owner within unincorporated areas of Bryan County will be in violation of this Ordinance, and shall be impounded by the Animal Control Officer. The Animal Control Officer shall have the specific right to enter upon any unenclosed private property to secure capture of any dog or cat in violation of this Ordinance.

9-115 Duty of Animal Control Officer. Upon the failure of a person to comply within twenty-four (24) hours of any given notice as provided under this Ordinance, or should the person in charge of the premises upon which an unlicensed dog or cat is found disclaim ownership of such dog or cat by himself or any member of his household, the Animal Control Officer shall go upon any such premises and impound the dog or cat.

9-116 Dogs and Cats Kept Seven (7) Days. Any dog or cat impounded under the provisions of this Ordinance shall be kept for seven (7) days in a place determined by the Commission and to be known as the Richmond Hill or Pembroke Animal shelters.

9-117 Payment of Fees. Within seven (7) days after a dog or cat is impounded, the owner, possessor or any representative of the owner or possessor may come forward and pay the annual license tax, if he has not paid the same, an impounding fee of Twenty five (\$25.00)

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dollars for each dog or cat impounded and five (\$5.00) dollars per day for each day that the dog or cat has been housed and fed in the animal shelter by Bryan County.

9-118 Dogs or Cats Put to Death. Any dog or cat impounded under this Ordinance whose owner, possessor or representative shall not come forward within seven days after the impoundment and pay the license tax if not previously paid, and the other fees specified in this Ordinance shall be put to death.

9-119 Delegation of Shelter of Dogs and Cats. The shelter and impounding of dogs and cats in violation of this Ordinance, may be delegated to and performed by such organizations as shall be selected by the Commission, provided that the operation of such animal shelter shall be under the direction, control and supervision of the Health Department and any state or federal agencies having jurisdiction over such shelter.

9-120 Enclosures for Animals/Restraint of Dangerous Animals.

1. Any housing or enclosure used for keeping of animals shall be well drained, free from accumulations of animal excrement and objectionable odors and otherwise kept clean and sanitary. Animal excrement shall be disposed of in a manner approved by the Health Officer and any state or federal agency having jurisdiction over such housing or enclosure. (Revised 5/4/99)

2. Dangerous Animals shall be kept in a Secure Enclosure while on the owner's premises. No Dangerous Animal shall be outside a Secure Enclosure unless the Dangerous Animal is restrained by a substantial chain or leash and under the physical restraint of a responsible person, so as to prevent the Dangerous Animal from causing harm to persons, pets or property. (Revised 5/4/99)

9-121 Bird Sanctuary.

1. Geographical Scope. The residential areas embraced within the community limits of Fort Mcallister Estates, Hardwick Estates, Strathy Hall Estates, Tivoli River Estates, and Cranston Bluff Estates are hereby designated as bird sanctuaries.

2. Prohibited Conduct. It shall be unlawful to trap, hunt, or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests within a bird sanctuary. Provided, however, if starlings or similar birds are found congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the Health Department, then in such event the representatives of the Health Department shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society or as many group(s) as are found to exist in Bryan County, after having given at least three (3) days of actual notice of the time and place of the meeting to the representatives of the group(s). If as a result of the meeting no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such

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manner as is deemed advisable by the Health Department under supervision of the Sheriff of Bryan County.

9-122 Distances of Large and Small Farm Animals and Animal Enclosures from Property Lines. Any Large or Small Farm Animals, or housing or enclosures used for the keeping of animals or fowl shall be kept at the following minimum distances from all property lines:

- | <u>1. Farm Animals, Large</u> | <u>Distance</u> |
|--|-----------------|
| A-5 Zoning District | No distance set |
| AR 2.5 Zoning District | 100' |
| Not allowed in other Zoning Districts | |
|
 | |
| <u>2. Farm Animals, Small</u> | |
| A-5 Zoning District | No distance set |
| AR 2.5 Zoning District | 50' |
| AR 1.5 Zoning District | 50' |
| AR 1 Zoning District | 50' |
| Not allowed in other Zoning Districts | |
|
 | |
| 3. Dog pens and houses shall meet the minimum set back requirements for all Zoning Districts within the county | |

9-123 Nuisances.

1. The owner of animals and fowl shall be responsible for correcting or abating any nuisance that may arise from the keeping thereof.

2. It is a violation of this Ordinance for a person to own, possess or harbor a barking dog or animal or fowl which howls, barks, or emits audible sounds that are unreasonably loud or disturbing and which are of such character; intensity, and duration as to disturb the peace and quiet of the neighborhood. For the purpose of this Ordinance, "a barking dog" is defined as follows: a dog that barks, bays, cries, or howls or makes any other noise continuously and/or incessantly for a period of ten (10) consecutive minutes or barks intermittently for one half (½) hour or more to the disturbance of any person at any time of the day or night regardless of whether the dog is physically situated in or upon private property, provided, however, that a dog shall not be deemed a "barking dog" for the purpose of this Ordinance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.

Adopted: July 7, 1998

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9-124 Penalty. Whenever in this Ordinance or in any County Ordinance, including violation of conditions and safe-guards established in connection with grants of variances or special exceptions, any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Ordinances, the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the person violating such Ordinance shall, upon conviction thereof, be fined not more than one-thousand (\$1,000.00) dollars, or imprisoned in the County jail for not more than sixty (60) days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Commission from taking such other lawful action as deems necessary to prevent or remedy any violation of this Ordinance.

9-125 Euthanasia. When any animal, whose owner is unknown or incapable of being located, is impounded subject to the provisions of this Ordinance and such animal is injured or otherwise in a state of suffering, it shall thereupon be the duty of the Animal Control Officer to obtain the opinion of a licensed practicing veterinarian as to the extent of such suffering or injury to such animal. When such opinion is that euthanasia should be performed, it shall then become the duty of the Animal Control Officer to conduct the euthanasia when certified to do so, otherwise the animal shall be taken to a veterinarian for said procedure.

9-126 Hunters/Hunt Clubs Exemption.

1. To qualify for the exemption under this Section, an owner of a dog must establish that:
(a) such dog is a breed of dog used for hunting or field trials and (b) such dog is participating in hunting or field trials.
2. Each dog must wear a collar that identifies the owner, owner's telephone number and name of hunt club if applicable.
3. Owners must provide proof that each dog is registered and have proof of rabies inoculation. If deemed necessary by the hunters, the Registration Tags can be kept in the owner's vehicle.
4. Dogs meeting the requirements of subsections 1., 2. and 3. above are exempt from Section 9-112-1.
5. Hunt Clubs must construct a holding pen where the County can deposit hunt club dogs when they are picked up. The Hunt Clubs must notify the Animal Control Office of the holding pen locations and make provisions to ensure food and water are available at said sites. All holding pens must be located on a county maintained road.

Adopted: July 7, 1998

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6. There are provisions within the County Ordinances to allow camp grounds as a conditional use in certain Zoning Districts. The Hunt Clubs must go through this same process and ensure that proper facilities are established that provide as a minimum sewage disposal (septic tanks), or port-a-lets, and potentially water and electricity, if necessary.

9-127 Jurisdiction. This Ordinance shall be effective and applicable in Bryan County, Georgia, within and outside the corporate limits of municipalities. (Revised 2/12/02).

9-128 Court Proceedings.

1. Violations of this Ordinance shall be tried upon citations or accusations and may be tried with or without a prosecuting attorney who shall be the County Attorney.

2. Violations of this Ordinance shall be tried in the Magistrate Court of Bryan County, Georgia.

3. Nothing in this Chapter shall prevent the Board of Commissioners from bringing any civil action for injunction or other proceedings to prevent, correct, or abate any violation of this Ordinance. No sanction, penalty or remedy prescribed herein shall be considered exclusive of any other remedy, but shall be available in addition to any other sanction, penalty or remedy.

4. Each violation of this Ordinance shall constitute a separate offense for each day during which such violation continues.

9-129 Effective Date. This Ordinance shall be in effect on and after July 7, 1998 and shall continue thereafter without re-enactment from year to year unless changed, amended or repealed by the Board of Commissioners of Bryan County, Georgia.

9-130 No Effect on State Law. This Chapter shall not be deemed or construed to affect or limit the enforcement of any State Law.

Adopted: July 7, 1998

Signed: _____
Donna M. Waters, Clerk