

Chapter 4

**ANIMALS\***

- Art. I.**        **In General, §§ 4-1—4-25**  
**Art. II.**       **Dogs, §§ 4-26—4-37**

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**\*Editor's note**—An ordinance adopted August 5, 2008, amended chapter 4 in its entirety to read as herein set out. Formerly, chapter 4 pertained to similar subject matter, and derived from a resolution of September 9, 1985, §§ 1—5; a resolution of October 5, 1993, §§ 1—3, and a resolution of December 21, 1993, § 1.

**State law references**—County's authority to exercise animal control, Ga. Const., art. 9, sec. 2, par. 3(a)(3); livestock running at large or straying, O.C.G.A. § 4-3-1 et seq.; permitting dogs in heat to roam or run free, O.C.G.A. § 4-8-6; Dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; cruelty to animals, O.C.G.A. § 16-12-4; control of rabies, O.C.G.A. § 31-19-1 et seq.; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-6.

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## ARTICLE I. IN GENERAL

Secs. 4-1—4-25. Reserved.

## ARTICLE II. DOGS

### Sec. 4-26. Definitions.

*Abandon* means 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 (36) hours, regardless of where such animal may be found or kept.

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

*Adequate shelter* means a structure having at least three (3) sides, a top, and a bottom, suitable for the animal's type/size to protect it from cold, wind, rain, and other elements with sufficient bedding inside the shelter during cold weather.

*Adequate space* means a sufficient safe space for adequate exercise suitable to the age, size, species and breed of dog, but in no cases no less than one hundred (100) square feet per dog.

*Adequate ventilation* means fresh air sufficient to provide for the health of an animal.

*Adequate vet care* means 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/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* means clear, drinkable water in adequate supply. Does not include snow, ice and rancid/contaminated water.

*Animal bite* means 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.

*Animal control officer* means an individual authorized by local law or by the governing authority of the county or the covered municipality to carry out the duties imposed by this chapter.

*At large* means 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.

*Cruelty* means causing death or unjustifiable pain or suffering to an animal by an act, an omission, or neglect.

*Dangerous dog* means any dog that, according to the records of the appropriate authority:

- (a) Inflicts a severe injury on a human being without provocation on public or private property; or
- (b) Aggressively bites, attacks, or endanger the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

*Potentially dangerous dog* means any dog that without provocation bites a human being on public or private property.

*Sanitary* means an animals' 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* means 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* means 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.

(Ord. of 8-5-08)

#### **Sec. 4-27. Control of dog.**

It shall be unlawful for the owner of any dog to permit such dog to be out of his immediate control and restraint, or to be left unattended off the premises of the owner, or to be upon the property of another person without the permission of the property owner. If the restraint used is tethering, the dog must be tethered by a collar or halter not extremities.

(Ord. of 8-5-08)

#### **Sec. 4-28. Rabies vaccinations and identification tags.**

No person shall own, keep or harbor any dog within the limits of the county unless the dog has been inoculated against rabies, as required by the state health code, and has attached to such dog, by means of a collar or other device, a current tag indicating that such dog has been inoculated for rabies. Such tag shall contain a serial number which may be traced. No person shall own, keep or harbor any dog within the limits of the county unless affixed to such dog, by collar or otherwise, a tag clearly designating the name and address of the owner of such dog.

(Ord. of 8-5-08)

#### **Sec. 4-29. Neglect.**

Any animal owner or possessor who fails to provide adequate drink, adequate food, adequate space, adequate shelter, sanitary conditions, necessary 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.

(Ord. of 8-5-08)

#### **Sec. 4-30. Abandoned dogs.**

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, licenses rescue group, licenses shelter, licensed veterinarian, individual, or other entity shall not be deemed abandoned but shall be considered relinquished to the entity.

(Ord. of 8-5-08)

#### **Sec. 4-31. Cruelty to dogs.**

(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, have custody or control of an animal for the purpose of animal fighting. It shall be unlawful to be a spectator at or bet on an animal fighting activity.

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

(Ord. of 8-5-08)

#### **Sec. 4-32. Nuisance dogs.**

A dog may be found to be a nuisance dog if the animal control officer or the sheriff's department responds to more than two (2) 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 the property that the dog cannot come into con-

tact with any outside influence that may aggravate its nuisance behavior. A nuisance dog is one that:

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

(Ord. of 8-5-08)

#### **Sec. 4-33. Breeder.**

It is unlawful for any person who does not hold a license from the state department of agriculture to breed an animal if they are required by the state department of agriculture to be licensed.  
(Ord. of 8-5-08)

#### **Sec. 4-34. Enforcement.**

In addition to other duties, the animal control officer shall have the authority to investigate all complaints pertaining to dogs and enforce this chapter.  
(Ord. of 8-5-08)

#### **Sec. 4-34.1. Impoundment.**

Any dog found running at large or if the owner or the animal is otherwise found to be in noncompliance with this chapter or any other state law shall be impounded by the animal control officer or any other officer of the law. In the event capture cannot be effected promptly and safely, the officer is authorized to destroy the dog.  
(Ord. of 8-5-08)

#### **Sec. 4-34.2. Notice.**

If the owner is known, and if possible, the county will contact the owner within twenty-four (24) hours after impoundment. If the owner is

unknown, a description of the dog will be posted in the office of the board of commissioners for three (3) business days.  
(Ord. of 8-5-08)

#### **Sec. 4-34.3. Holding.**

(a) County animal control will hold impounded dogs for three (3) 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 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), shall be euthanized by animal control in as humane a manner as possible.  
(Ord. of 8-5-08)

#### **Sec. 4-34.4. Redeeming impounded dog.**

To redeem a dog, the owner must pay the fee established for pick up 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 pick up. The owner must also provide proof that adequate steps have been taken to remedy the reason the dog was impounded.  
(Ord. of 8-5-08)

#### **Sec. 4-35. Attacking or biting dogs.**

Any person having information a dog has bitten or attacked a person shall immediately report such information to the 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 ten (10) days. If the agent for the county health department concurs, the owner has the option of confining the dog on his/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 county animal shelter for the confinement period, also at the owners' expense. If the 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 pay-

ing the fees associated with the impoundment. If the attack is severe, the county board of commissioners may classify the dog as a dangerous or potentially dangerous dog.

(Ord. of 8-5-08)

**Sec. 4-35.1. Classification as a dangerous dog or potentially dangerous dog.**

(a) When a dog has inflicted an injury to warrant being classified as a dangerous or potentially dangerous dog upon a person, the designee of the county board of commissioners shall send notice to the owners of the dog of the classification. The notice to the owner shall meet the following requirements:

- (1) 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 to the dog.
- (2) The notice shall include a summary of the officer's findings that form the basis for the dog's classification as a dangerous or potentially dangerous dog.
- (3) The notice shall be dated and shall state the owner has a right to request a hearing on the classification within fifteen (15) days from the date of the notice.
- (4) The notice shall state that the county board of commissioners shall conduct the hearing.
- (5) The notice shall state that if the owner does not request such a hearing within fifteen (15) days from the date of the notice, the classification of the dog as a dangerous or potentially dangerous dog shall be final and conclusive for all purposes.
- (6) The notice shall include a form to request a hearing before the county board of commissioners and shall provide specific instructions on mailing or delivering such a request.

(b) When the county board of commissioners receives a request for a hearing from an owner, it shall schedule such a hearing within thirty (30) 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 of at least ten (10) 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 board shall also receive such other evidence and hear such other testimony as it may find reasonable necessary to make a termination either to sustain, modify or overrule the classification of the dog.

(Ord. of 8-5-08)

**Sec. 4-35.2. Requirements for possession of dangerous dogs and potentially dangerous dogs.**

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

- (1) The owner shall fence a portion of their property with a second perimeter or area fence. Within this perimeter or area fence, the vicious animal must be humanly confined inside a pen or kennel of adequate size, no smaller than one hundred (100) square foot by six (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 (2) 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.
- (2) If it becomes necessary to transport the dog, it must be done so on a leash no greater than six (6) feet and muzzled to prevent the dog from biting.
- (3) The premises where a dangerous or potentially dangerous dog is kept shall be

posted 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.

- (4) The owner of a dangerous dog shall maintain at all times either a policy of insurance or a surety bond in a minimum amount of one million dollars (\$1,000,000.00) to cover claims for any personal injuries inflicted by the dog, which policy or surety bond shall be issued by an insurer or surety, as the case may be, authorized to transact business in this state.
- (5) The owner of a dangerous or potentially dangerous dog must have the dog microchipped and give all tracking information to the county animal control.
- (6) Any transfer of ownership of a dangerous or potentially dangerous dog must be provided to county animal control. 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.
- (7) The animal control officer or any other law enforcement officer shall have the right to inspect randomly and without notice a dangerous or potentially dangerous dog and the premises where such dog is kept.
- (8) Notification in person or by phone to the animal control officer or to the sheriff's department, if after business hours, must be made immediately if the dangerous or potentially dangerous dog has escaped or has otherwise ceased to be in the custody of its owner or has attacked a human being or other animal.
- (9) An owner of a dog that was classified as dangerous or potentially dangerous in another jurisdiction and brought into the county must register the dog with the

county animal control office and must comply with all of the above requirements.

(Ord. of 8-5-08)

**Sec. 4-35.3. Exceptions to dangerous dog and potentially dangerous dog.**

No dog shall be classified as a dangerous dog or potentially dangerous dog as a result of an injury upon a human being inflicted at a time when the dog was being used by a law enforcement officer to carry out the law enforcement officer's official duties. No dog shall be considered a dangerous dog or potentially dangerous dog as a result of an injury inflicted by the dog upon a person who, at the time of injury, was committing a willful trespass or other tort; who was tormenting, abusing or assaulting the dog or had done so in the past; or who as attempting to commit a crime. If the person injured is a child of tender years, the age, understanding, and capacity of such child shall be considered to determine whether such child was capable of committing a willful trespass or other tort or a crime.

(Ord. of 8-5-08)

**Sec. 4-36. Liability of the county, animal control officers and employees.**

The county and its employees 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.

(Ord. of 8-5-08)

**Sec. 4-37. Penalty.**

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 one thousand dollars (\$1,000.00) or sixty (60) 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.

(Ord. of 8-5-08)

