

Chapter 10 ANIMALS¹

ARTICLE I. GENERAL PROVISIONS

Sec. 10-1. Purpose.

The purpose of this chapter is to create the position of animal services officer; to establish his or her duties; to educate the public in proper pet care and pet ownership; to provide regulations for the rabies vaccination of dogs and cats; to provide for the confinement, disposition and humane disposal of domestic animals; to provide for regulating domestic animals running at large; to provide for the classification and registration of dangerous dogs, vicious dogs and exotic animals in the county; to provide for requirements for possessing such dangerous dogs, vicious dogs or exotic animals; to provide grounds for the confiscation and disposition of such dogs or exotic animals; to comply with the provisions of O.C.G.A. § 4-8-21 et seq.; and for other purposes.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

ARTICLE II. DEFINITIONS

Sec. 10-2. 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:

Abandoned animal means any domestic animal or livestock unattended or not cared for in excess of 36 hours.

Adequate food means sufficient quantity of non-contaminated and nutritionally healthy sustenance, appropriate to the animal and is fed according to the species requirements or is fed as directed by a veterinarian and is sufficient to prevent starvation, malnutrition or risk to the animal's health. Garbage, spoiled, rancid or contaminated food is not adequate.

Adequate shelter for dogs and cats means protective cover appropriate for the species and adequate space to maintain the animal in good health and prevents pain, suffering or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with three to four sides with a door opening, a floor, and a roof. It shall be clean, dry and compatible with current weather and age, size, species and condition of the animal. The structure shall be of sufficient size to allow the animal to stand, turn around, lie down and go in

¹Editor's note(s)—Ord. No. 2021-001 , § 1(exh. A), adopted April 20, 2021, repealed ch. 10, §§ 10-1—10-20, and enacted a new ch. 10, §§ 10-1—10-20, as set out herein. The former chapter pertained to similar subject matter and derived from the Code of 2000, §§ 30-101—30-109, 30-111—30-120; an ordinance adopted Feb. 5, 2002, §§ 2(exh. B(30-101—30-109, 30-111—30-120)); and an ordinance adopted Sept. 12, 2006, §§ 30-101—30-109, 30-111—30-120.

State law reference(s)—Animal control is a local home rule power, Ga. Const. art. IX, §§ I, III(a)(3).

and out of the structure comfortably. Adequate shelter must be compatible with the number of animals on the property.

- (1) Adequate shelter includes, but is not limited to:
 - a. Sufficient coverage and insulation to protect from extreme hot and cold temperatures;
 - b. Sufficient protection from the elements to keep the animal dry;
 - c. Sufficient shade and ventilation to prevent overheating and/or dehydrating; and
 - d. Adequate bedding or resting area suitable for the animal.
- (2) Materials not suitable for shelters include, but are not limited to:
 - a. Inadequately insulated containers;
 - b. Plastic kennels or airline-type shipping crates;
 - c. Metal drums;
 - d. Abandoned or parked vehicles;
 - e. Uncovered porches or decks;
 - f. Any other structure that fails to provide sufficient protection from the elements.

Adequate shelter for livestock and other animals means provision of and access to shelter that is suitable for the species, age, condition, of each animal; provides adequate space for each animal, is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, adverse effect of heat or cold, physical suffering, and impairment of health; is properly lighted to provide a regular diurnal cycle and to allow observation of the physical condition of the animal; has a windbreak at its entrance during cold weather; and based on the species provides a sufficient quantity of bedding material to protect the animal from cold and to promote the retention of body heat.

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

Adequate water means clean, fresh, potable water offered to animals in adequate supply or as directed by a veterinarian.

Adult means a person at least 18 years of age.

Animal means all types of animals, domesticated and wild, male and female, singular and plural.

Animal establishment means any pet shop, grooming shop, animal auction, kennel, performing animal exhibition, or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA.

Animal services officer ("ASO") means an individual selected by the county pursuant to O.C.G.A. § 4-8-22 to aid in the administration and enforcement of this chapter.

Animal shelter means a facility designated or recognized by the county for the purpose of impounding or caring for animals.

Animal under immediate control of owner means:

- (1) Any animal controlled within the property of its owner.
- (2) Any animal secured by a leash with a collar or enclosed by way of a fence or other enclosure.

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- (3) Any animal at heel or beside a competent person and obedient to the person's commands.
 - (4) Any animal inside a vehicle driven or parked on the streets.

Animal Units The number of all such animals allowed on a parcel, shall be limited to the square footage of the lot, less the lot square footage devoted to yard setbacks and the house, divided by the total minimum area required per animal. Total minimum area required per animal shall be as follows: horse - 87,120 sq. ft.; cow - 43,560 sq. ft.; sheep or goat – 8,700 sq. ft.; Swine - 21,780 sq. ft. (Area requirements are based on minimum acreage averages for grazing such animals in the State of Georgia.) The total minimum area required per animal shall be a yearly average. Fluctuations in herd size associated with general farming practices shall be permissible under this provision. General farming practices shall be determined United States Department of Agriculture, Georgia Department of Agriculture and the Agriculture Cooperative Extension.

Apiary means a place where bees are kept. This includes combs, hives, appliances or colonies, maintained for the production of honey.

At large means any animal which is not under manual control of a person, and which is on any public roads of this state or on any property not belonging to the owner of the animal, unless by permission of the owner of such property.

Board means the county board of commissioners.

Business days mean Monday, Tuesday, Wednesday, Thursday, and Friday. Saturdays, Sundays, and official federal, state and county holidays are not business days.

Cat means small quadruped, of the feline family, typically domesticated.

Certificate means a vaccination certificate issued at the time of vaccination, by a licensed veterinarian, with the license number, name and address of the dog or cat's owner and the date of vaccination.

Classified dog means a dog that has been classified as either dangerous or vicious per this chapter.

Common Development (Subdivision) means a contiguous area where multiple, separate, and distinct construction activities will be taking place at different times on different schedules under one plat or development plan.

County manager means the individual so appointed to serve by the county board of commissioners.

Cruelty to animals means causing the death or unjustified pain or suffering to any animal by an act or omission, or willful neglect.

Dangerous dog shall have the same definition as set out in O.C.G.A. § 4-8-21, et seq., known as the responsible dog ownership law, which is any dog that:

- (1) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this definition;
- (2) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this definition; or
- (3) While off the owner's property, kills a pet; provided, however this shall not apply where death is caused by a dog working or training as a hunting, herding or predator control dog.

Dead animal means any carcass or parts of a carcass of any animal.

Dog means any domesticated species of the canine genus.

Domesticated animals mean:

- (1) Dogs and cats;
- (2) Domesticated species of fowl and livestock; and
- (3) Ferrets, rabbits, guinea pigs, or other animals commonly kept as pets and not classified by the State of Georgia as a wild or exotic animal.

EAID means an electronic identification device: microchip or similar device.

Equine means a horse, pony, mule, donkey, or hinny.

Excessively loud and disturbing noise means continual repetitive noise which a person inside a residence can clearly hear and distinguish from the background ambient noise, and which can be ascertained and identified as to its nature and source.

Exotic animal means any wild animal, wildlife, vertebrate or invertebrate recognized by the state as a wild animal, wildlife, exotic or hybrid, or any animals regulated by state law in O.C.G.A. § 27-5-5. irrespective of its actual or asserted state of docility, domesticity, tameness or intended use and/or capable of causing severe injury by means of venoms, poisons, toxins, constriction or bite. The term "exotic animal" shall not include psittaciformes, ferrets, miniature pigs, hamsters, guinea pigs, gerbils, chinchillas, dogs, cats, or llamas, or any other animals recognized by the state as customarily and legally obtained and kept as a pet or snakes that are exotic animals and are recognized as pets by the state (boa, python, etc.) less than four feet in length.

Food Animal means any animal raised for an edible product intended for consumption by humans or is itself intended for consumption by humans. Such terms shall include, but not limited to, eggs, beef or dairy cattle, swine, sheep, goats, poultry, nonornamental fish, and any other animal designated by a veterinarian as a food animal.

Feral means existing in a wild or untamed state since birth or having returned to an untamed state from domestication.

Fowl means warm-blooded, feathered, flying or non-flying animal.

Garbage means all refuse matter, animal, or vegetable; by-products of a restaurant, kitchen, or meat/poultry processing establishment; and every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that is normally discarded. For the purposes of this chapter, garbage shall not include home prepared food given to an animal living on the property of the person caring for the animal.

Guard dog means any dog which has been trained to attack persons or other animals independently or upon verbal command and any dog which, while not so trained, is reasonably expected to perform as a guardian of property.

Hoof Stock means ruminants, swine and members of the equine family.

Household Pet means a domesticated animal such as a dog, cat, common cage bird, rodent, rabbit, ferret, or aquarium-kept fish, reptile, amphibian, turtle, or any other animal, which is traditionally kept in the home for companionship or pleasure rather than for utility or commercial purposes. This term specifically excludes livestock and wild animals.

Humane care means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, care provided by a licensed veterinarian, wholesome fresh food and adequate access to potable water at all times, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

Impoundment means the action of taking physical control of an animal by an animal services officer or other persons empowered to act by law or ordinance and the subsequent transportation of such animal to the animal services facility.

Inoculate means vaccination, by a state-licensed veterinarian, of a specified dose of anti-rabies vaccine to an animal, such vaccine having the U.S. government license number or approval stamped on the label of the vaccine container and having been approved by the state department of human resources.

Kennel means an establishment, other than an animal shelter, where dogs and cats are maintained for breeding, selling, training, boarding, holding or other similar purposes for a fee or compensation.

Licensing authority means the county agency or designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under this chapter.

Livestock means bovine (cows), caprine (goats), equine (horses), ovine (sheep), porcine (pigs), ratite (ostrich) and llamas.

Llama means a South American Camelid which is an animal of the genus lama, commonly referred to as a "one llama," including llamas, alpacas, guanacos, and vicunas.

Local government means the public administration of Morgan County and its board of commissioners.

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

Neutered means rendered permanently incapable of reproduction.

Nuisance means a dog or cat that:

- (1) Damages property other than the property of the owner;
- (2) Soils, defiles or defecates on public roads, property other than the owner's, unless such waste is immediately removed and properly disposed of by the owner;
- (3) Disturbs trash or other refuse, causes unsanitary, dangerous or offensive conditions;
- (4) Causes a disturbance by excessively loud, continuous and disturbing noises; or
- (5) Chases vehicles, molests, attacks or interferes with persons or other domestic animals on public or private property.

Obstruction of an officer means obstruction, interference, or hindrance of an animal services officer or law enforcement officer in the discharge or the official duties.

Owner means any natural person or any legal entity, including, but not limited to, a corporation, a partnership, firm, or trust owning, possessing, keeping or having custody or control of any domesticated animal within the county. In the case of a dog owned by a minor, the term "owner" includes the parents or person in loco parentis with custody or the minor. Owner does not include a feral cat colony caretaker.

Person means any person, firm, corporation, entity, partnership, society or association.

Pest Control means an effective program for the prevention, control, and elimination of vermin, insects, ectoparasites, and avian and mammalian pests, must be established and maintained. Vegetation must be maintained to prevent vermin harborage.

Pet dealer means any person/entity that sells, offers to sell, exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other customary pets. However, a person who sells only animals that he or she has produced and raised, not to exceed 30 animals a year, shall not be considered a pet dealer unless such person is licensed for a business by a local government or has a Georgia sales tax number.

Poultry means domestic fowl including, but not limited to, waterfowl such as geese and ducks, and birds which are bred for meat and egg production, exhibition, or competition. Such term shall not include ratites, which are considered as livestock.

Primary Enclosure means any structure or device used to restrict an animal or animals to a limited amount of space, such as a building, room, pen, run, cage, aquarium, hutch, stall, paddock, pasture, or animal transfer vehicle.

Proper animal health care means a program of disease control and prevention, veterinary care and, when necessary, humane euthanasia.

Proper enclosure means an enclosure for keeping a dangerous or vicious dog securely confined indoors, or outdoors in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of young children and which prevents designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the animal is enclosed within a fence, all sides of 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 animal's escape either from over or under the fence. Any such enclosure shall also provide protection from the elements for the animal.

Proper enclosure (exotic animal) means a structure constructed, based on requirements of the animal's size, species and breed, to provide sufficient strength to contain the animal securely in all directions and restrict the entrance of unwanted animals and people, protect the animals from injury or suffering, with sufficient space for each animal to turn about freely and to easily move about. Standards used or recognized by federal, or state laboratories, universities or accredited zoos shall be utilized by the county to determine the suitability of the structure.

Public exhibition means any commercial or noncommercial display of wild animals or wildlife to the general public, including invited groups, including displays held in nontraveling facilities in fixed locations or displays held in transient facilities which travel to different parts of the state.

Records of an appropriate authority means records of any state, county or municipal law enforcement agency; records of any county board of health; records of any federal, state, or local court; or records of an animal control officer or animal control board as provided in this section and by the laws of the state.

Rats and Mice means any gnawing mammal of the class Mammalia, the subclass Theria, the order Rodentia, and either the family Muridae or the family Cricetidae and the genera *Peromyscus*, *Sigmodon*, *Oryzomys*, or *Reithrodontomys*.

Rendering is an off-site process that uses heat to convert animal carcasses into safe, pathogen-free feed protein and other valuable end products while reducing the negative effects of the carcasses on people and the environment.

Required yard means the area immediately encompassing the residence. This area consists of 30 feet measured from the front wall of the residence; 15 feet measured from each side wall of the residence; and 40 feet from measured from the rear wall of the residence. If the residence is located on two streets, then the minimum front yard would be 30 feet measured from each side of the residence facing each street.

Ruminants are hooved herbivorous grazing or browsing mammals that acquire nutrients from plant-based food by fermenting it in a specialized stomach prior to digestion, principally through microbial actions.

Sanitary means in clean, healthy condition; hygienic; consistent with the normal requirements of the animal's living area, size, species and breed.

Sanitation means the maintenance of conditions conducive to health and involves bedding changes (as appropriate), cleaning, and disinfection. Cleaning removes excessive amounts of dirt and debris, and disinfection reduces or eliminates unacceptable concentration of microorganisms. To sanitize, therefore, means to make physically clean, and, to the maximum degree practical, remove and destroy agents injurious to health.

Secure enclosure means locked pen or structure sufficient to prevent an animal from escaping and preventing other animals entering.

Serious injury means the same as stated in O.C.G.A. § 4-8-20 et seq., which is any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease; or impairment of the function of any bodily organ.

Service of notice means a notice that will be made by official representatives of the county animal control pertaining to any activity governed by this document, and shall include one of the following:

- (1) Delivery in person of verbal information and/or written documents;
- (2) Delivery by mail, regular or certified;
- (3) Delivery by notice of written documents posted in a conspicuous place; or
- (4) Delivery of information by phone.

Stable means any establishment, or other enclosure where equines are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other similar purposes and a fee is charged for maintaining such equines or for the use of such equines.

Tethered means attached to a stationary object or pulley system by a chain, rope, cable, or similar device. This shall not include using a leash for walking purposes.

Veterinarian means any person who holds a license to practice veterinary medicine in the state.

Vicious dog means the same as stated in O.C.G.A. § 4-8-21 et seq., which is a dog that inflicts serious injury on a person or that causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

Wild animal means any animal which is not wildlife and is not normally a domesticated animal in this state. This term specifically includes any hybrid or cross between any combination of a wild animal, wildlife, and a domesticated animal. Offspring from all subsequent generations of such crosses or hybrids are wild animals.

Wildlife means any vertebrate or invertebrate animal life indigenous to this state or any species introduced or specified by the state and includes fish, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks or any part thereof.

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

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provisions, O.C.G.A. § 4-8-21.

**ARTICLE III. JURISDICSTIONS, EXCEPTIONS TO DEFINITIONS, HEARINGS AND
ANIMAL SERVICES OFFICER APPOINTMENT**

Sec. 10-3. Jurisdiction and exceptions to definitions.

- (a) The jurisdiction of the local government for the enforcement of this chapter shall be the unincorporated areas of the county.
- (b) Nothing in this chapter shall prohibit the lawful use of any animal in the preparation for and/or the conducting of hunting.
- (c) No section of this chapter shall apply to livestock, poultry or any animal that is raised solely for human consumption unless it is an exotic animal.
- (d) The animal services officer is authorized to impound animals related to violations of this chapter.
- (e) The animal services officer is authorized to issue citations for violations of this chapter.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provisions, O.C.G.A. § 4-8-21.

Sec. 10-4. Hearings.

- (a) The hearings provided for in section 10-13 shall be held by the county board of commissioners.
- (b) Any person shall furnish his or her name, address and telephone number when for any reason contacting the county board of commissioners, the animal control officer or any employee of the local government or of a constitutional officer of the county regarding any matter governed under this chapter.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

Sec. 10-5. Animal services officer appointment.

The county may appoint an animal services officer. The animal services officer shall serve at the pleasure of the county. The animal services officer shall have the power to issue citations for violations of this chapter. The animal services officers' compensation shall be established from time to time by the county. At the discretion of the county, the animal services officer position may be an additional job given to an existing employee of the county or an employee of a constitutional officer of the county.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

ARTICLE IV. RABIES VACCINATION AND IDENTIFICATION

Sec. 10-6. Rabies inoculation required.

- (a) When appropriate for the species, all animals over four months of age within the county must be inoculated for rabies by a state-licensed veterinarian.
- (b) A certificate of inoculation for rabies shall be issued to the owner of each animal vaccinated, along with an inoculation tag indicating the year issued. The owner must, upon request, provide to the animal control officer a copy of the rabies certificate.
- (c) The rabies tag shall be secured to a collar on the animal in a manner that it cannot be easily removed or lost by the animal.
- (d) Any person convicted for a violation of this section shall be guilty of a misdemeanor.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—County governing authority is responsible for and has power to control rabies through the regulation, licensing, and required inoculation of animals within jurisdiction, O.C.G.A. § 31-19-1 et seq.

ARTICLE V. ENFORCEMENT

Sec. 10-7. Abandonment; at large; animal care; noise; nuisance; feral animals; cruelty; humane care; dead animal disposal.

- (a) No person shall permit any dogfight, cockfight, bullfight, or any other combat between animals or between animals and humans.
- (b) No person or owner of an animal shall abandon any animal or dead animal.
- (c) An owner of any dog or cat who no longer has the means or will to properly care for said animal may voluntarily surrender the animal to the county, space permitting, and upon payment of the fee designated by the county. To be valid, the surrender of an animal must be accompanied by the written certification and statement of surrender form as provided by the county. Upon the completion of this surrender form, the animal described shall become the property of the county and may be adopted, transferred to a licensed rescue group or humanely disposed of immediately at the discretion of the animal control services officer.
- (d) No dog owner in the county shall permit same to emit any excessively loud and disturbing noise.
- (e) Any feral animal may be captured and may immediately become the property of the county. The feral animal may be humanely disposed of immediately at the discretion of the animal services officer. If the feral animal cannot reasonably and/or safely be captured, then reasonable means may be used to ensure the public safety, including, but not limited to, immediate destruction of the animal. The animal services officer shall have discretion in determining whether an animal is a feral animal or is a domesticated animal with an owner.

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- (f) No animal may be permitted to be a nuisance as described in this chapter.
 - (g) It shall be unlawful for any person to work an animal who is lame, starved or in a famished condition, or to overload, whip, beat, maim, bruise, deprive of food, torture or abuse, in any manner, any animal.
 - (h) It shall be unlawful for any person to cause pain, suffering, or death of any living animal, either by an overt act or by any omission or neglect.
 - (i) It shall be unlawful for an owner of an animal to fail to provide that animal with humane care as described in this chapter.
 - (j) It shall be unlawful for any person within the county who owns or is caring for an animal that has died or has been killed to abandon the animal, its parts, or blood.
 - (k) The owner may dispose of the body by burning, incineration, burial, rendering, or any method using appropriate disposal technology which has been approved by the local government. Disposal of animal carcasses by any of the approved methods must be completed within 12 hours after death or discovery of the carcass. Carcasses which are buried must be buried at least three feet below the ground level and have not less than three feet of earth over the carcass.
 - (l) No animal shall be at large and must remain under the immediate control of the owner as described in this chapter.
 - (m) Any person convicted for a violation of this section shall be guilty of a misdemeanor.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Georgia Animal Protection Act authorizes county to enact and enforce animal protection ordinances, O.C.G.A. § 4-11-18; dead animal disposal, O.C.G.A. §§ 4-5-3, 4-5-5.

State law reference(s)—Unlawful to allow livestock to run at large or stray, O.C.G.A. § 4-3-3; unlawful to allow dangerous dogs to roam outside of a proper enclosure without a muzzle and restraint by a leash held by a responsible person, O.C.G.A. § 4-8-26.

ARTICLE VI. DEFENSE OF PROPERTY; IMPOUNDS BY THE PUBLIC

Sec. 10-8. Defense of person or property.

- (a) Any person may defend his or her person or property, or the person or property of another, from injury or damage caused by an animal.
- (b) Any person may injure or kill an animal reasonably believed to constitute a threat of injury or damage to person, property or domesticated animal.
- (c) The method used to injure or kill such animal shall be as humane as possible under the circumstances. Any person who humanely injures or kills an animal under these circumstances shall incur no civil or criminal liability for such injury or death.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

Sec. 10-9. Private party impounds.

Any person finding a stray, feral or owned animal within the district of Morgan County, after making a reasonable attempt to find the owner of such animal or fowl, may remove it, but must take it to the Morgan County Animal Shelter to carry out said animal's stray hold. If said person wishes, he or she may hold the animal in

his or her own possession, but must notify the animal services department of this custody, giving a description of the animal, the name of the owner if known and the location in which the animal was found. The animal's stray hold shall still apply.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

ARTICLE VII. TETHERING

Sec. 10-10. Tethering.

It shall be unlawful for any domestic animal to be chained, tied, fastened or otherwise tethered to dog houses, trees, fences, vehicles or other stationary objects as a means of permanent confinement, except that the animal may be temporarily confined by a tether while attended by its owner or at the discretion of the Morgan County Animal Services Department. Any tether used must be attached to a collar or harness and shall not be wrapped directly around the animal's neck. Such tethers shall not be excessively heavy or weighted and must not inhibit the animal's movement.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

ARTICLE VIII. OWNER'S LIABILITY FOR COSTS; DISPOSITION AND PROCEDURES FOR ANIMALS IMPOUNDED

Sec. 10-11. Owner liable for costs of impoundment.

The owner of an impounded animal shall be liable for the cost of maintenance of said animal during such impoundment. In addition, said owner shall be liable for all other actual expenses of the county, including, but not limited to, veterinarian fees. All said costs shall be payable prior to the owner retrieving said animal, or upon the disposal of such animal, whichever event first occurs.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provisions, O.C.G.A. § 4-11-9.3(c).

Sec. 10-12. Disposition of unretrieved animals.

- (a) The owner of an impounded animal that the county recognizes as an owned animal shall have three business days to retrieve said animal after service of notice. Upon expiration of the three business days, said animal may be disposed of by legally recognized means of return to the owner, adoption, agency transfer or euthanasia. In cases involving seriously injured and/or diseased owned animals, the available information will be used to make a reasonable attempt at contacting the owner. If the owner cannot be reached and/or secure the animal in a reasonable amount of time, based on the animal's condition, the animal will be euthanized.
- (b) Animals recognized by the county as stray or feral will be held in accordance with county animal control policies and procedures.
- (c) Upon adoption by any person of any animal under the control of the county, such animal shall be required to undergo a spay/neuter procedure as determined by the county before the adoption is complete. All persons

adopting animals shall sign all forms required by the county and pay all required fees to the local government. Once adopted, the animal becomes the sole responsibility of the new owner.

- (d) All dogs and cats adopted from the Morgan County Animal Shelter will be microchipped prior to their departure. Dogs and cats reclaimed from the shelter will be microchipped at the discretion of the Morgan County Animal Shelter.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provisions, O.C.G.A. §§ 4-11-9.4—4-11-9.6.

ARTICLE IX. DANGEROUS AND VICIOUS DOGS

Sec. 10-13. Procedures for classifying dangerous dogs and vicious dogs.

- (a) The animal services officer, upon receiving a report of a dog believed to be dangerous or vicious, shall make such investigations as necessary to determine whether such dog is subject to classification.
- (b) Should the animal services officer determine that a dog is subject to classification as dangerous or vicious, animal services shall then notify the dog's owner of such classification. The notice to the owner shall meet the following requirements:
- (1) The notice shall be in writing and mailed by certified mail to the owner's last known address;
 - (2) The notice shall include a summary of the findings that formed the basis for the dog's classification as dangerous or vicious;
 - (3) The notice shall be dated and shall state that the owner, within 15 days after the date on the notice, has the right to request a hearing on the determination that the dog is dangerous or vicious;
 - (4) The notice shall state that the hearing, if requested, shall be before the county board of commissioners;
 - (5) The notice shall state that if a hearing is not requested, the animal services officer's determination will become effective for all purposes on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and
 - (6) The notice shall include a form to request a hearing before the county board of commissioners and shall provide specific instructions on mailing or delivering such request to the board. When the county board of commissioners receives a request for a hearing as provided in subsection of this section, it shall schedule such hearing within 30 days after receiving the request. The board shall notify the dog owner in writing by certified mail of the date, time and place of the hearing. Such notice shall be mailed to the dog owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence and cross examine witnesses. In addition, the board shall receive at the hearing such other evidence and hear such other testimony as the board may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal services officer's classification of the dog. Within ten days after the date of the hearing, the county board of commissioners shall notify the dog's owner in writing by certified mail of its determination on the matter. If such determination is that the dog is dangerous or vicious, the notice shall specify the effective date of the determinations of the date of the original classification by the animal services officer.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provision regarding investigation and determination of a dangerous dog, O.C.G.A. §§ 4-8-23, 4-8-24.

Sec. 10-14. Requirements for possessing and registering a classified dog.

- (a) No one shall have, own or possess within the county a dangerous or vicious dog without a certificate of registration. Animal services may set a reasonable fee for issuance of such registration certificate. Certificates of registration shall be nontransferable and only be issued to a person 18 or older. No more than one certificate of registration shall be issued per domicile. No owner may keep a dangerous or vicious dog within 200 yards of any aquatic center, church, convenience store, daycare, grocery store, hospital, humane society, library, nursing home, park, playground, restaurant, school, skilled nursing unit, or walking trail, due in part to these being frequented by children and senior citizens, and in some cases, food present. No certificates shall be issued to any person who has been convicted of two or more violations of this article. No person shall own more than one vicious dog. No certificate for a vicious dog shall be issued to any person who has been convicted of: a serious violent felony defined in O.C.G.A. § 17-10-6.1 or a felony of dog fighting in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals in O.C.G.A. § 16-12-4; or a felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy in O.C.G.A. § 16-13-31 and O.C.G.A. § 16-13-31.1, from the time of conviction until two years after completion of sentence, nor any person residing with such person.
- (b) The animal services officer shall issue a certificate of registration to the owner of a dangerous or vicious dog only if the owner presents to the animal services officer sufficient evidence of:
 - (1) An enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property;
 - (2) Proof that the dog has been surgically sterilized, has a current rabies vaccination and has been microchipped;
 - (3) The posting of all entrances with clearly visible signs warning that there is a dangerous or vicious dog on the property with a symbol designed to inform small children of such dangerous or vicious dog. The owner of a dangerous or vicious dog shall receive such sign from the animal services officer at the time the owner pays the annual registration fee as required in subsection (d) of this section.
- (c) In addition to the requirements of subsection (b) of this section, the owner of a vicious dog shall present to the animal control officer evidence of:
 - (1) A policy of insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in the state insuring the owner of against liability for any injuries inflicted by the dog; or
- (d) The owner of a dangerous or vicious dog shall pay an annual registration fee at the time the annual certificate of registration is issued. The annual registration fee shall be set by the county on an annual basis. Certificates of registration shall be renewed annually by the owner in the month of the initial registration.
- (e) The owner of a dangerous or vicious dog shall notify the animal control officer if the animal is moving out of the county or to a different location within the county.
- (f) The owner of a dangerous or vicious dog who is a new resident of the county shall within ten days register such animal as required hereunder and present to the animal control officer a current certificate of rabies inoculation.
- (g) The owner of a dangerous or vicious dog shall notify the animal services officer within 24 hours if the animal is at large, has bitten and/or attacked a human or has died.

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- (h) A vicious dog shall not be transferred, sold or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provision regarding dangerous dogs, O.C.G.A. § 4-8-25.

Sec. 10-15. Restrictions on permitting dangerous or vicious dogs outside of a proper enclosure.

- (a) It shall be unlawful for a dangerous dog to be unattended with minors or outside a proper enclosure unless the dog is restrained by a substantial chain or leash not longer than six feet, and is under the restraint of a responsible person capable of preventing the dog from engaging any other human or animal, or the dog is contained in a closed and locked cage or crate, or the dog is working or training as a hunting dog, herding dog, or predator control dog, subject to the limitations below.
- (b) It shall be unlawful for a vicious dog to be unattended with minors or outside a proper enclosure unless the dog is in a closed and locked cage or crate or is muzzled and is restrained by a substantial chain or leash not longer than six feet and is under the restraint of a responsible person capable of preventing the dog from engaging any other human or animal. The muzzle shall prevent biting, but not cause injury to the dog or interfere with vision or respiration.
- (c) A proper enclosure must keep a dog securely confined indoors or in a securely enclosed and locked pen, fence or structure that prevents the dog from escaping and prevents the entry of young children. It shall have secure sides and top, and, if the dog is within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured to prevent escape. It shall be at least 25 feet from the front door and any utility meter point to protect utility employees and the public. It shall also provide protection from the elements.
- (d) Training, hunting, herding (working) exemption from dangerous dog restraint/leash requirement: the person working the dog must be the owner and doing so per all DNR requirements including without limitation a valid hunting license. Working cannot take place off the property of the owner, unless with written permission and acknowledgement of danger of the dog by the landowner, and only with a dog that will instantly respond to verbal commands or the owner, including without limitation to immediately return to the owner.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provision regarding dangerous dogs, O.C.G.A. § 4-8-26.

Sec. 10-16. Confiscation of dangerous or vicious dogs; exceptions.

- (a) If any violation of this article occurs, the dog shall be immediately confiscated by animal services or law enforcement. A refusal to surrender a dog shall be a separate violation.
- (b) A confiscated dog shall be returned upon owner's demonstration of future compliance with the rules that were violated, and payment of confiscation costs. If the owner has not complied within 20 days of confiscation or demonstrated a satisfactory plan to promptly comply, said dog shall be humanely euthanized. Criminal prosecution shall not be stayed due to return or euthanasia.
- (c) A dog that inflicts injury when used by law enforcement to carry out official duties shall not be a dangerous or vicious dog. Nor if any injury was sustained by a person who: was committing a willful criminal trespass, or was tormenting, abusing or assaulting the dog, or had in the past tormented, abused or assaulted the dog, or was committing or attempting a crime.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

ARTICLE X. WILD AND EXOTIC ANIMALS

Sec. 10-17. Requirements for possessing an exotic animal.

- (a) No person shall be the owner of an exotic animal without a certificate of registration issued by the county.
- (b) The animal services officer shall issue a certificate of registration to the owner of the exotic animal only if the owner presents to the animal services officer sufficient evidence of proper licensing by state or federal agencies with an inspection report demonstrating compliance with the housing requirements of O.C.G.A. § 27-5-6.
- (c) The owner of the exotic animal shall pay a registration fee set by the county on an annual basis.
- (d) The owner of the exotic animal shall notify the animal services officer if the exotic animal is moving out of the county.
- (e) The owner of an exotic animal shall register it within ten days of moving to the county or the purchase or birth of a new wild or exotic animal.
- (f) The owner of an exotic animal shall not allow it to be at large. The owner must immediately notify animal services of any escape of the exotic animal.
- (g) The owner of an exotic animal that attacks a human must immediately notify animal services of the attack once care of the victim has been secured.
- (h) The owner must notify the animal services officer within 24 hours of the sale or transfer of ownership of the exotic animal. The owner shall provide the name, address and telephone number of the new owner.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provisions, O.C.G.A. §§ 27-5-4, 27-5-6.

ARTICLE XI. PENALTIES; LIABILITY; PURSUIT; INTERFERENCE

Sec. 10-18. Violations; penalties.

- (a) Any person convicted for a violation of this chapter shall be subject to the general penalty described in section 1-9. Each day a violation continues shall constitute a separate offense.
- (b) In addition to the penalties for violations under this chapter or state law, and at the discretion of the Morgan County Animal Services department, a dangerous animal which bites or attacks a human being shall be immediately confiscated by the animal control officer or by a law enforcement officer or by another person authorized by the animal control officer and, thereafter, the dangerous animal shall be destroyed in an expeditious and humane manner or by any other legal means.
- (c) All penalties provided for in this section are in addition to those provided for under the laws of the state.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provision for destruction of potentially dangerous dogs by county, O.C.G.A. § 4-8-27.

Sec. 10-19. Liability for damages.

It is the intent of this chapter that the owner of a dangerous or vicious dog shall be solely liable for any injury to or death of a person caused by such dog. Under no circumstances shall the county, any employee, agent, or official thereof, any constitutional officer of the county, or any employee, or agent of such constitutional officer, who enforces or fails to enforce this chapter, be held liable for any damages to any person who suffers an injury inflicted by an animal.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Similar provision regarding dangerous dogs, O.C.G.A. § 4-8-27.

Sec. 10-20. Pursuit and interference.

- (a) Any employee or agent of the county or a constitutional officer of the county empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding a dog or other animal which the employee is in immediate pursuit of, with the exception of any occupied building into which the dog or other animal may enter. In the latter case, if the occupant or owner of the premises gives permission to enter the premises, the employee or agent may remove said dog or other animal.
- (b) It shall be unlawful for any person to, in any manner, interfere with, hinder, resist, obstruct, or molest such employee or agent in the performance of his or her duties, or for any person to remove any animal from the animal services vehicle or animal shelter without the permission of the said employee or agent.

(Ord. No. 2021-001 , § 1(exh. A), 4-20-2021)

State law reference(s)—Unlawful to interfere with animal control officer's discharge of duties, O.C.G.A. § 4-1-6.

ARTICLE XII. Livestock and Fowl Regulations

Sec. 10-21. Regulations Based on Location:

A. Animals housed in the Agricultural (AG) and Agricultural Residential (AR) Districts

All Agricultural (AG) and Agricultural Residential (AR) properties not part of a common development have no limits to the number of equine, livestock or poultry providing the animals must be kept in proper enclosure capable of containing the animal to the property. All confined animal feeding operations and structures must meet the minimum zoning requirements and setbacks for the district.

All Agricultural (AG) and Agricultural Residential (AR) properties containing a residence shall maintain the minimum required yard for the residence.

All Agricultural (AG) and Agricultural Residential (AR) properties shall maintain all best management practices for Georgia agriculture and prevent point source discharges.

B. Animals housed in Common Developments designed as Equestrian or Farming Communities

Common developments designed as equestrian or farming communities must be designed as an estate subdivision in only the Agricultural (AG) or Agricultural Residential (AR) district.

All Common Developments designed as Equestrian or Farming Communities containing a residence shall maintain the minimum required yard for the residence.

All Common Developments designed as Equestrian or Farming Communities shall maintain all best management practices for Georgia agriculture and prevent point source discharges.

C. Animals housed in Common Developments or other Residential Zoning Districts

Keeping of poultry or other small food animals shall be for personal use or consumption.

Prohibited Animals:

- Livestock or other Ruminants
- Roosters, Peafowl or Guineafowl
- Wild Animals

Permitted Animals:

- Household Pets
- Poultry, except those listed as Prohibited Animals
- Non-hoofed, food animals

Permitted Number of Animals:

- The total collective number of household pets and animals (chickens (hens), ducks, turkeys, quail, or other non-hoofed, food animals) housed outside shall be limited to ten (10) animals per parcel.

Animal Enclosures:

- Animals must be confined in a coop, hutch or other enclosure in the backyard of the residence with a minimum of four (4) square foot per adult animal. A run attached to the enclosure or coop shall be no larger than 8 feet by 12 feet.
- The coop, hutch or other enclosure should be designed to discourage rodents and/or predatory animals from entering the enclosure.
- The coop, hutch or other enclosure should be a minimum of 20 feet from any property line and at least 75 feet from a neighboring residence.

Sanitation of Enclosures; Storage areas, and the Removal or use of manure:

- The owner should dispose of waste materials (feed, manure, and litter) in an environmentally responsible manner. The materials can be composted or bagged and properly disposed of in the trash. The storage of waste materials or compost areas shall be setback the same minimum distance as required for enclosures from property lines and neighboring residence. Waste materials shall not accumulate on the property.

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- Owners should take steps to avoid the buildup of flies and maggots by keeping litter and feed dry and promptly disposing of dead animals.
 - Odors shall not be perceptible at the property boundaries.
 - Owners shall dispose of dead animals appropriately.
 - Owners should store all feed supplies in rodent-proof containers.
 - Owners should control rodents by eliminating nearby hiding places (trash, weeds, and debris), and by trapping and baiting rats and mice on a regular basis.

Sec. 22. Exemption for FFA and 4-H projects:

An exception to the acreage requirement shall be granted with documentation of a child enrolled in the FFA or 4-H program on properties less than two (2) acres. The owner will need to provide an adequate enclosure to house the animal and adequate shelter for the species, if required, that will be located a minimum of 20 feet from any property line and at least 75 feet from a neighboring residence.

Animals under this exemption shall be removed from the property within 30 days of the last organized showing of the animal(s).