

## Chapter 4.5 – Animals and Fowl

### Article 1. – In General

#### Sec. 4.5-1. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

*Animal* means and includes all animals customarily vaccinated against the disease of rabies. This shall include but not be limited to dogs and cats.

*At large* means off the premises of the owner and not under restraint.

*Court* means the magistrate's ~~or recorder's~~ court of Liberty County.

*Humane manner* means care of an animal to include protection from injury, adequate coolness and heat, ventilation, sanitary shelter, wholesome food and water which are consistent with the normal requirements and breeding habits of the animal's size, species, and breed.

*Kennel* means an establishment kept for the purpose of breeding, selling, or boarding animals or those engaged in training animals.

*Licensing authority* means the Liberty County Board of Commissioners or any designated representative thereof that has been charged with administering the issuance and/or revocation of the permits and licenses under the provisions of this chapter.

*Nuisance.* An animal shall be considered a nuisance if it: damages, defiles, or defecates on private property, on public walks and recreational areas (unless such waste is immediately removed and properly disposed of by the animal's owner) or causes an unsanitary, dangerous, or offensive condition, or causes a disturbance by excessive barking or other noisemaking, or chases vehicles or molests, attacks or interferes with persons or other domestic animals on public property.

*Owner, caretaker, possessor* means any person having a right of property of an animal, or who keeps or harbors an animal or who has it in his care, or acts as its custodian or who permits an animal to remain on or about his premises.

*Under restraint* means secured by a leash or lead held by an able-bodied person.

*Vicious animal* means one that constitutes a physical threat to humans or other domestic animals.

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(Ord. of 12-6-88, § 1(1); Ord. No. 2007-3, 7-10-07)

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**Sec. 4.5-2. - Livestock on public ways.**

It shall be unlawful for any person to allow or permit any horses, cattle, sheep, goats, or other livestock to run at large on the streets or to be staked so that they can go upon the streets; or to drive or lead any such animal along or on the sidewalks unless fastened to a rope, chain or other substantial leading device, which rope, chain or other substantial leading device is securely held by a responsible person during all the time that such animals are being led or driven along and over the streets.

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*(Ord. of 12-6-88, § 1(8))*

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**Sec. 4.5-3. - Vicious animals.**

**(a)**

It shall be unlawful for any owner or other person to maintain or harbor within the county a manifestly vicious dog or other animal unless the same is validly registered, securely but humanely confined, or restrained in such manner as to prevent such dog or other animal from attacking or biting a person or another animal. It shall be prima facie evidence of viciousness if a dog or other animal, without provocation, fiercely attacks or bites persons or other animals not on the owner's premises. Clearly visible signs (including a symbol designed to inform children) should be posted warning there is a dangerous dog on the property by the owner.

**(b)**

An animal shall be deemed "vicious" which has a verified record with the Liberty County Animal Control as having bitten any person. No owner or custodian of a vicious animal kept in Liberty County, who when notified in writing by certified mail by the Liberty County Animal Control of the animal's viciousness or who has knowledge of same, shall permit the animal to leave his property unless such animal is muzzled and leashed so as to make it impossible for it to bite.

**(c)**

An animal may be classified vicious and a threat to the general public when it has been involved in one (1) or more unprovoked attacks where bodily injury resulted. Such classification shall be determined by an animal control officer and licensed veterinarian. In the discretion of such animal control officer and veterinarian, classified animals shall be surrendered to and put to death by the animal control officer to prevent further injury to the public. Any fees/cost will be payable by the owner.

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*(Ord. of 12-6-88, § 1(2); Ord. No. 2007-3, 7-10-07)*

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**Sec. 4.5-4. - Cruelty to animals and fowl.**

**(a)**

No person shall perform a cruel act on any animal, nor maim or kill any domestic animal or attempt to do so.

(b)

Fresh food and fresh water, according to the size and weight of the animal, must be provided on a daily basis. The shelter of the animal must be large enough, well constructed, have a complete roof, and must provide for protection from inclement weather. The sheltered area must be kept in a clean, sanitary condition free of excrement and unreasonable objectionable odors. All animals must have access to shade in hot weather. Animal owners are required to provide the needed medical care, to include vaccinations mandatory by law. Enclosures must provide adequate room for sufficient housing of animals including living space and running area.

(c)

When harnessed **or leashed**, all animals and fowl shall be harnessed **or leashed** in such a manner that will not cause injury to the animal and the animal shall be given plenty of room on a harness to exercise.

(d)

Female animals in heat shall be confined in a building or securely enclosed in a **humane** manner that shall not allow contact with a male animal except for planned breeding.

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*(Ord. of 12-6-88, § 1(5); Ord. No. 2007-3, 7-10-07)*

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**Sec. 4.5-5. - Poisoning animals.**

It shall be unlawful for any person to put out or cause to be put out any poison within the county for the killing of any dog or other domestic animal.

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*(Ord. of 12-6-88, § 1(3))*

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**Sec. 4.5-6. - Removal of dead animals.**

(a)

*From public ways.* The owner of a dead animal upon the public streets and ways shall remove the same so as not to constitute a nuisance. If the owner fails to do so the county shall remove and dispose of such carcass, and charge the cost of such removal and disposal to the owner of the carcass, if known.

(b)

*From private property.* When any animal is found on private property, the owner of the dead animal or the owner of the premises upon which such animal is located shall remove the same immediately at his own cost. Upon failure to do so within a reasonable time the county shall remove the same, the cost to be collected from the owner of the dead animal and/or the property.

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*(Ord. of 12-6-88, § 1(6, 7))*

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**Sec. 4.5-7. - Mobile home parks, apartments and condominiums or townhouses.**

The allowance of animals inside mobile home parks, apartments, and condominiums or townhouses is discouraged by this chapter. Where those property owners have not taken action to prohibit pets, they shall be charged a stray pickup fee when it is ascertained that the animal belongs to a tenant or occupant in the park, apartment, condominium or townhouse, especially when pet ownership by a tenant or occupant was known by the landlord.

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*(Ord. of 12-6-88, § 1(25))*

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**Sec. 4.5-8. - Prohibited conditions.**

**(a)**

It shall be unlawful for any person to keep or maintain any animal or fowl in the county in such manner as to create an unsanitary or obnoxious condition, or to become noisy, offensive or a nuisance to the neighbors or citizens of the county, or to disturb the peace of the county.

**(b)**

Should a complaint arise from the causes referred to above, the person involved will be properly notified of a hearing to be held on said complaint before the magistrate's court.

**(c)**

In county subdivisions it shall be unlawful for any person to keep or maintain any pen, coop or enclosure for animals or fowl, or to permit any animal or fowl to be kept, maintained or grazed, within three hundred (300) feet of any house or building where people reside or work. This section shall not apply to household pets such as dogs and cats, but it shall apply to dog kennels, where more than one (1) dog is kept.

**(d)**

Tethered defined. "Tethered" means an animal attached to a stationary object by a chain, cable or similar device commonly used for the size and type of animal involved. An animal is not considered tethered when the animal is attached to a stationary object, as long as the owner or custodian is physically within reach of the animal. Any tethering device used to tether an animal must be at least ten (10) feet in length.

**(1)**

Tethering of an animal is prohibited.

**(2)**

As a secondary means of restraint to a proper enclosure, an animal may be attached to a running cable line or trolley system providing that:

**a.**

Only one (1) animal may be attached to each running cable line or trolley system.

- b. A running cable line or trolley system must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal.
- c. The running cable line or trolley system must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
- d. The length of the tether from the running cable line or trolley system to the animal's collar should allow access to the maximum available exercise area and allow the animal free access to food, water, and shelter.
- e. The animal is attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification, and with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal to a running cable line or trolley system.
- f. The animal is tethered at sufficient distance from any other objects to prevent the tangling of the cable by extending over an object or an edge that could result in injury or strangulation of the animal, and be of sufficient distance from any fence so as to prohibit the animal access to the fence.
- g. The animal has proper food, water, and shelter. Refer to section 4.5-4.

(3)

Secondary means of restraint such as proper enclosures may also be engaged, such as a properly installed fence or kennel.

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*(Ord. of 12-6-88, § 1(4); Ord. No. 2007-3, 7-10-07)*

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#### **Sec. 4.5-9. - Nuisances.**

No person shall allow any animal or fowl over which he has custody or control to remain on his property or premises if the same shall constitute a nuisance as the term is defined herein. For purposes of this section it shall constitute a nuisance for an animal or fowl to bark, howl, whine, or emit any noises whatsoever in a continuous manner **for a period of one (1) hour or longer** so as to disturb any occupant of any adjoining or adjacent property within hearing distance of such property, or for a condition to result from the keeping of such animal or fowl whereby an obnoxious odor emits there from, detectable beyond the limits of the property of such owner or keeper.

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*(Ord. of 12-6-88, § 1(23))*

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**Sec. 4.5-10. - Animals running at large—Impoundment.**

- (a) It shall be the duty of the Liberty County Animal Control Officer to apprehend any animal found running at large contrary to the provisions of this chapter and to impound such animal in the animal shelter.
- (b) The owner of an impounded registered animal shall be notified to appear within ~~seven~~ **ten (10)** days from the date of the notice to the owner, to redeem the animal by payment of the required fees. Unregistered animals shall be held for a period of ~~three~~ **five (5)** working days. (Days are defined as days the animal shelter is open.)
- (c) Any animal not claimed within the times provided may be either destroyed or **offered for adoption.**
- (d) In addition to, or in lieu of, apprehending and impounding an animal found at large, the animal control officer, upon determining the owner, may return the animal to the owner and issue a summons requiring the owner to appear in magistrate's court for determination of whether there has been a violation within the meaning of this chapter.

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*(Ord. of 12-6-88, § 1(9); Ord. No. 2007-3, 7-10-07)*

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**Sec. 4.5-11. - Same—Authority to kill.**

Notwithstanding the provisions of section 4.5-10, if any animal found at large in violation of this chapter cannot be safely taken and impounded, such animal may be slain by any police officer, or animal control officer when placed in danger, or animal control officer when in the presence of and having had permission given by a police officer.

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*(Ord. of 12-6-88, § 1(11))*

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**Sec. 4.5-12. - Impounding and other fees in connection with animal shelter.**

- (a) The Liberty County Board of Commissioners is directed to establish fees for the apprehension of any animals running at large, for the impoundment of animals at the county animal shelter, for the redemption of animals impounded under the provisions of this chapter, and for the disposal of animals which are to be adopted by new owners. The Liberty County Board of Commissioners may set different fees for different sizes, sexes and kinds of animals and different fees for registered and unregistered animals. Such fees, in all events, shall be sufficient for the county to recover its costs incurred in the administration of this chapter.

(b)

Before any fee authorized by this section shall be levied or amended, it must be published in a local newspaper of general circulation at least five (5) days before it shall become effective.

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*(Ord of 12-6-88, § 1(10); Ord. No. 2007-3, 7-10-07)*

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**Sec. 4.5-13. - Enforcement—Generally.**

(a)

*Violation.* It shall be unlawful for any person to fail to comply with the requirements of this chapter, and any person who violates the provisions contained herein shall be guilty of a misdemeanor and, upon conviction thereof, shall, unless otherwise specifically provided herein, be punished by a fine of not less than ~~twenty five dollars~~ Fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or possible jail time “not longer than three (3) days”.

(b)

*Enforcement.* The magistrate court of Liberty County shall have jurisdiction over violations of this chapter and all procedures for enforcement hereof shall be as provided in Article 4, Chapter 10, Title 15, O.C.G.A., as amended. Complaints of violations of any provision contained herein shall be brought before the magistrate's court on a citation issued by the (i) county administrator of Liberty County (or his or her designee); (ii) any animal control officer or law enforcement officer within Liberty County; (iii) the chief magistrate of Liberty County; or (iv) any other person specifically authorized by law, and shall be prosecuted through that court. Violations of this chapter will be tried upon citations either with or without a prosecuting attorney as determined by the said county administrator (or his or her designee). Service of citation shall be performed by any animal control officer or law enforcement within Liberty County, Georgia. Citations shall meet all the official requirements as specified in the O.C.G.A., section 15-10-63, as amended.

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*(Ord. of 12-6-88, § 1(26); Ord. No. 2001-002, § 1, 11-6-01)*

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**Sec. 4.5-14. - Same—Dog control officers.**

Two (2) rabies control officers for the county board of health, appointed under Georgia Code Section 31-19-7, are each hereby assigned the additional duties of dog control officer to carry out the duties of a dog control officer as provided in Title 4, Chapter 8, Article 2 of the Official Code of Georgia Annotated.

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*(Res. of 12-6-88)*

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**Sec. 4.5-15. - Certain animals prohibited from entering county recreational land or facilities.**

(a)

No person shall cause or permit a dog or other domestic animal, except seeing-eye dogs and other animals participating in county-approved recreational events (e.g., dog shows, fairs, etc.) or engaged in law enforcement duties, to enter any land or facility owned, operated, or controlled by Liberty County for public recreational purposes.

(b)

Any person who violates the provisions contained herein shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ~~twenty-five~~ fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or possible jail time “not longer than three (3) days”.

(c)

The magistrate's court of Liberty County shall have jurisdiction over violations of this section and all procedures for enforcement of this section shall be as provided in O.C.G.A. Article 4, Chapter 10, Title 15. Complaints of violations of any provision contained herein shall be brought before the magistrate's court on a citation issued by the animal control officer of Liberty County or the chief magistrate of Liberty County and shall be prosecuted through that court. Violations of this section will be tried upon citations either with or without a prosecuting attorney as determined by the animal control officer of Liberty County. Service of citation shall be performed by any animal control officer or law enforcement within Liberty County, Georgia. Citations shall meet all the official requirements as specified in O.C.G.A. section 15-10-63, as amended.

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*(Res. of 6-18-96; Ord. No. 2007-3, 7-10-07)*

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**Editor's note**— A resolution adopted June 18, 1996 did not specifically amend the Code; hence, inclusion as § 4.5-15 was at the discretion of the editor.

**Secs. 4.5-16—4.5-20. - Reserved.**

Article 2. – Rabies Control

**Sec. 4.5-21. - Confinement or leashing required.**

Except for hunting dogs that are in designated hunting areas and with licensed hunters for the specific prey sought, any person owning or having custody of a dog within the county shall confine such dog on the premises of the owner of the dog, or on the premises of some responsible person authorized by the owner. Dogs shall not be permitted to run at large on any streets, alleys, or any other place in the county other than the premises of the guardian or owner of the dog, except on a leash not more than six (6)



feet in length or in the care of a competent person to whom the dog will respond through voice command.

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*(Ord. of 12-6-88, § 1(12))*

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**Sec. 4.5-22. - Vaccination of animals.**

It shall be unlawful for any person to own, keep or harbor any animal which has not been vaccinated against rabies as required by the rules and regulations established in accordance with O.C.G.A. section 31-19-5. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be revaccinated, description, name, age and sex of the animal vaccinated, type and lot number of the vaccine administered and the signature of the person administering the vaccine. The certificate shall be prepared in triplicate, the original to be given to the owner, the first copy filed in the office of the county board of health, and the second copy retained by the person administering the vaccine. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the state board of veterinary medical examiners to practice veterinary medicine in the state or by other persons qualified under state law for that purpose.

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*(Ord. of 12-6-88, § 1(16))*

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**Sec. 4.5-23. - Registration of cats and dogs—Fee.**

All residents owning, keeping or harboring any cat or dog over three (3) months of age shall pay to the county board of health, or their designated representative, a yearly registration fee of six dollars (\$6.00) for an altered animal and ten dollars (\$10.00) for an unaltered animal. Registration fees are due upon receiving rabies vaccinations of the animal; provided that no fee will be levied for:

- (1) Animals that have expired within thirty (30) days of their annual vaccination anniversary;
- (2) Animals specifically trained, certified, and actively engaged as government services dogs (e.g. patrol, narcotic, explosive detection, search and rescue, etc.); or
- (3) Guide/medical animals for owners medically declared in need of said service.

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*(Ord. of 10-8-02, § I)*

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**Sec. 4.5-24. - Registration—Certificate.**

Upon receipt of the registration fee required by section 4.5-23 and the exhibition of any unexpired certificate of rabies vaccination, the animal control officer or his representative shall affix a stamp, which states "Liberty County License Fee Paid," to the rabies certificate.

**Sec. 4.5-25. - Reserved.**

**Sec. 4.5-26. - Quarantine of animal inflicting bite, suspected of biting, or suspected of being rabid.**

When any warmblooded animal capable of being infected with rabies has bitten any person, or [is] suspected of having bitten any person, or is suspected of being infected with rabies, the county board of health shall cause such animal to be quarantined for such time as may be deemed necessary, but not less than ten (10) days from the day the person was bitten. No such animal shall be killed or destroyed or removed from the county, except upon authorization of the county board of health or its duly authorized representative. Only dogs and other animals which appear well shall be released from quarantine or impoundment. No person shall hide, kill, conceal or aid or assist in hiding, killing or concealing any such animal defined in this section or shall conceal or permit the same to be removed from the county for the purpose of preventing its quarantine as provided herein.

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*(Ord. of 12-6-88, § 1(17))*

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**Sec. 4.5-27. - Destruction or quarantine of animals in contact with a rabid animal.**

**(a)**

All warm blooded animals capable of being infected with rabies that have come in contact with a rabid animal shall be destroyed by a humane method or shall be quarantined and/or vaccinated as follows:

**(1)**

If no vaccination has been given within the previous period of twelve (12) months, the dog or other domestic animal may be vaccinated and then quarantined for ninety (90) days.

**(2)**

If vaccinated within the previous twelve (12) months, the dog or other domestic animal shall be revaccinated and then quarantined for thirty (30) days.

**(b)**

There shall be placed in a conspicuous place in plain view of all entrances to the place of quarantine under this section a placard on which shall be printed, in letters not less than two (2) inches high, the words "Rabies-Quarantine." Such quarantine shall be at the expense of the owner. The place of quarantine shall be cleaned and disinfected to the satisfaction of the animal control officer.

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*(Ord. of 12-6-88, § 1(18))*

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**Sec. 4.5-28. - Report required when any person is bitten by an animal.**

Whenever a person is bitten by a dog or other animal capable of being infected with rabies, prompt report of such bite shall be made to the appropriate police department. Such report shall be made by any physician attending the person bitten or, if such person is received at a hospital or dispensary for treatment, the report shall be made by the person in charge of the hospital or dispensary. The report shall contain information required by the county board of health. When a physician was not consulted or the person was not taken to a hospital or dispensary, the report shall be made by the person bitten or any other person who has knowledge of the facts.

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*(Ord. of 12-6-88, § 1(19))*

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**Sec. 4.5-29. - Veterinarians to report results of examination of animal which has bitten person.**

Whenever a veterinarian is called upon to examine a dog or other animal capable of transmitting rabies and that has bitten a person, he shall promptly report the results of his examination to the county board of health.

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*(Ord. of 12-6-88, § 1(20))*

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**Sec. 4.5-30. - Forwarding head of rabid or suspected rabid animal to state-approved laboratory.**

When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under quarantine, the county board of health shall send the head of such animal to the state-approved laboratory for pathological examination.

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*(Ord. of 12-6-88, § 1(21))*

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**Sec. 4.5-31. - Surrender and examination of carcasses of animals.**

The carcass of any dead animal found within the county shall, upon demand, be surrendered to the county board of health for examination if, in the opinion of the county board of health, such examination is necessary or advisable.

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*(Ord. of 12-6-88, § 1(22))*

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**Sec. 4.5-32. - Reporting violations and giving testimony in court.**

Any person who has personal knowledge of the violation of any portion of this regulation shall notify the police department and shall also make known his willingness

to appear and give testimony concerning any such violation in the magistrate's court upon being summoned thereto, at the time and place specified in such summons.

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*(Ord. of 12-6-88, § 1(24))*

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