

AN AMENDMENT TO THE ANIMAL CONTROL ORDINANCE

WHEREAS, it has come to the attention of the Board of Commissioners that the provisions of the Animal Control Ordinance do not adequately protect members of the public and their property from certain animals and fowl; and

WHEREAS, it has further come to the attention of the Board of Commissioners that the Animal Control Ordinance does not adequately protect the County employees charged with enforcing the provisions of the Animal Control Ordinance.

NOW THEREFORE, the Oconee County Board of Commissioners does and hereby ordains as follows:

ARTICLE ONE. **Section 107** is amended by deleting section (E) and adding the following paragraphs (E), (F) and (G).

Section 107. Animal Care, Surrender and Control

- “(E) A person owning or having animals or fowl in his custody or control shall at all times control such animals so as to prevent such animal or fowl from going at-large on either public or private property and causing injury or the reasonable apprehension of injury to the person or injury to the property of others. Failure to do so shall constitute the action of the animal or fowl a nuisance and dangerous to public health and safety. The following actions shall be presumed to be to the injury of the person or property of others. Such list is not intended to be comprehensive, but for illustrative purposes: a) any visible damage to the property of another; b) disturbance of trash or other refuse or destruction of newspapers; d) defecation or urination by an animal or fowl on the property of another, unless same is promptly removed by the person owning or having control of such animal or fowl; e) killing or injuring other animals or fowl on the property of another; f) any bite or scratch inflicted by such animal or fowl upon a person who is not the owner of such animal or fowl; g) any animal or fowl chasing or threatening attack on pedestrians, bicyclists or motorists

- (F) A person owning or having animals or fowl in his custody or control shall prevent such animal or fowl from disturbing the peace of any other person by loud, persistent, habitual barking, howling, growling, yelping or whining; however, no person may be charged with the violation of this subsection unless a written warning has previously been issued by an animal control officer within thirty (30) days of the charge of violation. Additionally, there must be at least two complaining witnesses who have signed a written statement giving the address of the owner, a description of the animal, a description of the offense, and the date, time and location to the offense.

- (G) In order to protect the safety of Animal Control Officers, Law Enforcement Officers and other Oconee County employees while on County business, an owner or person having animals or fowl in his custody and control shall take all necessary measures to restrain animals and fowl and to prevent or stop attacks when an Animal Control Officer, Law Enforcement Officer, or other Oconee County employee enters upon private property on County business.”

ARTICLE TWO. **Severability.**

It is intended that the provisions of this Amendment be severable and should any portion be held invalid, such invalidity shall not affect any other portion of this Amendment.

ARTICLE THREE. **Repealer.**

All resolutions or ordinances and parts of sections of resolutions or ordinances in conflict with this Amendment are hereby repealed.

ARTICLE FOUR. **Effective Date.**

This Amendment to the Animal Control Ordinance shall take effect on the date this Amendment is adopted by the Oconee County Board of Commissioners.

ADOPTED AND APPROVED, this 2nd day of May, 2000.