

CHAPTER 10 – ANIMALS

ARTICLE I. - IN GENERAL

Sec. 10-1 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any non-human, animate being which is tame or being harbored within the Town, including, but not limited to, a domesticated dog, cat, raccoon, skunk, opossum, or squirrel.

Animal control officer means "dog control officer" and shall refer to an individual employed by the Mayor or designee to perform and execute the provisions of this chapter, and his office shall have the power to issue citations for violation of this chapter.

Animal control shelter means the facilities operated by the Mayor or designee for the confining of dogs, cats, or other animals impounded under the provisions of this chapter.

Cat means cat, or any domesticated feline, of either sex, whether vaccinated against rabies or not.

Commercial guard/security dog means any dog that is purchased, leased, or rented and that is trained to guard, protect, patrol, or defend any commercial property, public or private, upon and within which it is located.

Current vaccination/license tag means a vaccination/license tag bearing a number that shows the license is valid for a one or three year period. The licensing period runs concurrently with the vaccination period.

Custodian means any person that has been entrusted with the responsibility and care of a dog, cat, or other animal by its owner.

Dangerous dog means any dog that according to the records of any appropriate authority: (i) inflicts a severe injury on a human without provocation on public or private property; or (ii) aggressively bites, attacks, or endangers 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. Exception: A dog is not considered potentially dangerous or dangerous if it bites a human:

- (1) When being used by a law enforcement officer.
- (2) When its owner is being attacked.
- (3) Who is a willful trespasser on the property of the owner or who is committing another tort or crime.
- (4) Who has tormented or abused it or who in the past has been observed or reported to have tormented or abused it.

Dog means dog, or any domesticated canine, of either sex, whether vaccinated against rabies or not.

Domestic animal/fowl means any animal/fowl domesticated by humans so as to live and breed in a tame condition for the advantage of humans. Pen-raised skunks are categorized as those skunks acceptable by the state and may be kept in the state as pets.

Exotic animal means any animal of any kind that is not indigenous to the state, but not included in the definition of a domestic animal, but shall include any hybrid animal which is part exotic animal.

Harborer means any person that has provided sustenance and/or shelter to a dog, cat, or other animal for a period of more than seven days.

Health department means the Mayor, or his authorized representatives, which shall include officers or employees of the Atlanta Humane Society so long as such corporation is under contract with the county.

Livestock means horses, mules, cows, sheep, goats, hogs, and all other animals used or suitable for either food or labor.

Owner of an animal means a person who owns, harbors, or keeps or knowingly permits an animal to be harbored or kept or has an animal in his care, or who permits an animal to remain on or about his premises for more than five days.

Nuisance means whatever is dangerous or detrimental to human life or health and whatever renders or tends to render the soil, air, water, or food impure or unwholesome, or unreasonably offends or impairs the senses of smell, sight, and hearing.

Potentially dangerous dog means any dog that, without provocation, bites a human on public or private property at any time.

Records means records of any state, county, or municipal law enforcement agency; records of any county board of health; records of any federal, state, or local court; or records of the Mayor or designee.

Vaccinate means intramuscular injection, by a veterinarian, of a specified dose of anti-rabies vaccine to an animal, such vaccine having the U.S. government license number of approval stamped on the label of the vaccine container and having been approved by the state department of human resources. Vaccine used for vaccination of dogs, cats, or other animals against rabies shall be refrigerated and kept under proper conditions and shall show no signs of spoilage or otherwise be unfit for producing immunity against rabies.

Vaccination certificate means a certificate provided by the state department of human resources and issued at the time of vaccination of the dog, cat, or other animal and bearing thereon the signature of the vaccinator; the name, color, breed, age, and sex of the dog, cat, or other animal; the name and address of the owner; the date of expiration of the vaccination; and the spay or neuter status, if known.

Vaccination/license tag means a metal tag bearing a number which is issued to the animal owner after showing proof of vaccination for the animal and paying, when required, the license fee. This tag is issued on behalf of the Town by the Mayor or designee and is provided by the state department of human resources.

Veterinarian means any person who holds a license to practice the profession of veterinary medicine in the state; the veterinary license number shall be the same as that recorded by the Georgia Board of Veterinary Examiners

Vicious animal means any animal which, because of temperament, conditioning, or training, has a known propensity, tendency, or disposition to attack, bite, or injure humans or other animals without provocation; or an animal which has on one or more occasion caused physical injury to humans or other animals without provocation, whether on public or private property; An animal is not considered vicious if it attacks, bites, or menaces:

- (1) When being used by a law enforcement officer
- (2) Anyone attacking the owner.
- (3) Unlawful trespassers on the property of the owner.
- (4) Any person or animal that has tormented or abused it.
- (5) If it is defending its young or other animals.

Wildlife/fowl means any animal/fowl of any kind that is indigenous to the state, but not included in the definition of a domestic animal/fowl, and shall include any hybrid animal/fowl that is part wild animal/fowl.

Sec. 10-2. - Penalties for violation of chapter.

- (1) Any person who violates the provisions of this chapter is guilty of a violation of this Code and subject to a fine of up to \$500.00 and/or imprisonment in jail for a period not to exceed 60 days or both. Each and every violation of the provisions of this chapter constitutes a separate offense.
- (2) Any person who violates the provisions of this chapter as it pertains to a potentially dangerous dog will be fined not less than \$150.00 for a second conviction, and not less than \$300.00 for a third conviction and/or imprisonment in jail for a period not to exceed six months, or both.
- (3) Any person who violates the provisions of this chapter as it pertains to a dangerous dog shall be guilty of a misdemeanor of a high and aggravated nature and will be fined not less than \$500.00 for a second conviction, and not less than \$750.00 for a third conviction and/or imprisonment in jail for a period not to exceed six months or both.

- (4) If the owner of a dangerous or potentially dangerous dog fails to comply with section 10-101 and his dog attacks or bites a human, he shall be guilty of a felony and will be subject to a fine of not less than \$1,000.00 nor more than \$5,000.00 and/or imprisonment for not less than one year nor more than five years.
- (5) If the owner of a dangerous or potentially dangerous dog knowingly and willfully fails to comply with section 10-101 and his dog aggressively attacks and causes severe injury to or the death of a human, he shall be guilty of a felony. Conviction under these circumstances will subject the owner to a fine of not less than \$5,000.00, nor more than \$10,000.00 and/or imprisonment for not less than one year, nor more than ten years.
- (6) In addition to subsections (d) and (e) of this section, the Mayor or designee shall immediately confiscate the dog and place it in quarantine for a period of time as provided by the Mayor or designee and thereafter such dog shall be humanely destroyed.

Sec. 10-3. - Enforcement of chapter.

The Mayor or designee shall enforce this chapter by means of impoundment and court citations. Further, employees and agents of the Town and person under their control and supervision shall have the right to go upon private property within the Town for the purpose of enforcing the provisions of this chapter, provided it is necessary for such purposes.

Sec. 10-4. – Collar required.

All animals over 90 days old within the Town shall wear a collar or harness to which is attached metal identification tag which shall state the name and address of the owner in addition to the name, breed, age, color and sex of such animal. Further, a valid rabies vaccination tag shall be securely attached to the animal's collar or harness. It shall be the duty and responsibility of the owner to see that the same is so attached and secured at all times.

Sec. 10-5. – Restraint of animals.

The owner or keeper of each animal within the Town shall be responsible for keeping it from becoming a nuisance or from endangering or injuring any other persons or property. Any violation of this section shall be treated as a misdemeanor, and the person responsible shall be subject to a fine not to exceed \$50.00.

Sec. 10-6. - Special permits; kennels

- (1) Each premises where there are more than four (4) dogs over the age of four months kept, maintained or harbored for a period of 14 days or longer, shall be deemed to constitute a kennel. The owner or person in possession of the premises where the kennel is located shall be required to apply to the Mayor or designee for a special permit. Other permits as may be required by the Town zoning ordinance must also be obtained before the operation of a kennel.
- (2) A special permit will be issued upon payment of an annual fee set by the Mayor and proof that the premises and dogs covered by the special permit meet the requirements set out in this article.
- (3) The special permit will be valid for one year from the date of issue, provided it is not revoked during the year for violations of this chapter. Application to renew a special permit must be made at least 14 days prior to the expiration of the existing permit.
- (4) Individual license tags will be issued for each dog located in such a kennel, and a separate tag fee over and above the annual special permit fee will not be required.

All commercial kennels that are subject to a business license fee shall be exempt from the annual special permit fee.

State law reference— The Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.

Sec. 10-7. - Cruelty to animals.

- (1) It shall be unlawful for any person to overload, poison, cruelly treat, maim, tease, bruise, deprive of necessary sustenance or medical attention, improperly use, deprive of shade and shelter, or in any manner whatsoever, torture, kill, or abuse any animal.
- (2) No person shall abandon any animal on any property, public or private, or keep an animal under unsanitary conditions.

State law reference— Local authority to adopt ordinances for animal protection under the Georgia Animal Protection Act, O.C.G.A. § 4-11-18; dogfighting, O.C.G.A. § 16-12-37; abandoning dogs, § 4-8-3; cruelty to dogs, O.C.G.A. § 4-8-5; cruelty to animals, O.C.G.A. § 16-12-4.

Sec. 10-8. - Cruel treatment of animals prohibited.

- (1) No person shall willfully place within reach of any domestic animals any substance that is poisonous or harmful to the animal.
- (2) No person shall willfully and unjustifiably kill or injure any domestic animal other than livestock maintained for food purposes.

State law reference— Cruelty to animals, O.C.G.A. § 16-12-4.

Sec. 10-9. - Disposal of deceased animals.

No person shall place any dead animal upon his premises or upon the premises of any other person or allow any dead animal to remain upon his premises or any dead animal belonging to the person to remain upon the premises of another without disposing of same or causing the animal to be properly removed or disposed of within 24 hours.

State law reference— Disposition of dead animals, O.C.G.A. § 4-5-3.

Sec. 10-10. - Removal of canine fecal matter.

- (1) It is unlawful for any person owning, possessing, harboring, or having care, charge, control, or custody of any dog not to remove any feces left by that dog on any sidewalk, gutter, street, lot, public park, or other public area or public property.
- (2) Dog waste shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it in a trash receptacle, sanitary disposal unit, or other closed or sealed refuse container.
- (3) Each and every violation of this section shall be punishable to the extent provided by in the penalty provisions of chapter 1 of this Code.
- (4) This section shall not apply to visually impaired persons who have the charge, control, or use of a guide dog.

Sec. 10-11. - Running at large.

- (1) *Generally.* Within the territorial boundaries of the Town, the running at large of dogs, domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs is prohibited, with the exception of cats. Owners of wildlife or exotic animals must have the necessary state and/or federal permits on their person when transporting their animals.
- (2) *Dogs.*
 - (a) It shall be unlawful for the owner, custodian or harbinger of any dog to allow or permit such dog to leave the premises of the owner or other person having custody of the dog unless such dog is securely under leash, said leash being not more than six feet long, and under the control of a competent person. Dogs must be confined to the premises of the owner or other person having custody of the dog and shall be restrained by means of a fence or wall or other enclosure, or restrained individually by a leash or chain. Excluded are those dogs participating in or training for obedience trials, field trials, dog shows, tracking work, or law enforcement. Also, the requirements of this subsection shall not apply in any area zoned for agriculture where the owner or person having custody of the dog is at the time in question using the dog for hunting purposes, and has on his person a valid hunting license and proof of vaccination.
 - (b) An electronic confinement system shall be considered an acceptable enclosure when the equipment is properly maintained and in continuous working order, and the animal to be contained within wears the appropriate electronic collar when within the system perimeters.
 - (c) In cases where an animal has been deemed dangerous by the court, or has been trained to be a guard dog, an electronic animal confinement system may not be used as either the primary or secondary enclosure.

- (d) Individuals who contain an animal by means of an electronic animal confinement system and are found to be in violation of this section or have been deemed as restraining a dangerous animal shall thereafter restrain the animal by means of a fence, wall or other enclosure, or such animal shall be restrained individually by a leash or chain.
- (3) *Restraint of domestic animals, livestock, owned wildlife and exotic animals.* It shall be unlawful for the owner, custodian, or harbinger of any domestic animal, livestock, wildlife, or exotic animal to allow or permit such animal to leave the premises of the owner or other person having custody of such unless securely under leash, in a carrying case, or restrained by some other means and under the control of a competent person, with the exception of cats.
- (4) *Confinement of domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs.* Domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs shall be securely confined to the premises of the owner or other person having custody of such by means set forth under the provisions of this chapter, or approved by the Mayor or designee and/or as required by state or federal regulations, with the exception of cats. All enclosures for animals shall be located in an area behind the living quarters or residence of the animal's owner.

State law reference— Livestock running at large, O.C.G.A. § 4-3-1 et seq.

Sec. 10-12. - Commercial guard/security dogs.

- (1) It shall be the duty of all persons who keep, use, or maintain any guard/security dog to have signs conspicuously posted on the premises where the guard/security dog is located to warn of the presence of the dog. This warning shall consist of a warning sign placed at each entrance and exit to the premises and in a position to be legible from the sidewalk or ground level adjacent to the sign (eye level). If the premises are not enclosed by a wall or fence, a sign shall be placed at every entrance and exit to each structure on the premises in which a guard/security dog is located. Each sign shall measure at least ten inches by 14 inches and shall contain block lettering stating "Warning, Guard Dog on Duty." In addition, for dogs rented or leased, the sign shall set forth the name, address, and phone number of the responsible person or persons, to be notified during any hour of the day or night.
- (2) It shall be the duty of any person who keeps, uses, or maintains a guard/security dog to ensure the dog is vaccinated against rabies and licensed as required by section 10-5(b). The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by section 10-5(c).
- (3) It shall be the duty of any person that sells, leases, and/or rents any guard/security dog to be used within the Town to notify the Mayor or designee, of the location and number of guard/security dogs in use, kept, or maintained at a particular location. The Mayor or designee shall maintain a record of the location, number of guard/security dogs, and current rabies vaccination and licensure of all guard/security dogs utilized within the Town. The person that sells, leases, and/or rents a guard/security dog to be used in the Town shall furnish the following information to the Mayor or designee:
- (a) Name, address, and telephone number of the location where a guard dog is located.
- (b) Name, breed, sex, and current license tag information of each guard dog at any location in the Town.
- (4) It shall be unlawful to transport any guard/security dog in an open bed truck, and the vehicle transporting guard dogs shall be identified as to the business owner. It shall be unlawful to transport any guard dog in the Town except under the following conditions:
- (a) Each dog shall be placed in separate holding bins.
- (b) Each holding bin shall be enclosed and measure 48 inches long by 18 inches wide by 30 inches high.
- (c) Each holding bin will be adequately ventilated.
- (5) No guard/security dog shall be chained, tethered, or otherwise tied to any inanimate objects such as a tree, post, or building, outside of its own enclosure.
- (6) A guard/security dog shall be confined by the owner/custodian/harbinger within a building or secure enclosure out of which it cannot climb, dig, jump, or otherwise escape of its own volition.

Sec. 10-13. - Confinement of female dogs in heat.

It shall be the duty of any owner, custodian, or harbinger of any female dog in heat within the areas designated in section 10-4(a), when she is left unattended, to securely confine such dog so as to prevent contact with another dog except for planned breeding.

State law reference— Permitting dogs in heat to run at large, O.C.G.A. § 4-8-6.

Sec. 10-14. - Skunks and foxes.

- (1) All skunks, except pen-raised skunks, and all foxes from whatever geographic region, including Alaska and Canada, are forbidden to be purchased, sold, owned, possessed, or harbored. Pen-raised skunks and foxes in possession as of July 1, 1987, are grandfathered.
- (2) Pen-raised skunks, other than black and white skunks, may be purchased and kept as pets after securing a permit from the Mayor or designee. The Mayor or designee is responsible for ensuring that purchasers of pen-raised skunks are made knowledgeable of the proper care, handling, and confinement. No pet store shall allow the purchase of pen-raised skunks without being first presented with the permit issued by the Mayor or designee.

Sec. 10-15. - Wildlife or exotic animal.

Each owner, custodian, or harbinger of any wildlife or exotic animal must obtain all necessary state and/or federal permits and meet all state and/or federal requirements for keeping such an animal.

Sec. 10-16. - Nuisances.

- (1) Any vicious animal shall be deemed a nuisance. A vicious dog will be exempt as a nuisance upon classification as a dangerous or potentially dangerous dog as prescribed by law.
- (2) It shall be unlawful for any person to keep any domestic animal or livestock except under the following conditions:
 - (a) Any housing or enclosure used by any domestic animal or livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the Mayor or designee.
 - (b) A domestic animal shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors and public or commercial horse facilities.)

Animal	Distance (in feet)
Dogs (three or more)	25
Rabbits, guinea pigs, hamsters	25
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	25

- (c) Except in an area zoned for agriculture, each domestic animal or livestock shall be provided with the following average minimum floor or ground area in the enclosure or housing in which it is kept. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors and public and commercial horse facilities.)

Animal	Area per Animal (in square feet)
Dogs	100
Rabbits, guinea pigs, hamsters	4
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	4

- (d) Except in the areas zoned for agriculture, the maximum number of domestic animals or livestock that may be kept on any single premises shall not exceed the following. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors, and public and commercial horse facilities.)

Animal	Maximum Number
Dogs, cats	4
Rabbits, guinea pigs, hamsters	6
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	6

Sec. 10-17. - Animals as prizes.

It shall be unlawful to offer as a prize or gift any animal in any contest, raffle, or lottery, or as an enticement for fundraising or for entry into any place of business.

Sec. 10-18 – Housing and enclosure of animals.

No person shall allow any animal, authorized to be kept or occupied within the Town, to roam or be outside of such person's house or dwelling unit in any portion of such person's yard or surrounding area unless same is enclosed within a chain link, wooden or vinyl fence of sufficient height to prevent the animal from escaping.

Secs. 10-19—10-50. – Reserved.

ARTICLE II. - RABIES CONTROL

State Law reference— Control of rabies, O.C.G.A. § 31-19-1 et seq

Sec. 10-51. - Vaccination required.

- (1) The owner, custodian, or harbored of each dog or cat over four months of age, kept, maintained, or harbored in any area of the Town is required to maintain a current rabies vaccination on such dog or cat.
- (2) It shall be the duty of all persons owning or having custody of any dog or cat over four months of age brought into the Town from outside the Town to have such dog or cat vaccinated within 14 days from the date of entry, provided that when the owner or person having custody of the dog or cat produces evidence satisfactory to the Mayor or designee that such dog or cat has a current vaccination, as prescribed by this article, such dog or cat will not be required to be vaccinated again until the expiration date of the current vaccination.
- (3) Only a licensed veterinarian shall be entitled in connection with his practice, on the request of any owner of a dog, cat, or other animal, to vaccinate such dog, cat, or other animal against rabies, with a vaccine as set forth in the definition of "vaccinate" in section 10-1, provided that at the time of vaccination he furnishes two copies of the vaccination certificate to the owner, forwards one copy to the Mayor or designee, and maintains one copy for his files.
- (4) All animals over 90 days old within the Town shall be inoculated annually so as to provide immunity from rabies for a period of at least one year.

State law reference— Inoculation of canines and felines against rabies, O.C.G.A. § 31-19-5.

Sec. 10-52. - Rabies cases to be reported.

It shall be the duty of any person knowing of a rabid animal, or of any animal showing symptoms of rabies, to immediately report such animal to the Mayor or designee and give as much pertinent information as possible. Any bite by an animal shall be reported to the Mayor or designee. The Mayor or designee, in order to maintain an effective epidemiological surveillance

and control program, shall maintain a record of its rabies-related activities, including investigation and confirmation of rabies in animals, in the manner and frequency stipulated by the Mayor or designee.
State law reference— Duty of persons to notify, O.C.G.A. § 31-19-4.

Sec. 10-53. - Quarantine.

- (1) In the event a dog or cat has bitten a human, such animal shall be immediately confined at the animal control shelter, veterinary hospital, or other such premises deemed acceptable by the Mayor or designee for a period of ten days from the date of the bite to be observed for symptoms of rabies.
- (2) In the event a warm-blooded animal other than a dog or cat has bitten a human or other warm-blooded animal, or in the event a warm-blooded animal has been bitten by another warm-blooded animal, the recommendations contained in the Rabies Control Manual compiled by the state department of human resources shall be followed.
- (3) All expenses incurred for boarding an animal for the quarantine period as well as other applicable fees shall be paid by the owner or custodian of the biting animal.
- (4) It shall be unlawful for any person, custodian, or harbinger to fail to surrender a dog, cat, or other animal, which has bitten a human, upon the sworn statement of the person bitten. Such animal will be placed under quarantine or submitted for laboratory examination at the discretion of the Mayor or designee. The provisions of this division shall apply, regardless of whether or not such animal has a current rabies vaccination and tag.
- (5) When rabies has been found to exist in any warm-blooded animal, or where its existence is suspected, the Mayor or designee may designate a geographical area within which quarantine of all owned warm-blooded animals shall be maintained. Such animals shall be immediately confined to the premises designated and in a manner approved by the Mayor or designee, whether or not such animals have been vaccinated against rabies.
- (6) No warm-blooded animal shall be brought into or removed from a quarantined area or premises without written approval of the Mayor or designee.
- (7) Quarantine ordered by the Mayor or designee shall be maintained for such period as deemed necessary to protect the public health.
- (8) Quarantined areas or premises where rabid animals or animals suspected of having rabies remain at large may be posted by the Mayor or designee with signs which read as follows: "Rabies Suspected" or "Rabies—Keep Away from Animals." Such signs shall be conspicuously displayed in a place designated by the Mayor or designee and shall not be removed except by the Mayor or designee. Such signs shall not be defaced.
- (9) The owner, custodian, or harbinger of each animal subject to a quarantine invoked by the Mayor or designee under the terms of this article shall be notified of the quarantine, the particular animals subject thereto, and shall be given such other information as the Mayor or designee deems necessary.
- (10) Every animal showing clinical signs of rabies, as determined by the Mayor or designee, shall be immediately destroyed; and/or the heads of all animals suspected of having had rabies at the time of death shall be submitted to the epidemiology office, department of human resources, for examination by the department of human resources laboratory.

Sec. 10-54 – Animal biting a person.

- (a) *Responsibility to report biting.* The owner or keeper of an animal that bites a person and a person bitten by an animal shall have a duty to report that occurrence to the Chief of Police of the Town within 24 hours from such occurrence. The owner and/or keeper of an animal that bites a person shall surrender said animal to the Town or its designee in the event the Chief of Police or Assistant Chief of Police or his designee deems it necessary to impound said animal for a period of observation.
- (b) *Owner financially liable.* In the event an animal, having bitten a person, is deemed necessary to be confined by the Chief of Police or his designee, then the owner of the animal shall bear the cost of confinement in such place of confinement as deemed appropriate by the Chief of Police and the public health authorities of Chattooga County, or by such other public health official as may be designated by the Town. Said designated public health official may consent to confinement on the owner's premises, but only if the animal has a current rabies vaccination at the time the bite is inflicted.

- (c) *Responsibility to report signs of sickness.* A person who has custody of an animal that has bitten a person shall immediately notify the Chief of Police, or his designee, if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. If the animal dies while it is in confinement, the person having custody of the animal shall notify the Chief of Police or his designee and shall surrender the carcass of the animal if required to such officer.

State law reference – Animal bites, O.C.G.A. §31-19-4.

Secs. 10-55—10-100. - Reserved.

ARTICLE III. - VICIOUS ANIMALS AND DANGEROUS OR POTENTIALLY DANGEROUS DOGS

State Law reference— Dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.; vicious dogs control, O.C.G.A. § 4-8-40 et seq

Sec. 10-101. - Precautions to be taken by owners.

- (1) No person owning or having custody or control of any dog or other animal known by such person to be vicious, dangerous, or potentially dangerous shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.
- (2) It shall be the duty of every owner of any vicious animal or dangerous or potentially dangerous dog, or anyone having any such animal in his possession or custody, to ensure that the vicious animal or dangerous or potentially dangerous dog is kept under restraint, as prescribed in subsections (d), (e), and (f) of this section, and that reasonable care and precautions are taken to prevent the vicious animal or dangerous or potentially dangerous dog from leaving, while unattended, the real property limits of its owner, custodian, or harbinger, and it is securely and humanely enclosed within a house, building, fence, locked pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition. Such enclosure must be securely locked at any time the animal is left unattended so that children are prevented from entry and to prevent the vicious animal or dangerous or potentially dangerous dog from escaping.
- (3) For owners of a vicious animal or dangerous or potentially dangerous dog whose animal lives out-of-doors, a portion of their property should be fenced with a perimeter or area fence. Within this perimeter fence, the vicious animal or dangerous or potentially dangerous dog must be humanely confined inside a locked pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides, the sides must be securely set into the ground or onto a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked when the animal is unattended. This enclosure shall provide protection from the elements.
- (4) A vicious animal or dangerous or potentially dangerous dog shall not be upon any street or public place except when securely restrained by leash not more than six feet in length and humanely muzzled when appropriate, as determined by the Mayor or designee, and in the charge of a competent person.
- (5) Whenever outside of its enclosure, as provided for in subsections (b) and (c) of this section, but on the owner's property, a vicious animal or dangerous or potentially dangerous dog must be attended by the owner or custodian and restrained by a secure collar, muzzled when appropriate, as determined by the Mayor or designee, and on a leash of sufficient strength to prevent escape.
- (6) No vicious animal or dangerous or potentially dangerous dog shall be chained, tethered, or otherwise tied while unattended by the owner or custodian to any inanimate object such as a tree, post, or building, outside of its primary enclosure.
- (7) A warning sign (i.e., beware of dog) shall be conspicuously posted denoting a vicious animal or dangerous or potentially dangerous dog on the premises. These signs are exempt from building permit requirements.
- (8) Failure to keep any vicious animal or dangerous or potentially dangerous dog confined or under restraint as provided for in this section shall be unlawful and shall be punishable as provided in this chapter.

Sec. 10-102. - Notice to owners of dangerous or potentially dangerous dogs.

- (1) When the Mayor or designee classifies a dog as a dangerous or potentially dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the Mayor or designee shall notify the dog's owner. The notice shall meet the following requirements:
 - (a) The notice shall be in writing and mailed by certified mail to the owner's last known address;
 - (b) The notice shall include a summary of the Mayor or designee's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog;
 - (c) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has the right to request a hearing on the Mayor or designee's determination that the dog is a dangerous or potentially dangerous dog;
 - (d) The notice shall state that the hearing, if requested, shall be before the Mayor or designee;
 - (e) The notice shall state that if a hearing is not requested, the Mayor or designee's determination that the dog is a dangerous or potentially dangerous dog will become effective for all purposes on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and
 - (f) The notice shall include a form to request a hearing before the animal control hearing board and shall provide specific instructions on mailing or delivering such request to the board.
- (2) When the Mayor or designee receives a request for a hearing, as provided in this section, such person shall schedule such hearing within 30 days after receiving the request. The Mayor or designee will notify the dog owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the dog owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and, in addition thereto, the Mayor or designee shall receive such other evidence and hear such other testimony as the hearing board may find reasonably necessary to make a determination either to sustain, modify, or overrule the Mayor or designee's classification of the dog.
- (3) Within ten days after the date of the hearing, the Mayor or designee shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous or potentially dangerous dog, the notice shall specify the date upon which that determination is effective. A certificate of registration to the effect that the dog owner has a dangerous or potentially dangerous dog shall also be issued by the Mayor or designee, and is contingent upon the dog owner presenting to the Mayor or designee evidence of:
 - (a) An enclosure as prescribed in this chapter for confinement of a potentially dangerous or dangerous dog;
 - (b) The proper posting of the premises as prescribed in this chapter; and
 - (c) An insurance policy or surety bond in the amount of \$15,000.00, insuring the owner against liability for any personal injuries inflicted by a dangerous dog. This shall apply to dogs classified as dangerous, only.
- (4) An annual fee of \$100.00 will be charged in addition to regular dog licensing fees, to register dangerous and potentially dangerous dogs. This registration fee is subject to change as dictated by the Town Council. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, the Mayor or designee shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this chapter.
- (5) Issuance of a certificate of registration or the renewal of a certificate of registration by the Mayor or designee does not warrant or guarantee that the requirements specified in this chapter are maintained by the owner of a dangerous or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration, or following the date of any renewal of such certificate.
- (6) The owner of a dangerous or potentially dangerous dog shall notify the Mayor or designee within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or been sold, stolen or donated. If the dog is sold or donated, the owner shall also provide the name, address and telephone number of the new owner. If sold or donated to another resident of the Town, the new owner has ten days after taking possession of the dog to register the dog with the Mayor or designee. If the owner moves with the dog from one jurisdiction to another

within the state, the owner shall register the dangerous or potentially dangerous dog in the new jurisdiction within ten days after becoming a resident.

- (7) The owner of a dangerous or potentially dangerous dog who is a new resident of the state shall register the dog as required in this article within 30 days after becoming a resident.

State law reference— Registration of dangerous dogs, O.C.G.A. § 4-8-25; notice to owner of dangerous dog, O.C.G.A. § 4-8-24.

Secs. 10-103—10-140. - Reserved.

ARTICLE IV. - IMPOUNDMENT AND REDEMPTION

Sec. 10-141. - Impoundment of dogs, domestic animals, livestock, owned wildlife, and exotic animals.

- (1) Any citizen may pick up and impound any animal running at large in the Town, provided said animal is promptly surrendered to the Mayor or designee to allow the person having the right of possession an opportunity to reclaim their animal.
- (2) Dogs, domestic animals, livestock, owned wildlife, and exotic animals within any of the following classes may be captured and impounded:
 - (a) Dogs or cats without a current rabies vaccination.
 - (b) Dogs or cats without a current Town license.
 - (c) Dogs not wearing a current vaccination/license tag. This shall include dogs wearing a tag that was not issued for said dog.
 - (d) Warm-blooded animals which have bitten a human or another warm-blooded animal and warm-blooded animals which have been bitten by another warm-blooded animal suspected of having rabies.
 - (e) Warm-blooded animals suspected of having rabies
 - (f) Unconfined warm-blooded animals in quarantine areas.
 - (g) Animals whose safety, health, or life is in immediate danger.
 - (h) Animals whose ownership is unknown.
 - (i) Dogs, domestic animals, livestock, owned wildlife, or exotic animals roaming at large, with the exception of cats.
 - (j) Vicious animals or dangerous or potentially dangerous dogs not properly confined or restrained as defined in this chapter.
 - (k) Commercial guard/security dogs not properly confined or restrained as defined in this chapter.
 - (l) Dogs in heat not properly confined as defined in this chapter.
- (3) No animal shall be exempt from the provisions of this article by virtue of a vaccination, tag, or certificate.
- (4) The Mayor or designee empowered to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding a dog or other animal which the officer is in immediate pursuit of with the exception of any occupied building into which the dog or other animal may enter. In the latter case, if the occupant or owner of the premises gives permission to the Mayor or designee to enter the premises, the Mayor or designee may remove said dog or other animal.
- (5) It shall be unlawful for any person to, in any manner, interfere with, hinder, resist, obstruct, or molest the Mayor or designee in the performance of his duties, or for any person to remove any animal from the Mayor or designee's vehicle or animal control shelter without the permission of the Mayor or designee.

- (6) When the owner of the dog or other animal impounded under the provisions of this article can be readily identified and located, the Mayor or designee shall notify the owner of the impoundment. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the owner's residence, when possible, or a postcard sent to the owner's residence through the U.S. postal system.
- (7) A dangerous dog shall be immediately impounded by the Mayor or designee if:
 - (a) The owner of the dangerous dog does not secure the liability insurance or surety bond required by this chapter;
 - (b) The dangerous dog is not validly registered as required by this chapter; or
 - (c) -The dangerous dog is not maintained in a proper enclosure as specified in this chapter.

Any dangerous dog impounded under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this section, and upon payment of reasonable impoundment costs. In the event the owner has not complied with the provisions of this section within 20 days of the date the dog was impounded, said dog shall be destroyed in an expeditious and humane manner.

State law reference— Duty of local officers to impound livestock running at large, O.C.G.A. § 4-3-4; confiscation and destruction of dangerous dogs, O.C.G.A. § 4-8-27.

Sec. 10-142. - Disposition of impounded animals.

- (1) Every animal impounded under the provisions of this article which is found upon arrival at the animal control shelter to be diseased or injured, and whose ownership is unknown or is relinquished in writing, shall, at the discretion of the Mayor or designee, be immediately destroyed if not accepted by an organization approved by the Mayor or designee, and provided such organization signs a receipt for the animal. In the event an owner cannot be contacted and the severity of the injury or disease of the animal dictates that euthanasia is a humane course of action, the animal will be destroyed and the owner, if known, notified as soon as possible.
- (2) If, in the opinion of the Mayor or designee, the release of an impounded animal will impair the safety of the public, such animal will be held pending a court order disposition.
- (3) Any animal impounded under the provisions of this article shall be held a minimum of three days from the day of impoundment or such longer period of time as deemed reasonable by the Mayor or designee. Animals under observation for rabies symptoms shall remain in the animal control shelter for such period of time as the health department or its designee may deem necessary to protect the public health.
- (4) Impounded animals not otherwise identified not claimed within three days of the day of impoundment or at the end of the quarantine period shall be disposed of by: (1) adoption; (2) sale; or, (3) euthanized in a humane manner as approved by the Mayor or designee. An animal with identification tags shall be confined for a period of at least five days from the date of mailing to the owner or five days from the notice being given by telephone. No animal impounded under the provisions of this article shall be released to any person or organization for the purpose of live animal experimentation. In the event of a sale of an animal, the Town is hereby authorized to execute a bill of sale to any such purchaser, which shall be sufficient to vest title to the animal in the purchaser.
- (5) Before the release of any impounded animal, the owner shall pay to the clerk or his/her agent or assigns as designated at the Town business office an impoundment fee of \$10.00 per day.
- (6) The Mayor shall establish reasonable vaccination, license, impoundment, and boarding fees. In some instances the amount of impoundment and boarding fees will be on a cost-incurred basis.
- (7) Proceeds from license, impoundment, and boarding fees shall be applied to the annual operating budget of the Town for animal and rabies control, enforcement activity, and operation of the animal facility.
- (8) The Mayor or designee shall exercise every reasonable care to prevent injury, illness, death, escape, or pilfering of any animal with which it deals but shall not be responsible for any such occurrence.

State law reference— Destruction of vicious dogs, O.C.G.A. § 4-8-43; redemption of impounded livestock by owner, O.C.G.A. § 4-3-6; disposal of impounded livestock, O.C.G.A. § 4-3-7.

Sec. 10-143. - Adoption of impounded animals.

- (1) The Mayor or designee shall cooperate with the Humane Society and any other approved organization by offering for adoption or placement cats and/or dogs not claimed by the person having the right of possession or any cat and/or dog that may be designated as a stray.
- (2) Organizations with a continuing interest in adopting animals from the animal control shelter must register with the Mayor or designee on the forms provided and be designated as an approved adoption organization.
- (3) All animals housed at the animal control shelter shall be under the authority of the Mayor or designee. No animal will be released for adoption or placement prior to the holding period required by section 10-142(c) and with the written approval of the Mayor or designee.
- (4) The Mayor or designee may confer ownership (permit adoption) of any animal which has become the property of the animal control shelter to an approved organization, subject to conditions prescribed by the Mayor or designee, including, but not limited to, the following:
 - (a) Payment of any vaccination, licensing, or veterinary costs shall be the responsibility of the receiving organization;
 - (b) Evidence satisfactory to the Mayor or designee that the animal has been, or will be, examined by a veterinarian and vaccinations against rabies and other diseases administered; and
 - (c) Evidence satisfactory to the Mayor or designee that the animal has been, or will be, neutered or spayed.

Secs. 10 – 144 – 10 – 150 – Reserved.

ARTICLE V – HOOFED ANIMALS

Sec. 10-151 – Compliance required.

It shall be unlawful for any person to keep within the corporate limits of the Town any hoofed animal except in compliance with the provisions of this article and the zoning ordinance as set forth in Appendix A to this Code.

Sec. 10-152 – Restrictions on keeping certain hoofed animals.

- (a) Keeping of horses and cows or any hoofed animals is permitted only in the rural areas of the Town specifically designated and zoned C (agriculture) in accordance with Appendix A to this Code, pertaining to zoning.
- (b) In addition to the restrictions established by Appendix A to this Code, pertaining to zoning, as to location, it shall be unlawful to maintain or keep a hog or cow closer than 900 feet to any private residence or public building other than that of the owner.
- (c) In addition to restrictions established by Appendix A to this Code, pertaining to zoning as to yard or pen location, it shall be unlawful to maintain or keep a horse closer than 900 feet to any private residence or public building other than that of the owner.

Sec. 10 -153 – Transporting through town.

The preceding section hereof is not to apply where such animals are being carried through the Town for bona fide sale or transportation or for slaughter, and only temporarily kept in the Town.

Sec. 10 -154 – Running unattended.

It shall be unlawful for any person to allow any horses, mules, jacks, cattle, hogs, goats, or fowl to run unattended in any of the streets or parks of this Town.

Sec. 10 -155 – Cleanliness of pens.

Any place, including yards, pens, enclosures, lots or premises within the Town, at which fowl or animals are kept shall be maintained in a clean condition, free of obnoxious odors and fly-breeding media or attraction. For the purposes of this Article, the definition of “animals” shall include dogs and rabbits as well as any other animals kept for any reason whatsoever.

Sec. 10 -156 – Stable requirements.

All hoofed animals kept within the Town shall be kept in a stable meeting the following requirements:

- (1) The stables shall be no less than 50 feet from the owner’s dwelling and no less than 900 feet from any other residence or public building;
- (2) The stable shall be screened and fly-proofed to minimize contamination from flies and other insects;
- (3) The stable shall be floored with packed clay or other durable material covered with suitable disposable materials to allow removal of droppings and urine.
- (4) The stable area shall be well drained, dry and reasonably odor-free;
- (5) The disposable waste products from the stable shall be removed in covered containers, temporary storage of waste shall be limited to seven days’ accumulation, and the storage area shall be vermin-proofed and established at a distance from residence equal to or greater than that prescribed for the stable.
- (6) Exercise areas, riding rings, and areas surrounding the stable shall be free of animal droppings and maintained under sanitary conditions precluding accumulation of wastes that produce offensive odors.
- (7) The stable areas shall be fenced with either a high single fence or double fence that prevents the animal from cropping foliage or grasses beyond the owner’s boundaries.
- (8) Animal food, grain, or grain products, except hay or other forage, shall be kept in covered metal containers under vermin-free conditions.

Sec. 10-157 – Vans and trailers.

The maintenance and parking of vans and animal trailers shall be limited to off-street areas in a manner that shall not detract from the general appearance of the neighborhood.

Sec. 10 -158 – Inspection by health department.

Health authorities shall have the right to inspect the premises on which animals are stabled at all times, and should it be found that animals are not kept in compliance with the provisions of this chapter, or are a health and sanitation hazard, the health officers shall have the authority to order the animals removed from the Town.

Sec. 10 – 159 – Noisy or offensive animals.

It shall be unlawful for any person to keep, maintain or permit any fowl or other animal in the Town in such manner as to become noisy, offensive or a nuisance to the neighbors or citizens of the Town, or to disturb the peace of the Town.

Sec. 10 – 160 – Maintaining in unsanitary conditions.

It shall be unlawful for any person to keep or maintain any fowl or other animal in the corporate limits of the Town in any manner so as to create an unsanitary or obnoxious condition or so as to disturb the peace.

Sec. 10 -161 – Protection of cemeteries and monuments and other areas of archaeological or historical significance.

Where it is determined that a grave, cemetery, or other area of historical significance or importance is located within an area for which it is proposed that hoofed animals be permitted, the property owner or person that wishes to keep hoofed animals in said area in which such burial plot, cemetery or monument exists must, prior to placing the animals in the area in which said burial lot or monument exists, take affirmative steps to prevent the damage, destruction or defacing of such area. The property owner must take significant steps to screen, fence or otherwise protect said area from damage from said hoofed animals prior to placing said animals within the area identified.