

ORDINANCE NO. 2006-02

AN ORDINANCE OF THE CITY OF MCINTYRE GEORGIA  
TO AMEND CHAPTER 30, ARTICLE I AND ARTICLE II OF THE CODE OF  
ORDINANCES OF THE CITY OF MCINTYRE PERTAINING TO  
ANIMALS AND ANIMAL CONTROL

WITNESSETH:

WHEREAS, under the powers granted to the City of McIntyre for the protection of the public health, safety and welfare of the citizens and for the regulation of animals and the prevention of animal cruelty and the prevention of animal neglect, it is necessary to amend the Code of Ordinances and:

WHEREAS, the Mayor and Council have determined that it is fit and proper to amend the Code of Ordinances to accomplish such purpose:

NOW THEREFORE, pursuant to the authority vested in the Council of the City under the Charter the Council hereby ordains: That the Code of the City of McIntyre, Georgia, is hereby amended by deleting Chapter 30, Article I and Article II, and inserting in lieu thereof, a new Chapter 30, Animal Control, to read as follows:

ANIMAL CONTROL  
City of McIntyre

ARTICLE I-In General

Sec. 30-1 Cruelty

*The following shall constitute cruelty to animals:*

- a. The overloading, overdriving, or in any manner, ill-using or treating any animal in this city in a cruel manner.*
- b. The keeping or housing of any animal in an unsanitary or inhumane manner and without adequate food, water and shelter.*
- c. Willfully neglecting any animal, "Willful neglect" means the intentional withholding of food and water required by an animal to prevent starvation or dehydration.*
- d. Abandonment. No person shall abandon any animal within the City of McIntyre.*

Sec. 30-2 Keeping of hogs and livestock

It shall be unlawful for any person to keep hogs or livestock within the city less than one hundred fifty (150) feet from a residence and on a ground space of not less than two hundred twenty-five (225) square feet per head.

Sec. 30-3-30.25. Reserved

ARTICLES II. ANIMAL CONTROL\*

Sec. 30-26 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:

*Animal control officer* means the person designated by the animal control board as its enforcement officer.

*Animal shelter* means any premises designated by action of the city council for the purpose of impounding and caring for all animals found running at large in violation of this chapter.

*At large* means that an animal is off the property of his owner and not under control of a competent person.

*Dangerous dog* means any dog 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 without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

*Exposed to rabies* means that an animal has been bitten by, or been exposed to any animal known to have been infected with rabies.

*Kennel* means any person engaged in the commercial business of breeding, buying, selling or boarding dogs.

*Owner* means any person owning, keeping or harboring an animal.

*Potentially dangerous animal* means any animal 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 bites on a human being on public or private property; or

(2) Chases or approaches a human being upon the street, sidewalks or any public grounds in a vicious or terrorizing manner in an apparent attitude of attack; or

(3) Considered a public nuisance animal by repeatedly runs at large, damages the property of anyone other than the owner, vicious, cause unsanitary conditions of enclosures or surroundings in which the animal is kept, attacks persons or other animals without provocation, or causes fouling of the air by odor and thereby creates unreasonable annoyance to people who reside in close proximity to the premises where the animal or animals are kept or harbored.

*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.

*Spayed female* means any bitch which has been operated upon to prevent conception.

*Under restraint* means that an animal is controlled by a leash, at heel beside a competent person, and obedient to that person's command, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

Sec. 30-27 Animal control board.

The provisions of this article shall be enforced by the animal control board. The animal control board shall consist of the Mayor, the Chief of Police and a licensed veterinarian appointed by the council.

Sec. 30-28 Tag and Collar

It shall be unlawful for any owner of a dog or cat to allow such dog or cat in any area of the City of McIntyre without a collar that shall have attached a valid vaccination that as required by Georgia law and a tag stating the name and address of the animal's owner. It shall be the duty of each animal owner to provide a collar with identification as proved herein and a vaccination tag for each animal.

Sec. 30-29 Restraint

The owner shall keep his dog or cat under restraint at all times and shall not permit such dog or cat to be at large, off the premises or property of the owner, unless under the control of a competent person.

Sec. 30-30 Fowl: permitting to run at large.

No person shall willfully or by negligence permit any duck, goose, chicken or other domestic fowl to run at large upon the premises of other persons without consent, and in cases made under this section the person committing such acts must show the owner's consent, as he will be presumed not to have had it.

Sec. 30-31. Livestock at large; where tying prohibited.

It is unlawful for any cattle, hogs, horses or mules or other livestock to run at large or to be tied on the streets, sidewalks or church or school grounds.



Sec. 30-32. Impoundment.

(a) Unlicensed dogs or cats found running at large shall be taken up by the agent of the animal control board, and impounded in the city animal shelter, and there confined in a humane manner of a period of not less than seven (7) days, shall become property of the animal control board and be disposed of at the discretion of that authority, except as hereinafter provided in the cases of certain dogs and cats.

(b) The animal control board may transfer title of all animals held by it at its animal shelter to the humane society after the legal detention period has expired and the animal has not been claimed by its owner. In the event of such transfer of title it is expressly understood that the humane society shall pay for each animal's food until it shall be removed from the animal shelter.

(c) When dogs or cats are found running at large and their ownership is known to the agents of the animal control board, such dogs or cats need not be impounded, but the agent may, at his discretion, cite the owner of such dogs or cats to appear in court to answer to charges of violation of this article.

(d) Immediately upon impounding dogs, or other animals, the agent of the animal control board shall make every possible effort to notify owners of such dogs, or other animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

(e) Animals other than dogs and cats shall be impounded when found running at large within the city limits and disposed of in accordance with law.

(f) *No male or female dog or cat which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to have such animal neutered, or the humane society agrees to do so.* Any animal deemed eligible may be neutered using funds available as provided by law.

Sec. 30-33. Redemption of impounded animals.

(a) The owner shall be entitled to resume possession of any impounded dog or cat, except as hereinafter provided in the case of certain dogs or cats, upon compliance with the license provisions of this article and the payment of impoundment fees set forth herein.

(b) Any other animal impounded under the provisions of this article may be reclaimed by the owner upon the payment of impoundment fees set forth herein.

(c) Any animal impounded under the provisions of this article and not reclaimed by its owner within seven (7) days, may be humanely destroyed by the animal control board, or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article and such other regulations as shall be fixed by the animal control board. If the animal is one (1) as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.

Sec. 30-34. Impoundment fees

Any animal impounded under this article may be reclaimed as herein provided upon payment by the owner to the animal control board of the sum of twenty-five (\$25.00) for each dog, and the additional sum of daily impound fee for each day such dog is kept after the expiration of the legal detention period. For any other animals, excepting rabbits, poultry and birds. Twenty five dollars (25.00) and impound fees and daily impound fees for each day such animal is kept after the legal detention period. Such impoundment fees shall be collected for the city, and such additional sums as herein provided for keeping animals, shall be collected by the animal control board or City of McIntyre and used to defray the cost of animal control beyond the period set forth herein.

Sec. 30-35. Confinement of Certain Dogs and Other Animals

(a) The owner shall confine within a building or secure enclosure, every dangerous dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

(b) Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog or cat cannot come in contact with another animal, except for breeding purposes.

(c) No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the animal control board, provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions, in accordance with such regulations as shall be established by the animal control board.

(d) Any animal described in the forgoing subsections of this section found at large shall be impounded by the animal control board and may not be redeemed by owners, unless such redemption be authorized by any court having jurisdiction.

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

Sec. 30-36. Creation of nuisance-Prohibited

It shall be unlawful and a violation of this article for any person owning or having custody of any dog, cat, bird or other animal whatsoever, domestic or otherwise within the city to permit such animal to create a nuisance by making loud and disturbing noises, by acting in an aggressive or threatening manner, by injuring person(s) or damaging property, whether public or private, by emitting offensive odors, or creating filthy or unsanitary conditions. It shall be no defense to the violation of this article that such nuisance noise, injury, damage, odor and filth are caused upon the property of the person owning or having custody of such animal.

Sec. 30-37 Same-Owner or custodian held responsible.

Any person who owns or has custody of such animal anywhere within the city shall be responsible and liable for any nuisance as set forth herein which may be caused by such animal either with or without the owner's or custodian's knowledge.



Sec. 30-38. Same-Impoundment:

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

Sec. 30-39. Rabies control.

(a) Every animal which bites a person shall be promptly reported to the animal control board and shall be securely quarantined at the direction of the animal control board for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the animal control board. At the discretion of the animal control board such quarantine may be on the premises of the owner, at the shelter designated as the city animal shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be in the shelter designated as the city animal shelter.

(b) The owner upon demand made by the animal control board, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, upon payment of fees set forth in section 30-35. It shall be unlawful for any such having knowledge that any person has been bitten by such dog to refuse to notify promptly one or more of the officers mentioned in this ordinance. All persons are required to comply with the orders of the Wilkinson County Health Department in the handling and treatment of such animals.

(c) When an animal under quarantine has been diagnosed as being rabid or suspected by a licensed veterinarian as being rabid and dies while under such observation, the animal control board shall immediately send the head of such animal to the State Department of Human Resources pathological examination, and shall notify the proper public health officer of reports of human contacts and the diagnosis made of the suspected animal.

(d) When one (1) or both reports give a positive diagnosis of rabies, the animal control board shall recommend a citywide quarantine for a period of thirty (30) days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine. During such quarantine no animal may be taken or shipped from the city without written permission of the animal control board.

(e) During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owners option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under thirty (30) days quarantine by the owner in the same manner as other animals are quarantined.

(f) In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

(g) No person shall kill, or cause to be killed, any rabid animal; any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove same from the city limits without written permission from the animal control board.

(h) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control board.

(i) The animal control board shall direct the disposition of any animal found to be infected with rabies.

(j) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the animal control board.

#### Sec. 30-40. Reports of bite cases.

It shall be the duty of every physician or other practitioner to report to the animal control board the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

#### Sec. 30-41. Responsibilities of Veterinarians.

It shall be the duty of every licensed veterinarian to report to the animal control board his diagnosis of any animal observed by him as a rabies suspect. Any licensed or accredited veterinarian or veterinary technician having reasonable cause to believe that an animal has been subjected to animal cruelty or neglect or dog fighting in violation of Code Section 16-12-37 shall be under a duty to make or cause to be made a report of such violation to the animal control board, a law enforcement agency, or a prosecuting attorney and may appear and testify in any judicial or administrative proceeding concerning the care of an animal.

#### Sec. 30-42. Exemptions.

(a) Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except such duties are expressly stated.

(b) The licensing and vaccination requirements of this article shall not apply to any dog belonging to a nonresident of the city and kept within the city for not longer than thirty days, provided all such dogs shall at all times while in the city be kept within a building, enclosure or vehicle or be under restraint of the owner.

#### Sec. 30-43. Investigation.

For the purpose of discharging the duties imposed by this article and to enforce its provision, any agent of the animal control board, or any police officers, is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal or the license for such animal. Any agent of the animal control board may enter the premises where any animal is kept in a reportedly cruel or inhumane manner, or under circumstances constituting animal neglect and demand to examine such animal and to take possession of such animal, when in the officer's opinion, it requires humane treatment and or veterinary services.

#### Sec. 30-44. Interference.

No person shall interfere with, hinder or molest any agent of the animal control board in the performance of any duty of such agent or seek to release any animal in the custody of the animal control board or its agents, except as herein provided.



Sec. 30-45 Records.

(a) It shall be the duty of the animal control board to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.

(b) It shall be the duty of the animal control board to keep, or cause to be kept, accurate and detailed records of all bite cases reported to it, and its investigation of same.

(c) It shall be the duty of the animal control board to keep, or cause to be kept, accurate and detailed records of all monies belonging to the city, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city, and shall be audited by the city in the same manner as other city records are audited.

Sec. 30-46 Enforcement.

The provisions of this Ordinance shall be enforced by an agent or employee of the City of McIntyre designated as the Animal Control Officer. Upon information known to or a sworn complaint lodged with any officer or member of the Animal Control Unit, that any owner or possessor of an animal is in violation of this Ordinance, summons may be issued by an Officer of the Animal Control Unit requiring the owner or possessor of the animal to appear before the City Court of McIntyre on a day and time certain, to stand trial for violation of this ordinance. If such violation of this Ordinance has not been witnessed by an officer, a subpoena shall be issued to the person making the complaint to be and appear on the day and time scheduled to testify on behalf of the city. In the event that the owner or possessor of any dog is not known and such dog is upon the streets, alleys, sideways, school grounds, public places or premises of another prohibited by this Ordinance, upon complaint made to or information known to the Animal Control Unit, it shall be the duty of the Unit to immediately take possession of such dog and impound it according to the rules and regulations now or hereafter provided by law or by ordinance of this city for detention, control and disposition of dogs impounded pursuant to any applicable law or ordinance.

Sec. 30-47. Penalty.

This Ordinance is promulgated pursuant to O.C.G.A. Sec. 31-19-1, et. Sec. O.C.G.A. sec. 4-8-1, et. Sec. And O.C.G.A. Sec. 4-11-1, et sec. and any person violating this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by the Charter of the City of McIntyre. Jurisdiction for the trial of all offenses under this Ordinance shall be vested in the Municipal Court of the City of McIntyre.

Sec. 30-48. Effective Date.

This Ordinance shall become effective upon its reading and adoption as prescribed by the Charter.



All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict hereby repealed.

SO ORDAINED this 23 day of July 2008.

Mayor Gary Shinklater

Samela Holcomb  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MCINTYRE GEORGIA  
TO AMEND CHAPTER 30, ARTICLE I AND ARTICLE II OF THE CODE OF  
ORDINANCES OF THE CITY OF MCINTYRE PERTAINING TO  
ANIMALS AND ANIMAL CONTROL

WITNESSETH:

WHEREAS, under the powers granted to the City of McIntyre for the protection of the public health, safety and welfare of the citizens and for the regulation of animals and the prevention of animal cruelty and the prevention of animal neglect, it is necessary to amend the Code of Ordinances and:

WHEREAS, the Mayor and Council have determined that it is fit and proper to amend the Code of Ordinances to accomplish such purpose:

NOW THEREFORE, pursuant to the authority vested in the Council of the City under the Charter the Council hereby ordains: That the Code of the City of McIntyre, Georgia, is hereby amended by deleting Chapter 30, Article I and Article II, and inserting in lieu thereof, a new Chapter 30, Animal Control, to read as follows:

ANIMAL CONTROL  
City of McIntyre

ARTICLE I-In General

Sec. 30-1 Cruelty

*The following shall constitute cruelty to animals:*

- a. The overloading, overdriving, or in any manner, ill-using or treating any animal in this city in a cruel manner.*
- b. The keeping or housing of any animal in an unsanitary or inhumane manner and without adequate food, water and shelter.*
- c. Willfully neglecting any animal, "Willful neglect" means the intentional withholding of food and water required by an animal to prevent starvation or dehydration.*
- d. Abandonment. No person shall abandon any animal within the City of McIntyre.*

Sec. 30-2 Keeping of hogs

It shall be unlawful for any person to keep hogs within the city less than one hundred fifty (150) feet from a residence and on a ground space of not less than two hundred twenty-five (225) square feet per head.

Sec. 30-3-30.25. Reserved

ARTICLES II. ANIMAL CONTROL\*

Sec. 30-26 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:

*Animal control officer* means the person designated by the animal control board as its enforcement officer.

*Animal shelter* means any premises designated by action of the city council for the purpose of impounding and caring for all animals found running at large in violation of this chapter.

*At large* means that an animal is off the property of his owner and not under control of a competent person.

*Dangerous dog* means any dog 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 without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

*Exposed to rabies* means that an animal has been bitten by, or been exposed to any animal known to have been infected with rabies.

*Kennel* means any person engaged in the commercial business of breeding, buying, selling or boarding dogs.

*Owner* means any person owning, keeping or harboring an animal.

*Potentially dangerous dog* means any dog with a known propensity, tendency, or disposition to attack unprovoked to cause injury, or to otherwise threaten the safety of human beings or any dog that when unprovoked:



- (1) Inflicts bites on a human being on public or private property; or
- (2) Chases or approaches a human being upon the street, sidewalks or any public grounds in a vicious or terrorizing manner in an apparent attitude of attack; or
- (3) Considered a public nuisance animal by repeatedly runs at large, damages the property of anyone other than the owner, vicious, cause unsanitary conditions of enclosures or surroundings in which the animal is kept, attacks persons or other animals without provocation, or causes fouling of the air by odor and thereby creates unreasonable annoyance to people who reside in close proximity to the premises where the animal or animals are kept or harbored.

*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.

*Spayed female* means any bitch which has been operated upon to prevent conception.

*Under restraint* means that an animal is controlled by a leash, at heel beside a competent person, and obedient to that person's command, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

Sec. 30-27 Animal control board.

The provisions of this article shall be enforced by the animal control board. The animal control board shall consist of the Mayor, the Chief of Police and a licensed veterinarian appointed by the council.

Sec. 30-28 Tag and Collar

It shall be unlawful for any owner of a dog to allow such dog in any area of the City of McIntyre without a collar that shall have attached a valid vaccination that as required by Georgia law and a tag stating the name and address of the animal's owner. It shall be the duty of each animal owner to provide a collar with identification as proved herein and a vaccination tag for each animal.

Sec. 30-29 Restraint

The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the control of a competent person.

Sec. 30-30 Fowl: permitting to run at large.

No person shall willfully or by negligence permit any duck, goose, chicken or other domestic fowl to run at large upon the premises of other persons without consent, and in cases made under this section the person committing such acts must show the owner's consent, as he will be presumed not to have had it.

Sec. 30-31. Livestock at large; where tying prohibited.

It is unlawful for any cattle, hogs, horses or mules or other livestock to run at large or to be tied on the streets, sidewalks or church or school grounds.

Sec. 30-32. Impoundment.

- (a) Unlicensed dog, or dogs found running at large shall be taken up by the agent of the animal control board, and impounded in the city animal shelter, and there confined in a humane manner of a period of not less than seven (7) days, shall become property of the animal control board and be disposed of at the discretion of that authority, except as hereinafter provided in the cases of certain dogs and cats.
- (b) The animal control board may transfer title of all animals held by it at its animal shelter to the humane society after the legal detention period has expired and the animal has not been claimed by its owner. In the event of such transfer of title it is expressly understood that the humane society shall pay for each animal's food until it shall be removed from the animal shelter.
- (c) When dogs are found running at large and their ownership is known to the agents of the animal control board, such dogs need not be impounded, but the agent may, at his discretion, cite the owner of such dogs to appear in court to answer to charges of violation of this article.
- (d) Immediately upon impounding dogs, or other animals, the agent of the animal control board shall make every possible effort to notify owners of such dogs, or other animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.
- (e) Animals other than dogs and cats shall be impounded when found running at large within the city limits and disposed of in accordance with law.
- (f) *No male or female dog or cat which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to have such animal neutered, or the humane society agrees to do so. Any animal deemed eligible may be neutered using funds available as provided by law.*

Sec. 30-33. Redemption of impounded animals.

- (a) The owner shall be entitled to resume possession of any impounded dog, except as hereinafter provided in the case of certain dogs, upon compliance with the license provisions of this article and the payment of impoundment fees set forth herein.
- (b) Any other animal impounded under the provisions of this article may be reclaimed by the owner upon the payment of impoundment fees set forth herein.
- (c) Any animal impounded under the provisions of this article and not reclaimed by its owner within seven (7) days, may be humanely destroyed by the animal control board, or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article and such other regulations as shall be fixed by the animal control board. If the animal is one (1) as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.



Sec. 30-34. Impoundment fees

Any animal impounded under this article may be reclaimed as herein provided upon payment by the owner to the animal control board of the sum of twenty-five (\$25.00) for each dog, and the additional sum of daily impound fee for each day such dog is kept after the expiration of the legal detention period. For any other animals, excepting rabbits, poultry and birds. Twenty five dollars (25.00) and impound fees and daily impound fees for each day such animal is kept after the legal detention period. Such impoundment fees shall be collected for the city, and such additional sums as herein provided for keeping animals, shall be collected by the animal control board or City of McIntyre and used to defray the cost of animal control beyond the period set forth herein.

Sec. 30-35. Confinement of Certain Dogs and Other Animals

- (d) The owner shall confine within a building or secure enclosure, every dangerous dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.
- (d) Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog or cat cannot come in contact with another animal, except for breeding purposes.
- (d) No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the animal control board, provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions, in accordance with such regulations as shall be established by the animal control board.
- (d) Any animal described in the forgoing subsections of this section found at large shall be impounded by the animal control board and may not be redeemed by owners, unless such redemption be authorized by any court having jurisdiction.
- (e) When, in the judgment of the animal control board or its agents, an animal should be destroyed humane reasons, such animal may not be redeemed.

Sec. 30-36. Creation of nuisance-Prohibited

It shall be unlawful and a violation of this article for any person owning or having custody of any dog, cat, bird or other animal whatsoever, domestic or otherwise within the city to permit such animal to create a nuisance by making loud and disturbing noises, by acting in an aggressive or threatening manner, by injuring person(s) or damaging property, whether public or private, by emitting offensive odors, or creating filthy or unsanitary conditions. It shall be no defense to the violation of this article that such nuisance noise, injury, damage, odor and filth are caused upon the property of the person owning or having custody of such animal.

Sec. 30-37 Same-Owner or custodian held responsible.

Any person who owns or has custody of such animal anywhere within the city shall be responsible and liable for any nuisance as set forth herein which may be caused by such animal either with or without the owner's or custodian's knowledge.



Sec. 30-38. Same-Impoundment:

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

Sec. 30-39. Rabies control.

- (a) Every animal which bites a person shall be promptly reported to the animal control board and shall be securely quarantined at the direction of the animal control board for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the animal control board. At the discretion of the animal control board such quarantine may be on the premises of the owner, at the shelter designated as the city animal shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be in the shelter designated as the city animal shelter.
- (b) The owner upon demand made by the animal control board, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, upon payment of fees set forth in section 30-35. It shall be unlawful for any such having knowledge that any person has been bitten by such dog to refuse to notify promptly one or more of the officers mentioned in this ordinance. All persons are required to comply with the orders of the Wilkinson County Health Department in the handling and treatment of such animals.
- (c) When an animal under quarantine has been diagnosed as being rabid or suspected by a licensed veterinarian as being rabid and dies while under such observation, the animal control board shall immediately send the head of such animal to the State Department of Human Resources pathological examination, and shall notify the proper public health officer of reports of human contacts and the diagnosis made of the suspected animal.
- (d) When one (1) or both reports give a positive diagnosis of rabies, the animal control board shall recommend a citywide quarantine for a period of thirty (30) days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine. During such quarantine no animal may be taken or shipped from the city without written permission of the animal control board.
- (e) During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owners option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under thirty (30) days quarantine by the owner in the same manner as other animals are quarantined.
- (f) In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.
- (g) No person shall kill, or cause to be killed, any rabid animal; any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove same from the city limits without written permission from the animal control board.

- (h) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control board.
- (i) The animal control board shall direct the disposition of any animal found to be infected with rabies.
- (j) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the animal control board.

Sec. 30-40. Reports of bite cases.

It shall be the duty of every physician or other practitioner to report to the animal control board the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

Sec. 30-41. Responsibilities of Veterinarians.

It shall be the duty of every licensed veterinarian to report to the animal control board his diagnosis of any animal observed by him as a rabies suspect. *Any licensed or accredited veterinarian or veterinary technician having reasonable cause to believe that an animal has been subjected to animal cruelty or neglect or dog fighting in violation of Code Section 16-12-37 shall be under a duty to make or cause to be made a report of such violation to the animal control board, a law enforcement agency, or a prosecuting attorney and may appear and testify in any judicial or administrative proceeding concerning the care of an animal.*

Sec. 30-42. Exemptions.

- (a) Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except such duties are expressly stated.
- (b) The licensing and vaccination requirements of this article shall not apply to any dog belonging to a nonresident of the city and kept within the city for not longer than thirty days, provided all such dogs shall at all times while in the city be kept within a building, enclosure or vehicle or be under restraint of the owner.

Sec. 30-43. Investigation.

*For the purpose of discharging the duties imposed by this article and to enforce its provision, any agent of the animal control board, or any police officers, is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal or the license for such animal. Any agent of the animal control board may enter the premises where any animal is kept in a reportedly cruel or inhumane manner, or under circumstances constituting animal neglect and demand to examine such animal and to take possession of such animal, when in the officer's opinion, it requires humane treatment and or veterinary services.*

Sec. 30-44. Interference.

No person shall interfere with, hinder or molest any agent of the animal control board in the performance of any duty of such agent or seek to release any animal in the custody of the animal control board or its agents, except as herein provided.



Sec. 30-45 Records.

- (a) It shall be the duty of the animal control board to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.
- (b) It shall be the duty of the animal control board to keep, or cause to be kept, accurate and detailed records of all bite cases reported to it, and its investigation of same.
- (c) It shall be the duty of the animal control board to keep, or cause to be kept, accurate and detailed records of all monies belonging to the city, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city, and shall be audited by the city in the same manner as other city records are audited.

Sec. 30-46 Enforcement.

The provisions of this Ordinance shall be enforced by an agent or employee of the City of McIntyre designated as the Animal Control Officer. Upon information known to or a sworn complaint lodged with any officer or member of the Animal Control Unit, that any owner or possessor of an animal is in violation of this Ordinance, summons may be issued by an Officer of the Animal Control Unit requiring the owner or possessor of the animal to appear before the City Court of McIntyre on a day and time certain, to stand trial for violation of this ordinance. If such violation of this Ordinance has not been witnessed by an officer, a subpoena shall be issued to the person making the complaint to be and appear on the day and time scheduled to testify on behalf of the city. In the event that the owner or possessor of any dog is not known and such dog is upon the streets, alleys, sidewalks, school grounds, public places or premises of another prohibited by this Ordinance, upon complaint made to or information known to the Animal Control Unit, it shall be the duty of the Unit to immediately take possession of such dog and impound it according to the rules and regulations now or hereafter provided by law or by ordinance of this city for detention, control and disposition of dogs impounded pursuant to any applicable law or ordinance.

Sec. 30-47. Penalty.

This Ordinance is promulgated pursuant to O.C.G.A. Sec. 31-19-1, et. Sec. O.C.G.A. sec. 4-8-1, et. Sec. And O.C.G.A. Sec. 4-11-1, et sec. and any person violating this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by the Charter of the City of McIntyre. Jurisdiction for the trial of all offenses under this Ordinance shall be vested in the Municipal Court of the City of McIntyre.

Sec. 30-48. Effective Date.

This Ordinance shall become effective upon its reading and adoption as prescribed by the Charter.



All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict hereby repealed.

SO ORDAINED this 16 day of June 2006.

Jack Burke  
Mayor

Andrew Daniels  
City Clerk