

Chapter 4

**ANIMALS\***

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\*State law references—Municipal authority to provide for animal control, Ga. Const. art. 9, sec. 2, para. 3(a)(3); animals generally, O.C.G.A. title 4.

**ARTICLE I. IN GENERAL****Sec. 4-1. City designated as a bird sanctuary; prohibited acts enumerated.**

(a) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(b) It shall be unlawful for any person to kill, shoot, trap, snare, poison or otherwise maim or injure any bird within the city, or to attempt to do any of these things or otherwise do any act which would destroy or diminish bird life in the city, including the destruction of nests, feeding places, housing facilities or other places of habitation for birds.

(Code 1985, § 4-4-1)

**Sec. 4-2. Livestock restricted in city.**

(a) It shall be unlawful for any person to keep any hogs, cattle, sheep, goats, horses, mules, poultry or any other such animals for commercial purposes.

(b) It shall be unlawful for any person to keep any hogs, cattle, sheep, goats, horses, mules, poultry or any other such animal in a shed, pen, stall, or other such enclosure within 400 feet of any residence or within 500 feet of any public street in the city.

(Code 1985, § 4-4-2)

**Sec. 4-3. Impoundment; notice; redemption prohibited in certain instances.**

(a) The following animals shall be subject to impoundment by the city, its agents and employees:

- (1) All dogs upon which a valid tag indicating inoculation against rabies is not appropriately attached as provided in article II of this chapter.
- (2) Any dog which, in the opinion of the animal control officer, creates a public nuisance by loud noise, offensive odors, destruction of property or landscape, vicious or intimidating behavior, and defecation on property other than that belonging to the owner of such dog.
- (3) All female dogs found at large in violation of section 4-34.
- (4) All animals determined to be a public nuisance under this chapter.
- (5) Any dog whose ownership is unknown.
- (6) Any dog running at large.

(b) Notice of the impoundment shall be given immediately by mail or telephone call to the owner of the impounded dog, if such owner may be ascertained.

(c) The notice of impoundment shall contain a general description of the animal impounded, including color, sex and breed, if readily ascertainable.

(d) Any dog or other animal impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction.

(e) When, in the judgment of the city or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed.

(Code 1985, § 4-4-14; Ord. No. 91-008, 3-25-91; Ord. No. 94-021, § I, 9-12-94)

**Sec. 4-4. Disposal; redemption; costs and expenses.**

(a) If, following impoundment, a dog or other animal is not claimed or redeemed by its owner within seven days of impoundment for dogs wearing a collar and tag or three days of impoundment for dogs wearing no tag, as provided for hereafter, the city may dispose of such dog by any of the following methods:

- (1) The dog may be placed in an adoptive home.
- (2) The dog or other animal may be sold.
- (3) The dog or other animal may be destroyed by such a humane method as the city may deem appropriate.

(b) The owner of the impounded dog or other animal may claim the dog or other animal and it may be redeemed by its owner upon payment to the city the cost and expense of impounding and keeping the dog or other animal, such costs and expenses to be determined from time to time by the city manager.

(Code 1985, § 4-4-16)

**Secs. 4-5—4-30. Reserved.**

**ARTICLE II. DOGS\***

**Sec. 4-31. 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:

*Owner of the animal* shall mean a person who owns, harbors or keeps or knowingly permits an animal to be harbored or kept or has an animal in his care, or who permits an animal to remain on or about his premises.

*Premises* shall mean a parcel of land and the structures thereon.

*Registered dog* shall mean an animal licensed by the city as provided in this article.

*Running at large* shall mean any dog that is not:

- (1) Under the control of its owner or other responsible person by means of a leash, cord, rope, strap, chain or lead held by such owner of person and securely fastened to the collar or harness attached to the animal, or:
- (2) Securely enclosed, confined or restrained on premises where it lawfully may be so as to be unable to enter upon the public way or to molest persons lawfully using the public way; or

\*State law reference—Dogs, O.C.G.A. § 4-8-1 et seq.

(3) Accompanied by a responsible person and obedient to that person's voice commands.

*Vaccination* shall mean protection against rabies by inoculation with anti-rabies vaccine, given in an amount sufficient to provide immunity from rabies for a minimum of one year.  
(Code 1985, § 4-4-11; Ord. No. 94-021, § II, 9-12-94)

**Sec. 4-32. Rabies inoculation.**

All dogs over 90 days old within the city shall be inoculated annually so as to provide immunity from rabies for a period of at least one year. All inoculations shall be administered by a licensed veterinarian or an authorized representative of the city or county.  
(Code 1985, § 4-4-12)

**Sec. 4-33. Rabies tags required.**

A valid rabies vaccination tag shall be securely attached to the dog's collar or harness, which collar or harness must be secured to and on the dog at all times and it shall be the duty and responsibility of the owner to see that the same is so attached and secured at all times.  
(Code 1985, § 4-4-13)

**State law reference**—Dog tags, O.C.G.A. § 31-19-6.

**Sec. 4-34. Female dog in heat.**

Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that the female dog cannot come in contact with another animal, except for breeding purposes.  
(Code 1985, § 4-4-15)

**State law reference**—Permitting dogs in heat to roam or run free prohibited, § 4-8-6.

ORDINANCE TO AMEND CHAPTER 4 OF  
THE CODE OF ORDINANCES OF THE CITY OF TOCCOA

WHEREAS, the City Commission of the City of Toccoa deems it in the best interest of the City of Toccoa to amend the animal control ordinances of the City of Toccoa, and

THE CODE OF ORDINANCES OF THE CITY OF TOCCOA ARE HEREBY  
AMENDED AS FOLLOWS:

I. Section 4-3(a) is amended by adding the following amendments:

- (4) Any dog whose ownership is unknown.
- (5) Any dog running at large.

II. Chapter 4, Article II, Section 4-31 is amended by adding the following definition of Running at Large:

Running at Large shall mean any dog that is not a) under the control of its owner or other responsible person by means of a leash, cord, rope, strap, chain, or lead held by such owner of person and securely fastened to the collar or harness attached to the animal, or; b) securely enclosed, confined, or restrained on premises where it lawfully may be so as to be unable to enter upon the public way or to molest persons lawfully using the public way; or c) accompanied by a responsible person and obedient to that person's voice commands.

III. This ordinance will become effective on January 1, 1995.

IV. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Read and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1994

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

\_\_\_\_\_  
Mayor, City of Toccoa

ATTEST:

\_\_\_\_\_  
Clerk, City of Toccoa