

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.
- (c) Any violation of the provisions of Sec. 3.5-24 pertaining to dogs, cats and livestock out of control and unattended including, but not limited to, Sec. 3.5-24(a)(5) and Section 3.5-24 (b)(1 and 2) shall be punishable, upon conviction, by a fine not to exceed one thousand dollars (\$1,000.00) per violation or imprisonment not to exceed sixty (60) days, or both. Each violation shall constitute a separate offense.

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