

**AN ORDINANCE TO ESTABLISH ANIMAL CONTROL
REQUIREMENTS AND FOR OTHER LAWFUL PURPOSES
AMENDED 2018-9**

BE IT ORDAINED by the Mayor and Council of the City of Eton and by the authority of the same it is hereby ordained as follows:

1. DEFINITIONS

“*Domesticated animal*” as used in this ordinance shall mean any animal raised to live in close proximity to man. Such animals shall include dogs and cats as well as varieties of other animals not meant for consumption.

“*Owner*” as used in this ordinance shall mean any person having an animal in his possession for a period of seventy-two (72) hours or longer.

“*Vaccination*” as used in this ordinance shall mean a protection against rabies by inoculation with anti-rabies vaccine given in an amount sufficient to provide immunity from rabies for a minimum of one (1) year. All dogs and cats within the city must be vaccinated against rabies with the vaccine and in the manner prescribed by the state veterinarian and the board of health of the state. Vaccinated dogs and cats shall be provided with proper tag. The owner of every dog or cat vaccinated shall obtain from a veterinarian a certificate of such information.

“*Animal Control*” means the authority designated by the Eton Mayor and Council for the housing and care of animals.

“*Board of Health*” means the Murray County Board of Health Department

“*Vicious Animal*” means any animal that constitutes a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage or physical injury. An animal also is considered to be vicious if it makes an unprovoked attack on other animals or on human beings or on physical property.

2. SCOPE OF CHAPTER

Nothing in this chapter 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.

3. CONTROL OF ANIMALS

No person owning or otherwise having a domesticated animal in his care, charge, control, custody or possession shall cause, permit or allow such animal to be out of doors unless such animal is under restraint by leash or chain held by a person able to control the animal or such animal is in a yard with a fence adequate to prevent the animal from leaving the yard. Said leash or chain shall not exceed six feet in length. Leaving an unattended animal fastened to a leash, chain or trolley of any kind shall not be deemed to comply with the requirements of this section. At no time shall an animal be left unattended in a vehicle unless the engine of the vehicle is turned on with proper heat and air conditioning for the animal.

4. SHELTER REQUIREMENTS

Any domesticated animal confined by a fenced area out of doors shall be provided shelter which shall meet the following minimum requirements:

- a. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury, to provide adequate bedding, and to contain the animal and to protect the animal from weather exposure.
- b. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement.
- c. Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt and trash to minimize health hazards.
- d. When sunlight is likely to cause heat exhaustion of an animal confined by a fence outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

5. USE OF ANIMALS AS PRIZES

It shall be unlawful for any person to offer as a prize or give away any animal in any contest, raffle or lottery or as an enticement for fund raising or for entry into any place of business.

6. MOTORIST HITTING ANIMAL TO STOP AND REPORT

Any person who, while operating a motor vehicle, strikes or causes injury to any domestic animal shall notify the owner if known or ascertainable, as well as animal control or the police department, of the injury to and location of the animal.

7. ABANDONMENT & DISPOSAL GENERALLY

It shall be unlawful for any person to abandon any domestic animal. It shall be unlawful for any person who owns or is caring for an animal which has died or has been killed to abandon the dead animal. Such person shall dispose of the dead animal as provided for in this Ordinance or in the rules and regulations from the Georgia Department of Agriculture. Dead animals shall not be abandoned in wells, open pits, or surface waters of any kind on private or public land. No person shall dispose of a dead animal on the land of another without the permission of the owner of the land. Arrangements must be made with a County official in order to dispose of a dead animal in the county landfill. Disposal of dead animals must be completed within 24 hours after death or discovery. Dead animals that are buried must be buried at least three feet below the ground level, have not less than three feet of earth over the carcass, and must not contaminate ground water or surface water.

8. INTERFERENCE WITH OFFICERS

It shall be unlawful for any person to interfere with any animal control officer or police officer or to take or attempt to take any animal from any vehicle used to transport the animal, or to take or attempt to take any animal from the animal control impounding areas.

9. ANIMALS DISTURBING THE PEACE

It is unlawful for any person to allow any animal in his possession or control persistently or continuously to bark, howl, whine, or make noise common to their species or otherwise to disturb the peace and quiet of the surrounding neighborhood. It shall likewise be unlawful to keep or maintain such animals in such a manner as to produce noxious or offensive odors or to otherwise endanger the health and welfare of surrounding inhabitants, including, but not limited to, animals at large that chase or run after persons or vehicles or that destroy or damage any property of another person. Nuisance complaints will be investigated by animal control officers or police officers and if determination is made in the affirmative, the officer shall proceed to pursue such remedies as provided by policy.

10. ANIMALS IN HEAT

It shall be unlawful for the owner of any animal to allow the animal to run at large while in heat. Such animals must be confined to prevent access by males.

11. VICIOUS ANIMALS

The owner of any vicious animal that is not confined in a building or secure enclosure or any person who shall release either willfully or through a failure to exercise due care or control or takes such animal out of such building or secure enclosure in a manner that is likely to cause injury to another person or damage to the property of another person shall be in violation of this Ordinance, and such animal shall be permanently confined or humanely destroyed.

12. CRUELTY TO ANIMALS

- (a) Whoever willfully or maliciously kills, abuses, maims or disfigures any animal or willfully or maliciously administers poison to any animal or exposes any poisonous substance with intent that it shall be taken and swallowed by such animal shall be in violation of this Ordinance.
- (b) Whoever overloads, overdrives, tortures, torments or deprives an animal of its necessary sustenance or shelter or beats, mutilates or kills any animal or causes such action to be

done, or carries in or upon vehicles or otherwise any animal in a cruel or inhumane manner shall be deemed to be in violation of this Ordinance.

- (c) Whoever confines any animal and fails to supply sufficient quantities of wholesome food and water, or who keeps any animal in any enclosure without wholesome exercise and change of air, or abandons to die any animal shall be deemed to be in violation of this Ordinance.
- (d) No person shall:
 - (1) Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting.
 - (2) Build, make, maintain or keep a pit on premises owned by him or occupied by him, or allow a pit to be built, made, maintained or kept on such premises for the purpose of an exhibition of animal fighting.
 - (3) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting.
 - (4) Charge admission, be an assistant, umpire or participate or be present as a spectator any exhibition of animal fighting.
- (e) Any animal control officer shall impound any animal found to be cruelly treated.

13. KEEPING OF SICK OR DISEASED ANIMALS

It is unlawful for any person to own any animal which is seriously sick or injured without providing proper veterinary care for such animal. This section shall not be construed to include animals under active veterinary care or in veterinary hospitals.

14. MAXIMUM NUMBER OF ANIMALS

No person or household shall own, possess, harbor or keep more than five (5) animals unless for education facilities located in R-A zoning districts, which shall be exempt from this section.

15. LIVESTOCK

(a) Cattle, Goats, Pigs

It shall be unlawful for any person to house, pen or otherwise confine any cattle, goats, or pigs in any house, pen or enclosure within the corporate limits of the City of Eton.

(b) Backyard Chickens Generally

It is permissible within the corporate limits of the City of Eton to have backyard chickens and roosters if the following standards are met:

- (1) Backyard chickens raised for the purpose of providing food (eggs) or companionship as a pet.
 - (a) Shall be maintained within a covered enclosure and fenced area set back a minimum of ten feet from all property lines and no less than 24 feet from any residential structure on an adjacent property.
 - (b) Coops and feed are to be secured at all times to prevent any potential nuisance with mice or other pests.
 - (c) All coops and surrounding areas are to be properly maintained and kept clean so as to not become a nuisance.
- (2) No slaughtering of any animal is permitted.
- (3) Properties are subject to compliance with all other city codes and ordinances where not in conflict with this section.
- (4) If a property is found to have more than the allowable number of animals as specified in this section or if the animals are not cared for or contained in the manner specified in this section, or the animals are creating a nuisance, the property owner or resident may be issued a citation and be required to remove all of the animals in excess of the maximum allowable number specified and/or care for and contain the animals in accordance with all codes and laws.
- (5) If a property owner or resident is cited more than three times within a 365 day period for violating the conditions of this section, in addition to any fine the municipal court may also ban the property owner or resident from having any said animals on the subject property for a period up to one year.

(c) Certain large animals

The Chief of Police or an animal control officer may investigate any complaint regarding horses and other large animals and may report to the owner of the land on which such animal is found that the animal creates a public nuisance. The officer shall inform the property owner or tenant that he has 15 days to remove the animal or be subject to prosecution or in the case of emergency to life or health of an animal, may order immediate remedial action.

16. SALE OF ANIMALS PROHIBITED

It shall be unlawful for any person to sell an animal of any kind unless registered and licensed through Murray County Animal Shelter to take part in such activities.

17. RABIES INOCULATION

It shall be unlawful for any person to keep or harbor or allow to be kept or harbored any dog or cat without a collar, which shall have attached a valid vaccination tag as required by rabies control rules and regulations of the Murry County Board of Health and by the laws of the State of Georgia.

18. IDENTIFICATION TAG AND COLLAR GENERALLY

The identification and collar prescribed in section 17 shall be worn at all times by any dog or cat except when participating in a pet show or exhibit. However, any dog or cat being shipped or transported through the city or any dog or cat entering the city only for the purpose of a temporary stay not exceeding 14 days shall be exempt from the provisions of this section but shall be subject to all other provisions of this Ordinance and of the rabies control rules and regulation of the Murray County Board of Health.

19. ANIMAL BITES AND BITING DOGS

Any person having information that an animal has bitten or attacked a person shall immediately report such information to the Eton police department and the County animal control department and to the Murray County Board of Health. If an animal has

bitten a person, such animal shall be immediately confined pursuant to the rules of the County animal control department.

20. ENFORCEMENT

The Chief of Police of the City of Eton and other duly employed police officers under his supervision as well as any other certified police officers of the State of Georgia and the county animal control officers shall be responsible for the enforcement of this Ordinance. Proof of vaccination shall be required at the time of investigation of violations of this Ordinance.

21. INPOUNDMENT

Subject to the provisions of this Ordinance relating to rabies control and to the rules and regulations of the Murray County Board of Health and the County animal control department, any animal found in violation of any provision of this Ordinance shall be taken and impounded at the animal control center. Any person may take up and place with the county animal control department any animal running at large in violation of this Ordinance.

22. PENALTIES

Penalty for violating this Ordinance shall be in accordance with the Charter of the City of Eton set by the Municipal Court of the City of Eton.

23. SEVERABILITY

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

SO ORDAINED this 2nd day of October, 2018

CITY OF ETON, GEORGIA

Billy Cantrell

Mayor

ATTEST:

Kim Hall
City Clerk

First Reading: August 7, 2018
Second Reading: October 2, 2018