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Chapter 3.5 ANIMAL AND FOWL

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ARTICLE I. IN GENERAL

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ARTICLE II. ANIMAL CONTROL

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Sec. 3.5-21. Title.

This article shall be known as the "Gordon County Animal Control Ordinance."

(Ord. of 4-20-99, § I)

Sec. 3.5-22. Purpose and intent.

- (a) The purpose of this article is to provide for the control of stray dogs, cats, livestock, and other designated animals and to require that dogs, cats, livestock, and other such designated animals not be allowed to run at large.
- (b) Nothing in this article shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.

- (c) Nothing in this article shall be interpreted or applied so as to create any liability on Gordon County, its employees, agents, or officials which enforce or fail to enforce any of the provisions provided herein or any applicable provisions of state law.

(Ord. of 4-20-99, § II)

Sec. 3.5-23. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article unless otherwise specifically stated:

Cat: Any male or female cat of pure or mixed breed.

Dog: Any male or female dog of pure or mixed breed.

Livestock: All animals of the equine, bovine, or swine class including goats, sheep, mules, horses, hogs, cattle, and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas.

Owner: Any natural person or legal entity including but not limited to a corporation, partnership, firm, or trust owning, possessing, harboring, keeping or having custody of an animal.

Premises: A parcel of land and the structures thereon and equivalent to the term property.

Stray cat: Any cat which is found off its owner's property without a collar and proof of rabies vaccination or any cat which is not claimed by anyone as its owner.

Stray dog: Any dog which is found off its owner's property without a collar and proof of rabies vaccination or any dog which is not claimed by anyone as its owner.

(Ord. of 4-20-99, § III)

Sec. 3.5-24. Impoundment of animals.

- (a) *Dogs and cats.*

- (1) The following dogs and cats shall be subject to impoundment by Gordon County, its agents and employees:
 - a. All dogs and cats upon which a valid tag indicating inoculation against rabies is not appropriately attached.
 - b. All dogs and cats off the premises of the owner of the dog [or cat] which Gordon County's agent or employee has reason to believe is a stray dog [or cat].
 - c. All dogs and cats running at large. The term "at large" means off the premises of the owner or keeper, and not under leash or other physical restraint of the owner or a responsible person.
 - d. Any female dog or cat in heat and off the premises of the owner or keeper.
- (2) Notice of impoundment shall be given immediately by certified mail or hand delivery to the owner of the impounded dog or cat if such owner may be ascertained. Said notice by certified mail is effective if mailed to the last known address of the owner. Said notice by hand delivery is effective if made by personal delivery by an agent or employee of Gordon County to the premises of the owner and left with a responsible person or affixed to the door.
- (3) Any dog or cat which has been impounded under the provisions of this article shall be disposed of in the following manners if the owner does not respond within three (3) days

of impoundment or notice of impoundment, whichever last occurs, and does not comply with subsection (4) below:

- a. The dog or cat may be placed in an adoptive home;
 - b. The dog or cat may be sold or released to a licensed Georgia rescue group; or
 - c. The dog or cat may be destroyed by such humane method as Gordon County may deem appropriate.
- (4) During the aforesaid three-day period of impoundment, the owner of the impounded dog may claim such dog or cat and such dog or cat may be redeemed by its owner upon payment by the owner of the confiscation costs which shall be established from time to time by the Gordon County Board of Commissioners. Prior to the return of the dog or cat to its owner(s), the owner shall either furnish proof to Gordon County that the dog or cat has been inoculated for rabies within the preceding twelve-month period or the owner shall pay for said inoculation prior to its release.
- (5) It shall be unlawful for any owner of a dog or cat or a person having a dog or cat in his possession or control to permit such dog or cat to be out of control and unattended on the premises of the owner within the unincorporated areas of Gordon County or upon the property of another person, without the permission of the owner of such property or the person in possession thereof. An animal is under control if it is controlled by a leash, is at heel or is beside a competent person and obedient to that person's commands, or is within a vehicle being driven or parked on the road or a parking lot, or is within the property limits of its owner or keeper.
- (6) Fees and costs. The fees and costs with respect to the enforcement of this section of the article concerning dogs and cats shall be set by the Gordon County Board of Commissioners from time to time. A copy of such fee schedule shall be posted at the Gordon County Animal Shelter and may be changed at any time and from time to time as determined by the board of commissioners.
- (b) *Livestock.*
- (1) The state law known as "Livestock Running At Large or Straying", chapter 3 of O.C.G.A. title 4, and as amended, is incorporated herein by reference and made a part of this article.
 - (2) No owner shall permit livestock to run at large on, or to stray upon, the public roads of this state, the public roads of Gordon County, or any property not belonging to the owner of the livestock, except by permission of the owner of such property.
 - (3) Notice of impoundment of any livestock shall be given in writing to the owner of said livestock, advising the owner of the location or place where the livestock is being held, the amount due as a result of the impounding, and that unless such livestock is redeemed within three (3) days from that date the livestock shall be offered for sale. In the event the owner of the livestock is unknown or cannot be found, service upon the owner shall be obtained by publishing a notice once in a newspaper of general circulation where the livestock is impounded, Sundays and holidays excluded. Such notice shall be in substantially the form prescribed by O.C.G.A. § 4-3-5(a).
- Unless the impounded livestock is redeemed within three (3) days from the date of the notice, Gordon County shall forthwith give notice of sale thereof, which shall be held not less than five (5) days nor more than ten (10) days, excluding Sundays and holidays, from the first publication of the notice of sale. The notice of sale shall be published in a newspaper of general circulation and by posting a copy of such notice at the courthouse door. Such notice shall be in substantially the form prescribed by O.C.G.A. § 4-3-5(b).

- (4) The owner of any impounded livestock shall have the right at any time before the sale thereof to redeem the livestock by paying all impounding expenses, including fees, keeping charges, and advertising or other costs incurred. In the event there is a dispute as to the amount of such costs and expenses, the owner may provide a bond with sufficient sureties, but not to exceed the fair cash value of such livestock. Within ten (10) days thereafter, the owner shall institute an action in the Magistrate Court of Gordon County to have the dispute adjudicated by the court or referred to a jury if requested by either party to the action. If said suit is not instituted by the owner, then the bond shall be forfeited to Gordon County.
- (5) Fees and costs. The fees and costs with respect to the enforcement of this section of the article concerning livestock shall be in accordance with O.C.G.A § 4-3-10. In addition, should any fees and costs be incurred by Gordon County for the impoundment of livestock which are not itemized in the above-referenced code section, then the board of commissioners shall establish an amount for said fee or cost to be paid by the owner as reimbursement for services rendered by Gordon County as a result of the impoundment of said livestock.

(Ord. of 4-20-99, § IV; Ord. of 1-2-13, §§ 2, 3)

Sec. 3.5-25. Jurisdiction.

Jurisdiction for action brought pursuant to the provisions of this article shall be in the Magistrate Court of Gordon County, Georgia.

(Ord. of 4-20-99, § V)

Sec. 3.5-26. Tethering dogs.

- (a) The length of a tether used on any dog shall not be less than ten (10) feet in length and shall allow access to the maximum available exercise area;
- (b) The tether shall allow free access to food, water, and shelter; and
- (c) The tether shall not allow the animal to leave the owner's lot or parcel.

(Ord. of 1-2-13, § 1)

Secs. 3.5-27—3.5-40. Reserved.

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ARTICLE III. RABIES CONTROL ORDINANCE

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Sec. 3.5-41. Purpose and intent.

The purpose of this article is to carry out the duties and responsibilities of the board of health to prevent and control rabies as set forth in O.C.G.A. § 31-19-1 et seq. Rabies is a viral infection that enters the central nervous system of the host, causing an encephalomyelitis that is almost always fatal. Therefore, this article is adopted to serve the public health, safety and welfare in battling this dangerous disease and the extreme measures set forth herein and in the Georgia Rabies Control Manual, latest edition, which is incorporated herein, are necessitated by the threat posed by rabies exposure.

(Ord. of 11-11-11, § 1)

Sec. 3.5-42. Definitions.

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

"Board of health" shall mean the Gordon County Board of Health. The Gordon County Health Department is the administrative arm of the Gordon County Board of Health.

"Rabies control officer" shall mean that officer designated by the board of health to enforce this article, and that person's designees.

(Ord. of 11-11-11, § 2)

Sec. 3.5-43. Rabies control officer.

The board of health, pursuant to O.C.G.A. § 31-19-7, hereby designates the department head of the Gordon County Animal Control Department as the county rabies control officer. The county rabies control officer shall be empowered to administer and enforce this article and to utilize the staff and officers of the Gordon County Animal Control Department as his or her deputies in carrying out such duties.

(Ord. of 11-11-11, § 3)

Sec. 3.5-44. Notification of bites.

It shall be the duty of any person bitten by a wild or domestic animal to immediately notify the Gordon County Health Department. It shall be the duty of the owner, custodian or any person having possession and knowledge of any animal which has bitten any person or animal or of any animal which exhibits any signs of rabies to notify the Gordon County Health Department and to confine such animal in accordance with this article.

(Ord. of 11-11-11, § 4)

Sec. 3.5-45. Rabies vaccination and rabies tags.

All dogs and cats shall be vaccinated against rabies. Dogs and cats shall wear current, valid rabies tags attached to their collars at all times, except when removal is necessary for cleaning, grooming or other veterinary care. It shall be unlawful for any owner or custodian of a dog or cat to allow the animal to be outdoors without wearing a collar with a current rabies tag showing that the animal has been inoculated for rabies within one (1) year of any such time as the rabies tag may be checked. Owners of cats must be able to show proof of current vaccination if no collar and tag is

displayed.

(Ord. of 11-11-11, § 5)

Sec. 3.5-46. Enforcement and impoundment.

The rabies control officer shall be authorized to impound and quarantine any animal that has been bitten by wild animals or bitten by dogs or cats that do not have current records of vaccination against rabies. Management of animals exposed to rabies shall be according to the procedures set forth in the Georgia Rabies Control Manual, latest edition, which is incorporated herein by reference as if set forth fully herein. The protocols for livestock, dogs, cats and ferrets possibly exposed to rabies, as well as the protocols for animal to animal exposure and human exposure shall be enforced as set forth in the Georgia Rabies Control Manual, latest edition. The rabies control officer shall be authorized to take any and all steps set forth in said manual up to and including euthanizing and testing of animals. The rabies control officer shall also be authorized to impound dogs that are running at large without rabies tags.

- (1) *Notice.* Notice shall be provided to the owner and shall include the description of the animal, the location where the animal was impounded, the reason for impoundment, the citation number if a citation was issued, the name and business address of the rabies control officer impounding the animal, the name and business location of the Gordon County Animal Shelter, the hours during which the animal can be reclaimed, and fees to be charged to the owner. The notice shall be delivered personally or by certified mail, return receipt requested. If an owner is unknown or cannot be found, notice shall be made by posting the notice in a conspicuous place at the location where the animal was impounded.
- (2) *Animals without rabies tags.* The owner of an animal impounded for lack of rabies tags may reclaim the animal upon payment of the violation fine, vaccination or tag fee and impoundment fee. Owners shall have no more than seven (7) days from the date of notice to cure or correct the violation, or the dogs shall be deemed unclaimed; this time limit may be extended by the rabies control officer, to no more than twenty (20) days. After seven (7) business days any animal unclaimed by its owner, after such owner has been notified of the impoundment of such animal, shall be placed for adoption, or humanely destroyed in accordance with O.C.G.A. § 4-11-5.1. After seven (7) business days any animal whose owner cannot be ascertained, shall be placed for adoption, or humanely destroyed in accordance with O.C.G.A. § 4-11-5.1.
- (3) *Animals impounded for rabies quarantine.* Animals impounded for rabies quarantine shall be isolated pursuant to the procedures of the Georgia Rabies Control Manual, latest edition. If the animal shows signs of rabies or dies during confinement, it will be sent off for testing. If the animal survives and does not show signs of rabies, it will be returned to the owner upon payment of fees.
- (4) *Impoundment fees.* An owner reclaiming an impounded animal shall pay a twenty-five dollar (\$25.00) impoundment fee plus a fee of ten dollars (\$10.00) for each day the animal is impounded as a boarding fee if impounded at the shelter (or the actual costs of impoundment if impounded off site), and the actual veterinary costs for care of the animal. Livestock impounding fees may vary and will be set by the rabies control officer if boarded at the shelter. Impoundment fees are subject to change. A current list of impoundment fees shall be posted at the Gordon County Animal Shelter.

(Ord. of 11-11-11, § 6)

Sec. 3.5-47. Quarantine/isolation procedures.

In certain circumstances, the rabies control officer may allow the animal owner to quarantine the animal that has been bitten in lieu of the animal being euthanized and tested. The quarantine period varies depending on the circumstance, as set forth in the Georgia Rabies Control Manual, latest edition. In that case, the animal must be placed in a secure enclosure where no other animal or person can be exposed to the virus which can be transmitted into bite wounds, open cuts in skin and onto mucous membranes. The animal must be kept in a secure enclosure approved by the rabies control officer and when deemed necessary may require two (2) layers of fencing, separated by at least one (1) foot. Food must be pushed in from a distance and the animal cannot be approached by any person. Other protocols for quarantine shall be provided by the rabies control officer. If the animal escapes from the enclosure, it will be impounded and euthanized for testing.

(Ord. of 11-11-11, § 7)

Sec. 3.5-48. Violations.

Violation of this article shall be a misdemeanor. The minimum fine for a violation of this article shall be two hundred dollars (\$200.00). The rabies control officer shall be empowered to issue citations to the magistrate courts and municipal courts of this county. The officer shall likewise be empowered to bring actions for injunctive relief in superior court.

(Ord. of 11-11-11, § 8)