

STATE OF GEORGIA
COUNTY OF HALL

A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY
WITH REGARD TO ANIMAL CONTROL

WHEREAS, Hall County has developed a comprehensive Animal Control Ordinance; and

WHEREAS, the Animal Control Ordinance was last substantially amended in 2009; and

WHEREAS, the Service Delivery Strategy Agreement among Hall County and all municipalities located wholly or partially within Hall County provides that Hall County shall provide animal control services on a county-wide basis; and

WHEREAS, Hall County has received input from its citizens and from County staff regarding revisions to the Animal Control Ordinance; and

WHEREAS, the Board of Commissioners has considered the proposed revisions to the Animal Control Ordinance and deems it to be in the best interest of Hall County citizens to adopt such revisions;

NOW, THEREFORE, the Board of Commissioners does hereby amend the Official Code of Hall County, Georgia as follows:

1.

Chapter 4.10 of the Official Code of Hall County, Georgia, Animal Services, is hereby amended by deleting said Chapter in its entirety and inserting in lieu thereof a new Chapter 4.10 which is attached as Exhibit "A" which is by this reference made a part hereof.

2.

Any and all provisions of the Official Code of Hall County which are in conflict with this Resolution are hereby repealed.

SO RESOLVED, this the 10th day of May, 2023.

HALL COUNTY BOARD OF COMMISSIONERS


By: 
Richard Higgins, Chairman

ATTEST:

 (SEAL)
Jennifer Rivera, County Clerk



APPROVED AS TO FORM:


William J. Linkous III, County Attorney

<u>4.10.700.</u>	Adoption.
<u>4.10.710.</u>	Community Cat Program/Feral Cat Colony
<u>4.10.720.</u>	Restrictions of sale of dogs and cats
<u>4.10.730.</u>	Roadside sales
<u>4.10.740.</u>	Violations

Footnotes:

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Editor's note— Res. of 2-11-10(2), § 1(Exh. A), amended Ch. 4.10 title to read as herein set out. Former Ch. 4.10 title pertained to animal services.

ARTICLE I. - GENERAL PROVISIONS

4.10.100. - 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:

Abandonment means to place upon public property, within a public building or within the private property of another without the express permission of the owner, custodian or attendant of the private property, any domesticated animal or agricultural animal that is unattended or uncared for. Any owner shall also be considered to abandon the domesticated animal or agricultural animal, for the purposes of this chapter, if the animal has been upon or within the property of the owner or custodian of this animal for a period of time in excess of 36 hours unattended and without adequate food and water or if the owner of the animal was evicted from the premises

where the domesticated animal or agricultural animal was kept and said owner fails to immediately remove the animal from the premises.

Adequate food means food that is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Adequate food shall not include garbage, spoiled, rancid or unhygienic food or food containing worms, insects or insect larvae.

Adequate size means a structure or container of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure or container comfortably.

Adequate space means a sufficient space for adequate exercise suitable to the age, size, species and breed of animal, which, unless otherwise provided in this chapter, shall include at least:

1. An enclosure with a minimum of 100 square feet per animal except for an animal in transport by vehicle, an animal being boarded at a licensed facility, or any animal under 25 pounds that shall be provided with space of adequate size, or
2. A provision of at least a ten-foot metal chain or metal cable (not including a rope) that cannot become tangled or prevent the animal from having access to adequate food, water or shelter for any animal tethered or chained outside. This form of tether shall not be used as a permanent means of restraint.

Adequate water means clear, drinkable water in adequate supply, but does not include snow, ice, rancid, unhygienic water or water containing worms, insects, or insect larvae.

Aggravated habitual violator means a habitual violator as provided for in this chapter that has been found guilty of more than one violation of article III of this chapter or any

other provision of this chapter wherein the animal involved in the violations inflicted a bite breaking the skin on another animal or human.

Agricultural animal means any hoofed animal including, but not limited to, bovine, caprine, equine, ovine, and swine, and, more specifically, cows, donkeys, goats, horses, llamas, mules, sheep and pigs as well as all other animals used or suitable for either food, fiber or labor including chickens, roosters, turkeys, or other fowl on agricultural property.

Agricultural property means, for the purpose of this chapter only, any parcel of land two acres or more in size, or property that is less than two acres in size that is contiguous or adjacent to parcels of land that are at least five acres or more in size.

Animal means any animal including those of the amphibian (amphibians), reptilian (reptiles), aves (fowl) and mammalia (mammals) classes.

Animal at large means an animal not under restraint.

Animal control officer means any officer, agent or employee of Hall County Animal Services designated by the governing authority to perform the duties of animal control and enforcement of this chapter and to perform the duties of dog control officer pursuant to **O.C.G.A. § 4-8-22(c)**, as amended from time to time.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under **§ 501(c)(3)** of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include any entity, which is, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

Animal shelter means any facility operated by or under contract for the state, county, a municipal corporation, or a political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

Animal under restraint: any domesticated animal or agricultural animal is considered under restraint unless otherwise provided herein if:

1. It is controlled within the property limits of its owner by:
 - a. A visible physical barrier from which the animal cannot escape, that is securely locked by key or combination lock at any time the animal is left unattended and that is not an invisible electronic fence; or
 - b. A metal chain or metal cable of sufficient strength to restrain the animal;
 2. It is controlled on a leash by a person physically able to control the animal;
 3. It is entirely contained within the occupant enclosure of a vehicle;
 4. If entirely contained within the cargo area of a truck being driven or parked on the streets, it is safely restrained by a harness or tether of sufficient strength to restrain the animal or confined in a kennel or cage;
- or

5. It is within the fenced enclosure of any dog park approved and operated by the governing authority.

Board of health means the Hall County Board of Health.

Bona fide farm means five acres or more of land used for agriculture and which houses livestock.

Canine shall mean a dog.

Cock fighting tool means any instrument attached to the spur of a rooster intended for fighting.

Community cat means any stray or feral cat (unowned and free roaming) that has been impounded by the animal control unit and marked by surgical ear-tip in accordance with the Community Cat Program.

Dangerous animal means any animal other than livestock maintained on agricultural property, that, according to the records of an appropriate authority:

1. Has without provocation inflicted severe injury on a human being on public or private property; or
2. Aggressively bites, attacks, or endangers the safety of humans, domesticated animals or agricultural animals without provocation after the animal has been classified as a potentially dangerous animal and after the owner has been notified of such classification.

Domesticated animal means an animal that is living in or about the habitation of people including, but not limited to, cats, chickens, dogs, ducks, cows, fowl, geese, horses, rabbits, swine and livestock, whether or not they are further classified by this chapter as hazardous animals, dangerous animals or potentially dangerous animals, but shall not include agricultural animals. Pen raised skunks are categorized as those skunks

acceptable by the State of Georgia and may be kept in Georgia as pets.

Feral animal means an animal that has escaped from a domestic or captive status and is more or less living as a wild animal, or is born of a feral animal.

Fowl means chickens, ducks, geese, roosters, turkeys, poultry and other birds of the aves class.

Governing authority means the Board of Commissioners of Hall County, Georgia.

Guard animal means any animal which has been trained to attack persons or other animals independently or upon oral command and any animal which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which it is located.

Habitual violator means any owner or member of the owner's household that is found guilty of violating two or more of the same sections of this chapter more than once in any twelve-month period when the violations for two or more of the same sections occur on separate days.

Hall County Animal Shelter means the animal shelter operated by Hall County, Georgia.

Harbors means providing comfort and safety by providing food, water, or shelter for more than 7 days.

Hazardous animal means any animal:

1. For which a permit or license is required for possession pursuant to O.C.G.A. § 27-5-1, et seq.;
2. That is a hybrid animal which is part wild animal in accordance with the laws of the State of Georgia; or
3. That is a Reticulated Python (*Python reticulatus*), Amethystine Python (*Morelia amethystina*), Green Anaconda (*Eunectes murinus*), Indian

Python (Python molurus—the Burmese Python P. m. bivittata is a subspecies of the Indian) or African Rock Python (Python sebae).

Hoarder means a person or entity that is the owner of more than one animal maintained without adequate food, water, sanitation or space.

Humane society means the Humane Society of Hall County or any corporation, organization or association existing for the purpose of prevention of cruelty to animals, education for humane treatment of animals or animal adoption for stray animals.

In distress means the condition of an animal that, because of lack of necessary veterinary care, is in pain, anxiety, or acute physical or mental suffering requiring immediate assistance to prevent death of the animal or an animal suffering to the extent that necessary veterinary care is required to prevent further physical harm to the animal.

Indiscriminate Breeder is someone who is not licensed by the Department of Agriculture, does not have a Hall County business license, and intentionally or unintentionally breeds their animals.

In heat means a female animal that is in her estrous cycle.

Law enforcement agency means the Hall County Sheriff's Office, Hall County Enforcement Division or other law enforcement agency of the governing authority.

Livestock means any hoofed animal including, but not limited to, bovine, caprine, equine, ovine, and swine, and, more specifically, cows, donkeys, goats, horses, llamas, mules, sheep and pigs.

Necessary veterinary care means medical care of an animal from or under the direction of a licensed veterinarian and necessary to maintain the health of an animal based on the age, species, or breed of the animal, or to prevent an animal from suffering from:

1. Ongoing infection;
2. Infestation of parasites;
3. Disease; or
4. Any other medical condition/injury where withholding or neglecting to provide such veterinary care would further endanger the health or welfare of the animal or promote the spread of communicable diseases.

Owner means any natural person or any legal entity, including but not limited to a corporation, partnership, firm, trust, or parent or legal guardian of any minor, who or which:

1. Owns;
2. Possesses;
3. Harbors;
4. Keeps;
5. Cares for;
6. Feeds;
7. Maintains;
8. Has custody or control of; or
9. Knowingly permits to be harbored or kept or to remain on or about their premises an animal within the jurisdiction of the governing authority. If an animal has more than one owner, any one of such owners may be prosecuted for violations whether or not any other owners are also prosecuted.

Pet shop means a retail establishment where animals are sold, advertised for sale, exchanged, offered for adoption, bartered or offered for sale, or auctioned as pet animals to the general public at retail. Such definition shall not include a private residence not generally open to the public, an

animal control facility, or animal rescue organization as defined.

Potentially dangerous animal means any animal, other than livestock maintained on agricultural property, with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings, or any animal that when unprovoked:

1. Inflicts injury on a human being on public or private property;
2. Chases or approaches a human being upon the street, sidewalks or any public grounds or the private property of another in a vicious or terrorizing manner in an apparent attitude of attack; or
3. On more than one occasion causes injury to or death of another domesticated animal or agricultural animal. ~~Unless the other domesticated animal or agricultural animal was not under restraint at the time.~~

Proper enclosure means an enclosure for keeping a dangerous animal or potentially dangerous animal while on the owner's property securely confined and enclosed in a manner suitable to prevent the entry of young children and designed to prevent the animal from escaping as specified in the criteria set forth in subsection 4.10.570B of this chapter.

Public or private animal refuge means a place where a harbinger of unwanted animals of any breed, including crossbreeds, provides food, shelter, and confinement for more than four animals of any kind.

Public Nuisance Animal means an animal that:

1. Is repeatedly found at large;
2. Damages the property of another, or causes injury to a person (not from an

aggressive attack);

- 3. Attacks or bites without provocation;
- 4. Chases vehicles, bicycles, or people; or
- 5. Is found with no owner’s tag, microchip, or other form of owner’s information that would aid in returning the animal to the rightful owner.

Records of appropriate authority means records of any state, county or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state, or local court; records of a dog control officer as provided in O.C.G.A. § 4-8-22(c); or records of an animal control officer as provided by this chapter.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery, or a physical injury that results in death.

Sexually mature animal means any dog or cat that has reached the age of 180 days or more.

Sterilization means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

Unowned animal means any animal that is not wearing a collar or other identifying information such as a microchip, and no information is known about a possible owner.

(Res. of 2-11-10(2), § 1(Exh. A); Res. of 10-25-18(1), § 1)

Editor's note— Res. of 2-11-10(2), § 1(Exh. A), repealed former § 4.10.100, and enacted a new § 4.10.100 as set out herein. Former § 4.10.100 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

place into the Community Cat Program. Healthy, ear-tipped cats shall not be impounded, as they are already considered part of the Community Cat Program.

- D. Nothing within this subsection shall be construed to authorize individuals to enter upon private property without consent of the property owner to trap and/or release any stray cat.

7.10.720 Restrictions on the sale of dogs and cats.

A pet shop may not sell, advertise for sale, exchange, offer for adoption, barter, offer for sale, auction, or otherwise deliver or transfer a cat or dog. Nothing in this article shall prevent a pet shop from providing space and appropriate care for cats and dogs owned by an animal control facility or an animal rescue organization and maintained at the pet shop for the purpose of adopting those animals to the public.

- A. Disclosure- A pet shop that provides space for the adoption of cats and dogs shall post, in a conspicuous location on the cage or enclosure of each such animal, a sign stating the name of the animal control facility or animal rescue organization which owns the dog or cat offered for adoption.

7.10.730 Roadside sales

It shall be unlawful for any person to sell, exchange, trade, barter, lease, or display for a commercial purpose or profit any dog, cat, or domestic rabbit on or in any roadside, public right of way, parkway, median, park, other recreational area, flea market or other outdoor market, or commercial or retail parking lot, regardless of whether access to such location is authorized.

This section shall not apply to:

The display or adoption of dogs, cats, or domestic rabbits by an animal shelter or animal rescue organization; or

The display of dogs, cats, or domestic rabbits as part of a state or county fair or exhibition, 4-H

program, or similar exhibition or educational program.

7.10.740 Violations

- A. Each failure to post a sign for an individual dog or cat as required by this article shall constitute a separate offense.
- B. Each dog or cat sold, exchanged, bartered, offered for sale, auctioned, delivered, or transferred in violation of this article shall constitute a separate offense.
- C. Each day any violation of this article shall continue shall constitute a separate offense.