

ANIMALS AND FOWL

Chapter 6

ANIMALS AND FOWL

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ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

For the purpose of this chapter, the following words shall have the meanings indicated, unless the context clearly indicates a contrary meaning:

Abandon. The act of placing an animal on public property or within a public building unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation, or shelter, for a period in excess of thirty-six hours, regardless of where such animal may be found or kept.

Adequate food. A sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal. Garbage, spoiled, rancid, or contaminated food is not adequate food.

Adequate shelter. A structure having at least three sides, a top, and a bottom, suitable for the animal's type and size to protect it from cold, wind, rain, and other elements with sufficient bedding inside the shelter during cold weather.

Adequate space. A sufficient, safe space for adequate exercise suitable to the age, size, species, and breed of animal. For dogs, space smaller than 100 square feet per dog shall be considered inadequate.

Adequate ventilation. Fresh air sufficient to provide for the health of an animal.

Adequate veterinary care. 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, breed, etc., of the animal, or to prevent an animal from suffering from:

- (a) Ongoing Infections;
- (b) Infestation of parasites;
- (c) Disease; or
- (d) Any other medical condition or injury where withholding or neglecting to provide such care would:
 - (1) Endanger the health or welfare of the animal; or
 - (2) Promote the spread of communicable diseases.

Adequate water. Clear, drinkable water in adequate supply. Does not include snow, ice, and rancid or contaminated water.

Animal Control Officer. An individual authorized by local law or by the governing authority to carry out the duties imposed by this ordinance.

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At-large. Off the premises of the owner, and not under the control of the owner or a member of the immediate family of the owner, either by leash, cord, chain, or otherwise.

Bite. Any physical contact of the teeth, nails, or claws of an animal with human flesh, including but not limited to a scrape, puncture, pierce, scratch or tear, so long as bleeding results.

Cruelty. Causing death or unjustifiable pain or suffering to an animal by an act, an omission, or neglect.

Dangerous animal. Any wild mammal, reptile, fowl, or other animal which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature, or other characteristics, would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters; and any domestic mammal, reptile, fowl, or other animal which, because of its size, vicious propensity, or other characteristic, would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters.

Dangerous dog. Any dog that, according to the records of the appropriate authority:

- (a) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this article;
- (b) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or
- (c) While off the owner's property, kills a pet animal; provided, however, that this article shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

Sanitary. An animal's living space, shelter, or exercise area that is not contaminated by health hazards, irritants, pollutants, items, or conditions that endanger or pose a risk to an animal's health.

Severe injury. 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.

Tether. Any chain, rope, leash, tie-out, or wire designed to restrain an animal which is attached to an animal's collar or halter and is also attached to a stationary object.

Vicious dog. Any dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

Sec. 6-2. Enforcement.

- (a) The City Council shall designate an Animal Control Officer at the first regularly scheduled council meeting of each calendar year. In addition to other duties, the Animal Control Officer shall have the authority to investigate all complaints pertaining to dogs and enforce the provisions of this ordinance. This Animal Control Officer, through intergovernmental agreement, may be the Monroe County Animal Control Officer or may be an employee of the City of Forsyth.

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- (b) The City Council may delegate within the bounds of state law, any duties, responsibilities, and enforcement powers established in this chapter to another government, private or nonprofit entity through intergovernmental agreement or contract.
- (c) A building or code enforcement official, Animal Control Officer or law enforcement officer may enter the rear yard of any lot at any reasonable time to determine if a property is in compliance with the provisions of this chapter.

Sec. 6-3. Dangerous animals.

It shall be unlawful for any person to permit any dangerous or vicious animal of any kind to run at-large within the city.

The police officers of the city shall be authorized to use such force as is necessary to prevent any such dangerous or vicious animal from causing harm to any person or property.

Sec. 6-4. Strays.

It shall be unlawful for any person to permit any cattle, horses, swine, sheep, goats, cats, or poultry to run at-large in the city. If any such animal is found to be running at-large in any public place in the city, it shall be impounded in the manner provided in this chapter.

Sec. 6-5. Impoundment of animals running at-large.

It shall be the duty of the city's authorized Animal Control Officer or any city police officer to seize all animals running at-large in violation of the provisions of this chapter and to impound such animals in the county pound or other suitable place. Upon receiving any such animal, the Animal Control Officer or keeper of impounded animals designated by the city shall enter upon the records of the pound, the date of impounding, a description of the animal impounded, and a record as to whether or not such animal has been licensed and tagged.

Sec. 6-6. Notice.

If contact information for the owner is available, the county will contact the owner within 24 hours after impoundment.

Sec. 6-7. Holding.

- (a) Monroe County Animal Control, or another entity designated by City Council by ordinance, resolution, or intergovernmental agreement will hold impounded dogs for three business days. After the holding period, dogs not reclaimed by owner may either be given to an approved rescue agency or euthanized in as humane and painless of a manner as possible.
- (b) Any animal which is suffering excessively or any animal which represents a real danger to persons or other animals, without regard to the period of confinement as provided for in subsection (a) of this section, shall be euthanized by animal control in as humane a manner as possible.

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Sec. 6-8. Redeeming impounded animal.

To redeem a cat or dog, the owner must pay the fee established by the pound for pickup and a per day fee for holding. The owner must supply proof of current rabies vaccination or be willing to pay for vaccination the day of pickup. The owner must also provide proof that adequate steps have been taken to remedy the reason the dog was impounded.

Sec. 6-9. Keeping of swine.

It shall be unlawful for any person to keep live pigs, shoats, or hogs at any place within the city limits, except pot-bellied pigs or miniature pigs, and then only when held as family pets and not as farm animals. Any persons seeking to keep pot-bellied or miniature pigs as pets must obtain a permit from the City Council.

Sec. 6-10. City designated as bird sanctuary; trapping, hunting, etc., birds or wild fowl.

- (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 trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl or to rob a bird's nest or wild fowl nest in the city; provided, however, that if starlings or similar birds are found to be congregating in such numbers in a particular locality as to constitute a nuisance or a menace to health or property in the opinion of the City Council, such birds may be destroyed in such numbers and in such manner as is deemed advisable by the Chief of Police and under his or her supervision.

Sec. 6-11. Neglect.

Any animal owner or possessor who fails to provide adequate water, adequate food, adequate space, adequate ventilation, adequate shelter, sanitary conditions, adequate veterinary care, and/or who causes unnecessary suffering of any animal shall be deemed in violation of this section. It shall be unlawful to leave animals unattended in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from heat exhaustion. Any Animal Control Officer or other officer empowered to act by law may impound any animal found to be neglected, as defined by this section.

Sec. 6-12. Abandoned animals.

It shall be unlawful for anyone to knowingly abandon or to aid in the abandonment of any animal. An animal relinquished through written agreement with animal control, a licensed rescue group, licensed shelter, licensed veterinarian, individual, or other entity shall not be deemed abandoned but shall be considered relinquished to the entity.

Sec. 6-13. Cruelty to animals.

- (a) It shall be unlawful for any person to commit an act of cruelty toward any animal.
- (b) It shall be unlawful for any person to intentionally train, breed, possess, harbor, keep, or have custody or control of an animal for the purpose of animal fighting. It shall be unlawful to be a

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spectator at or bet on an animal fighting activity.

- (c) A person shall not be guilty of cruelty when the person is protecting his or her life or the life of another person or animal that is being attacked by an animal.

Sec. 6-14. Prohibition of feeding stray or feral animals.

- (a) Feral and stray animals constitute public safety, health, and environmental risks to domesticated animals, wildlife, and persons. Except as expressly permitted by this section, no person shall feed or harbor feral or stray animals.
- (b) Notwithstanding the general prohibition in sub-section (a), a person may feed or harbor a feral or stray animal if such feeding is done as part of a good faith effort to capture the animal humanely for the purpose of surrender to the animal control officer within 48 hours of capture. When feeding for this purpose, the person shall notify the city before feeding starts and utilize proper capture devices approved by the animal control officer.

Sec. 6-15. Reserved.

ARTICLE II. DOGS

DIVISION 1. GENERALLY

Sec. 6-16. Reserved.

Sec. 6-17. Running at-large.

It shall be unlawful for any person to permit any dog to run at-large at any time. If any such dog is found running at-large in violation of this provision, it shall be taken up and impounded in the manner provided in this chapter. If any dangerous, fierce, or vicious dog is found at-large and cannot be safely impounded, such animal may be put to death in a humane manner.

Sec. 6-18. Rabies vaccinations.

No person shall own, keep, or harbor any dog within the limits of the city unless the dog has been inoculated against rabies, as required by the Georgia Health Code.

Sec. 6-19. Rabies.

If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and may be placed under the observation of a veterinarian at the expense of the owner for a period of two (2) weeks. The owner shall notify the Animal Control Officer of the fact that his dog has been exposed to rabies. At his or her discretion, the Animal Control Officer is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two (2) weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting a dog to have rabies to allow such dog to be taken off his premises or beyond the limits of the city without written permission of the Animal Control

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Officer.

Whenever a stray dog is ascertained to be rabid, notification shall be made to the Animal Control Officer, who shall cause such dog to be removed to the pound, or other suitable place, or summarily put to death in a humane manner.

Sec. 6-20. Muzzling.

Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Mayor, if he or she deems it necessary, may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his or her premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any un-muzzled dog running at-large during the time of the proclamation shall be seized and impounded in the manner provided in this chapter, unless such dog shall be noticeably infected with rabies, in which case it shall be summarily and humanely put to death.

Sec. 6-21. Nuisance dogs.

A dog may be found to be a nuisance dog if the Animal Control Officer or police department responds to more than two complaints that are found to be reasonable against the dog. The owner of a dog found to be a nuisance dog must erect a fence or otherwise confine the dog to a place on his or her property that keeps the dog from coming into contact with any outside influence that may aggravate its nuisance behavior. A nuisance dog is one that:

- (a) Damages or destroys property other than the owner's property.
- (b) Routinely leaves its property while not under the control of its owner.
- (c) Causes unsanitary or offensive conditions such as offensive odors or otherwise endangers the public health, welfare, or safety.
- (d) Causes a disturbance by barking for a period of more than 15 minutes non-stop or 30 minutes intermittently.

Sec. 6-22. Attacking or biting dogs.

Any person having information that a dog has bitten or attacked a person shall immediately report such information to the Monroe County Health Department. After investigation by that agency and confirmation that an attack has occurred, the dog shall be immediately confined and isolated for observation for a period of 10 days. If the agent for the Monroe County Health Department concurs, the owner has the option of confining the dog on his or her property or to a licensed veterinarian at the owners' expense. If the owner does not have the facilities to confine the dog, it will then be impounded and taken to the Monroe County Animal Shelter or other designated facility for the confinement period, also at the owners' expense. If the Monroe County Health Department determines the dog can return to its owner, the owner can reclaim the dog by providing proof the dog will remain securely on its property and by paying the fees associated with the impoundment. If the attack is severe, the Forsyth City Council or a board designated by the council may classify the dog as a dangerous or vicious dog.

Sec. 6-23. Classification as a dangerous dog or vicious dog.

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When a dog has inflicted an injury to warrant being classified as a dangerous or vicious dog upon a person, the City Clerk or designee shall send notice to the owners of the dog. The notice to the owner shall meet the following requirements:

- (a) The notice shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address. If there is a question as to the dog's ownership, notice shall be deemed sufficient if sent to the last person known to have claimed ownership of the dog.
- (b) The notice shall include a summary of the officer's findings that form the basis for the dog's classification as a dangerous or vicious dog.
- (c) The notice shall be dated and shall state that the owner has a right to request a hearing on the classification within 15 calendar days from the date of the notice.
- (d) The notice shall state either that the Forsyth City Council or a board designated by the council shall conduct the hearing.
- (e) The notice shall state that if the owner does not request such a hearing within 15 calendar days from the date of the notice, the classification of the dog as a dangerous or vicious dog shall be final and conclusive for all purposes.
- (f) The notice shall include a form to request a hearing before the Forsyth City Council, or a board designated by the Council, and shall provide specific instructions on mailing or delivering such a request.
- (g) When the Forsyth City Council, or a board designated by the Council, receives a request for a hearing from an owner, it shall schedule such a hearing within 30 calendar days of receipt of the request. The Board shall notify the owner in writing by certified mail or statutory overnight delivery of the date, time and place of the hearing; such notice shall be made to the owner at least 10 calendar days prior to the date of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence. The Council, or Board if designated, shall also receive such other evidence and hear such other testimony as it may find reasonably necessary to determine either to sustain, modify, or overrule the classification of the dog.

Sec. 6-24. Requirements for possession of dangerous dogs and vicious dogs.

The owner of any dog classified as a dangerous or vicious dog must adhere to the following requirements:

- (a) The owner shall fence a portion of his or her property with a second perimeter or area fence. Within this perimeter or area fence, the dangerous or vicious dog must be humanely confined inside a pen or kennel of adequate size, no smaller than 100 square feet by 6 feet tall and must contain an adequate shelter. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground or sunken into a concrete pad. The gate to the kennel shall be inward-opening and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

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- (b) If it becomes necessary to transport the dog, the dog must be led on a leash no greater than six feet and muzzled to prevent the dog from biting.
- (c) The premises where a dangerous or vicious dog is kept shall be marked with a clearly visible sign warning that there is a dog on the premises which presents a danger to human beings. Such sign shall include a symbol sufficient to convey without words the message that there is a dog on the premises which presents a danger to human beings.
- (d) The owner of a vicious dog shall maintain at all times either a policy of insurance or a surety bond in a minimum amount of \$1,000,000 to cover claims for any personal injuries inflicted by the dog. The policy or surety bond shall be issued by an insurer or surety, as the case may be, authorized to transact business in this state.
- (e) The owner of a dangerous or vicious dog must have the dog microchipped and give all tracking information to the Forsyth City Council or an entity designated by the Council.
- (f) Any transfer of ownership of a dangerous or vicious dog must be provided to the Forsyth City Council or an entity designated by the Council. The name, address and phone number of the new owner and the date of transfer must be included. Notification is also required when the dog is no longer living. The requirements of this section shall apply to the new owner, if he or she resides within the City of Forsyth.
- (g) The Animal Control Officer or any other law enforcement officer shall have the right to inspect randomly and without notice a dangerous or vicious dog and the premises where such dog is kept.
- (h) Notification in person or by phone to the Animal Control Officer or to the police department, if after business hours, must be made immediately if the dangerous or vicious dog has escaped or has otherwise ceased to be in the custody of its owner or has attacked a human being or other animal.
- (i) An owner of a dog that was classified as dangerous or potentially dangerous in another jurisdiction and brought into the City of Forsyth must register the dog with the City of Forsyth or an entity designated by the City Council and must comply with all of the above requirements.

Sec. 6-25. Exceptions.

No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under Chapter 5 of Title 16 of the Official Code of Georgia Annotated.

Sec. 6-26. Liability of the City, Animal Control Officers, and employees

The city and its employees or designees shall not be held responsible or liable for any accidents, diseases, injuries, or deaths to any animal while being impounded or boarded at the animal control facility.

Sec. 6-27. Penalty.

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It shall be unlawful for any person to violate any provisions of this article and any such violation shall be punishable as provided by law, not to exceed a fine in the amount of \$1,000.00 or 30 days imprisonment or both. Each act or omission in violation of this article shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense.

Sec. 6-28—6-33. Reserved.

Article III. FOWL.

Sec. 6-34. Definitions.

The following terms, when used in the Forsyth Code of Ordinance as applied to the keeping of fowl within the City Forsyth shall have the meaning set forth below:

Chicken. A domestic chicken of the subspecies *Gallus gallus domesticus*.

Keep. To own, possess, or harbor a chicken.

Rooster. A male chicken of any age, including a capon or otherwise neutered male chicken.

Coop. A new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements and conditions of this section.

Chicken run. A fenced cage attached to a coop which shall not exceed 100 square feet in area or 1 percent of the rear yard area, whichever is greater.

Rear yard area. The area extending across the full width of a lot between the rear property line and the rear line of the residence, excluding any existing corner side yard(s).

Sec. 6-35. Number, type, and location of chickens.

- (a) Any person may keep up to five female chickens on any residential zoning lot in the city which contains one single-family residential dwelling unit. No person shall otherwise keep any chickens within the City of Forsyth.
- (b) No roosters shall be allowed to be kept in the city.
- (c) Chickens may only be kept in a coop and chicken run located in the rear yard area as defined in this section. The chicken coop and chicken run shall not be located in the front interior side or corner side yard of the residential zoning lot. Between sunrise and sunset chickens may be allowed outside of the coop within the run. Chickens must be secured within the coop between sunset and sunrise.

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Sec. 6-36. Slaughtering of chickens.

No person shall slaughter any chicken within the City of Forsyth.

Sec. 6-37. Applicability.

Fowl may be kept on all city lots within the City of Forsyth that comply with all provisions of this article. However, owners of single-family residential parcels of four acres or more in size in a single parcel shall be exempt from the application process and restrictive provisions of this section. Nothing in this provision shall create an exemption from other sections of the Forsyth Code of Ordinances, including but not limited to, nuisances and the humane treatment or slaughtering of animals.

Sec. 6-38. Construction and maintenance of coop and run.

- (a) A coop shall be constructed from conventional building materials in a workmanlike manner or be a pre-manufactured enclosed structure designed specifically for the keeping of urban chickens. Such coop must be secure and impermeable to rodents, wild birds and predators, including dogs and cats. A coop must be constructed or modified in a manner to provide a humane environment for the chickens, including adequate ventilation, adequate sunlight, and protection from adverse weather. A newly built or installed coop shall provide not less than two square feet per chicken but shall not exceed 25 square feet in size.
- (b) A coop shall have a chicken run attached and contiguous to the coop with the run constructed in a manner to confine the chickens in compliance with the provisions of this article. A chicken run shall provide not less than five square feet per chicken, but shall not exceed 100 square feet in area or 1 percent of the rear yard area, whichever is greater.
- (c) Chicken coops and chicken runs must be kept clean, dry, odor free, and in a sanitary condition at all times. The condition of chicken coops and chicken runs shall be maintained in such a manner that does not disturb the use or enjoyment of adjoining properties due to noise, odor, or any other adverse impact.

Sec. 6-39. Location of coop and run.

A coop must be located no closer than 10 feet to the rear wall of the residential dwelling unit located on the residential zoning lot. No portion of the coop or run shall be located within 10 feet of any lot line of the property upon which the coop and run are located. No portion of the coop or run shall be located within 20 feet of any principal structure located upon any adjacent property.

Sec. 6-40. Annual residential chicken permit required.

No person shall keep any chickens, nor construct any coop or run, as defined by this section without first obtaining an annual residential chicken permit hereunder. One permit shall allow a person to keep up to five chickens per residence.

- (a) *Fee.* An application fee of \$50.00 shall be paid to the city at the time the application is filed.
- (b) *Application.* The application for the initial annual residential chicken permit shall be made on

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forms required by the City Clerk's office and must contain an accurately scaled drawing showing the location of the proposed coop and run, distances to plot lines and distances to the nearest adjoining principal structure, together with dimensions of the coop and run. Once the coop and run have been constructed, the building official shall inspect the coop and run to verify compliance with this section and with the drawings submitted with the initial application. The applicant shall furnish the building officials pictures of the completed coop and run. The building official must issue a final, written approval of the completed coop and run and submit pictures of the same to the City Clerk's office before chickens are allowed on the applicant's property. Chicken runs shall be exempt from any provisions of the Forsyth Code of Ordinances related to fencing. However, all chicken runs shall be constructed of wire normally used for the containment of chickens.

- (c) *Property ownership.* If the applicant is not the owner of the parcel in question, the property owner must sign the application certifying approval for the use of the premises for this purpose. The property owner's signature must be notarized.
- (d) *Application approved annually.* The permit shall be obtained each year during the month of June; provided, however, that any person keeping, harboring or maintaining chickens in the city for the first time after July 1 or any year shall obtain a license within seven calendar days of such time. Applications that show no changes from the initial approval and have no history of violations of this article shall be approved for the new calendar year. Any changes to the chicken coop and run shall be shown on the renewal application and shall be subject to inspection prior to approval of the renewal application. Any convictions of a violation of this section may result in revocation of a current approved application or non-renewal of a subsequent application. The annual renewal fee shall be \$50.00.

Sec. 6-41. Miscellaneous.

- (a) All food supplies maintained for the coop shall be kept in a secure and rodent-proof container.
- (b) Should any person feed chickens kept under this section with food meant for human consumption or scraps of such food, it shall only be fed within the coop and shall be prohibited within the chicken run.
- (c) All waste generated by the operation of the coop and chicken run, including but not limited to, chicken carcasses, manure, droppings and spoiled feed, shall be disposed of pursuant to the requirements of this Code of Ordinances related to solid waste disposal.

Sec. 6-42. Penalty.

- (a) Upon conviction for any violation of this article, any person shall be punished by a fine or imprisonment in accordance with Section 4.13 of the City Charter.
- (b) Any person convicted of any violation hereunder on more than two occasions relating to incidents occurring within a 365-day time period shall be ineligible to receive a renewal permit for a period of one year after the date of the last such conviction. In addition, no person may apply for a permit under this article on the zoning lot subject to such prior permit during the period of renewal ineligibility. In the event of ineligibility, the person convicted shall immediately surrender all chickens on the zoning lot to the City of Forsyth for re-homing.

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Secs. 6-43—6-50. Reserved.