

**TOWN OF RESACA**  
**ANIMAL CONTROL ORDINANCE**

Adopted October 9, 2012

**Sec. 1. - Title.**

This ordinance shall be known as the "Resaca Animal Control Ordinance."

**Sec. 2. - Purpose and intent.**

(a) The purpose of this article is to provide for the control of stray dogs, cats, livestock, and other designated animals and to require that dogs, cats, livestock, and other such designated animals not be allowed to run at large.

(b) Nothing in this article 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.

(c) Nothing in this article shall be interpreted or applied so as to create any liability on Resaca or on Gordon County, or their employees, agents, or officials who enforce or fail to enforce any of the provisions provided herein or any applicable provisions of state law.

**Sec. 3. - Definitions.**

The following definitions shall apply in the interpretation and enforcement of this ordinance unless otherwise specifically stated:

*Animal Control Officer:* Any officer empowered to enforce this ordinance, including animal control officers of Gordon County or Gordon County Sheriff Deputies, if the Town has an agreement with them for enforcement of this ordinance.

*Cat:* Any male or female cat of pure or mixed breed.

*Dog:* Any male or female dog of pure or mixed breed.

*Livestock:* All animals of the equine, bovine, or swine class including goats, sheep, mules, horses, hogs, cattle, and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas.

*Owner:* Any natural person or legal entity including but not limited to a corporation, partnership, firm, or trust owning, possessing, harboring, keeping or having custody of an animal.

*Premises:* A parcel of land and the structures thereon and equivalent to the term property.

*Stray cat:* Any cat which is found off its owner's property without a collar and proof of rabies vaccination or any cat which is not claimed by anyone as its owner.

*Stray dog:* Any dog which is found off its owner's property without a collar and proof of rabies vaccination or any dog which is not claimed by anyone as its owner.

**Sec. 4. - Impoundment of animals.**

(a) *Dogs and cats.*

(1) The following dogs and cats shall be subject to impoundment by Animal Control Officers:

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 the Animal Control Officer 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 Animal Control Officer to the premises of the owner and left with a responsible person or affixed to the door. Impounded animals shall be taken to the Gordon County animal shelter.

(3) Any dog or cat which has been impounded under the provisions of this ordinance shall be disposed of in the following manners if the owner does not respond within seven (7) 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

c. The dog or cat may be destroyed by such humane method as the Animal Control Officer may deem appropriate and that complies with state law.

(4) During the aforesaid period of impoundment, the owner of the impounded animal may claim such animal and such animal 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 Animal Control Officer 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 incorporated areas of Resaca 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 ordinance concerning impoundment of dogs and cats shall be set by the Gordon County Board of Commissioners from time to time.

(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 Resaca, 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). Livestock shall be impounded at the direction of the Animal Control Officer, in facilities used or arranged by Gordon County.

(4) Unless the impounded livestock is redeemed within three (3) days from the date of the notice, the Animal Control Officer 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).

(5) 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 Municipal Court of Resaca to have the dispute adjudicated by the court. If said suit is not instituted by the owner, then the bond shall be forfeited to Resaca.

(6) 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 the Animal Control Officer for the impoundment of livestock which are not itemized in the above-referenced code section, shall be paid by the owner as reimbursement for services rendered by Gordon County as a result of the impoundment of said livestock.

**Sec. 5. – Jurisdiction and Enforcement.**

The Mayor and City Council shall be empowered to enter into an agreement with Gordon County and/or the Gordon County Sheriff to have Gordon County and/or the Sheriff enforce this ordinance. Jurisdiction for action brought or citation issued pursuant to the provisions of this ordinance shall be in the Municipal Court of Gordon County, Georgia. For violations of this ordinance, the municipal court judge shall be authorized to impose a fine of up to \$500 and up to 60 days imprisonment, as well as other penalties, including probation, community service and restitution.