



# The National Agricultural Law Center

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## States' Fence Statutes: *Georgia*



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# A National Agricultural Law Center Research Publication

## States' Fence Statutes: Georgia

### GA. Code Ann. §§ 4-3-1 to 4-3-12, § 50-16-103.

*The statutes and Constitution are current through Laws 2021, Act 10.*

#### § 4-3-1. Finding of public necessity.

There is found and declared a necessity for a uniform state-wide livestock law embracing all public roads in the state and all other property.

#### § 4-3-2. Definitions.

As used in this chapter, the term:

- (1) "Livestock" means all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals.
- (2) "Owner" means any person, association, firm, or corporation, natural or artificial, owning, having custody of, or in charge of livestock.
- (3) "Public roads" means any street, road, highway, or way, including the full width of the right of way, which is open to the use of the public for vehicular travel.
- (4) "Running at large" or "straying" means any livestock which is not under manual control of a person and which is on any public roads of this state or on any property not belonging to the owner of the livestock, unless by permission of the owner of such property.

#### § 4-3-3. Livestock running at large prohibited.

No owner shall permit livestock to run at large on or to stray upon the public roads of this state or any property not belonging to the owner of the livestock, except by permission of the owner of such property.

#### § 4-3-4. Duty of officers to impound; impounding by others.

- (a) It shall be the duty of the sheriff, his deputies, or any other county law enforcement officer to impound livestock found to be running at large or straying. Owners or operators of farms may also impound such livestock, provided that the livestock is kept in a suitable place and cared for properly; such owners or operators shall receive the feed and care fee allowed in Code Section 4-3-10.
- (b) If an owner or operator of a farm impounds livestock, it shall be his duty to notify the owner of such livestock immediately. If the owner of the livestock is unknown and is not determined within three days, the person who impounds the livestock shall notify the sheriff of such impoundment; and the sheriff shall transport the livestock as soon as possible to a county pound as provided for in Code Section 4-3-11. The sheriff shall then follow the procedure set out in this chapter as if he had originally



impounded such livestock.

**§ 4-3-5. Notice to owner of impounding and sale**

(a) Upon the impounding of any livestock by the sheriff, his deputies, or any other law enforcement officers of the county, the sheriff shall forthwith serve written notice upon the owner, advising such owner of the location or place where the livestock is being held and impounded, the amount due as a result of such impounding, and that unless such livestock is redeemed within three days from that date the livestock shall be offered for sale. In the event the owner of such 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. If there is no such newspaper then service shall be obtained by posting the notice at the courthouse door and at two other conspicuous places within said county. Such notice shall be in substantially the following form:

“To Whom It May Concern:

You are hereby notified that the following described livestock (giving full and accurate description of same, including marks and brands) is now impounded at (giving location where livestock is impounded) and the amount due by reason of such impounding is \_\_\_\_\_ dollars. The above-described livestock will, unless redeemed within three days from the date of this notice, be offered for sale at public auction to the highest bidder for cash.

\_\_\_\_\_  
Date Sheriff of \_\_\_\_\_ County, Georgia”

(b) Unless the impounded livestock is redeemed within three days from the date of the notice, the sheriff shall forthwith give notice of sale thereof, which shall be held not less than five days nor more than ten 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 in the county where the livestock is impounded, excluding Sundays and holidays, and by posting a copy of such notice at the courthouse door. If there is no such newspaper, then notice shall be given by posting a copy at the courthouse door and at two other conspicuous places in the county. Such notice of sale shall be in substantially the following form:

“(Name of owner, if known, otherwise, ‘To Whom It May Concern’), you are hereby notified that I will offer for sale and sell at public sale to the highest bidder for cash the following described livestock (giving full and accurate description of each head of livestock) at \_\_\_\_\_ M. (the hours of sale to be between 11:00 A.M. and 2:00 P.M. eastern standard time or eastern daylight time, whichever is applicable) on the \_\_\_\_\_ day of \_\_\_\_\_ at the following place \_\_\_\_\_ (which place shall be where the livestock is impounded or at the place provided by the county commissioners for the taking up and keeping of such livestock) to satisfy a claim in the sum of \_\_\_\_\_ for fees, expenses for feeding and care, and costs hereof.

\_\_\_\_\_  
Date Sheriff of \_\_\_\_\_ County, Georgia”



**§ 4-3-6. Redemption of animals by owner; payment of costs and fees; adjudication where amount in dispute.**

The owner of any impounded livestock shall have the right at any time before sale thereof to redeem the livestock by paying to the sheriff all impounding expenses, including fees, keeping charges, and advertising or other costs incurred, which sum shall be deposited by the sheriff with the clerk of the superior court who shall pay all fees and costs as allowed in Code Section 4-3-10. In the event there is a dispute as to the amount of such costs and expenses, the owner may provide bond, with sufficient sureties to be approved by the sheriff, in an amount to be determined by the sheriff, but not exceeding the fair cash value of such livestock, conditioned to pay such costs and damages. Within ten days thereafter the owner shall institute an action to have the dispute adjudicated by the court or referred to a jury if requested by either party to the action.

**§ 4-3-7. Disposal of impounded livestock where there is no bidder.**

If there is no bidder for the livestock at the sale provided for in Code Section 4-3-5, the sheriff shall have the livestock killed and shall dispose of the carcass thereof; and, if there is any money received by him from the disposal, the same shall be disbursed in the manner provided for in Code Section 4-3-8. If there is no ready sale for the carcass, the sheriff shall deliver the carcass to a public institution of the county, state, or municipality within the county or to any private charitable institution, in this order, according to their needs.

**§ 4-3-8. Return of sale; disposal of proceeds; maintaining records.**

(a) The sheriff, upon making a sale or other disposal as provided for in this chapter, shall forthwith make a written return thereof to the clerk of the superior court of such county, with a full and accurate description of the livestock sold or disposed of by him, to whom, and the sale price thereof, which report shall be filed by the clerk.

(b) At the time of making his return, the sheriff shall pay over to the clerk of the superior court the entire proceeds of the sale. The clerk of the superior court shall pay all costs and fees allowed in Code Section 4-3-10. If there is any balance remaining it shall be paid to the owner of such livestock, provided that the owner shall provide satisfactory proof of ownership to the board of county commissioners within 90 days from the date the sheriff reports the sale. If proof of ownership is not made within 90 days from the date the sheriff reports the sale, the clerk shall pay such proceeds into the fine and forfeiture fund of the county. The clerk shall keep a permanent record of all sales, disbursements, and distributions made under this chapter. If the amount realized from the sale or other disposition of the animal is insufficient to pay all fees, costs, and expenses as provided for in Code Section 4-3-10, the deficit shall be paid by the county from its fine and forfeiture fund.

**§ 4-3-9. Feed and care of impounded animals; employment of pound personnel.**

The sheriff shall have feed and water provided for impounded livestock not less than twice a day and shall see that all milk cows and milk goats are milked twice a day. The sheriff shall employ poundmasters, guards, or other persons as are necessary to protect, feed, care for, and have custody of the impounded animals. The sheriff shall be entitled to the fees allowed in Code Section 4-3-10 for such feed and care.

**§ 4-3-10. Fees for impounding, serving notice, care, feeding, etc.**



The fees allowed for impounding, serving notice, care and feeding, advertising, and disposing of impounded animals shall be as follows:

- (1) For impounding each animal, the sum of \$10.00 and mileage as provided by law for the arrest and commitment of prisoners;
- (2) For serving any notice and making return thereon, the sum of \$7.50 and mileage provided by law for executing writs in actions at law and making return upon the same;
- (3) For feed and care of impounded animals, the sum of \$5.00 per day per animal;
- (4) For advertising or posting notices of sale of impounded animals, the same as provided by law for advertising property for sale under process;
- (5) For sale or other disposition of impounded animals, the sum of \$5.00; and
- (6) For report of sale of impounded animals, the sum of \$2.50.

#### **§ 4-3-11. County pounds.**

(a) The county commissioners of the several counties of Georgia shall establish and maintain pounds or suitable places for the keeping of any livestock taken up and impounded under this chapter until the same is sold, redeemed, or otherwise disposed of. In any case, the county commissioners shall provide truck transportation for the impounded animals.

(b) In those counties having no county commissioners, the judge of the probate court or other governing authority shall perform any functions or duties required of county commissioners under this chapter.

#### **§ 4-3-12. Permitting livestock to run at large; releasing impounded livestock.**

Any owner of livestock who intentionally or knowingly permits the same to run at large or stray upon the public roads of this state or any property not belonging to the owner of the livestock unless by permission of the owner of such property, or any person who shall release livestock, after being impounded, without authority of the impounder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding \$500.00, or by both fine and imprisonment.

#### **§ 50-16-103. Stock gaps.**

All persons in this state owning land through which the Western and Atlantic Railroad passes may build stock gaps on the railroad when the line of their fences may cross the same and may join their fences to such stock gaps, provided the landowners shall not improperly interfere with the bed of the railroad, render it less safe, or interfere with the running of the trains thereon.

