

Chapter 10

ANIMALS*

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ARTICLE I. IN GENERAL

Secs. 10-1--10-30. Reserved.

ARTICLE II. ANIMAL CONTROL*

Sec. 10-31. Preamble.

In order to protect the health and safety of persons and animals in City of Flovilla, Georgia, to improve and make for safe motor vehicle and pedestrian traffic, to control the incidence and spread of rabies, to prohibit abandonment and other forms of cruelty to animals, to promote the general welfare of the citizens of this City by providing specific regulations concerning the care and treatment of animals and providing for violations of those regulations, and to invest the authority to enforce those regulations, the City Council of City of Flovilla, Georgia, hereby adopts this Ordinance, to be known and cited as the “Animal Control Ordinance”.

Sec. 10-32. Animal Control Division.

This Division shall be under the direction of the City Council, by and through the Community Development Department of Butts County, Georgia. Animal Control officers or their agents shall be charged with the responsibility of enforcing the Animal Control Ordinance of the City and the operation of the County Animal Shelter.

Sec. 10-33. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) Abandoned Animal.

An abandoned animal shall mean any animal which shall have been placed upon public property or within a public building unattended and uncared for, or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or without care. An animal shall also be considered as abandoned, for the purposes of this chapter, which has been upon or within the property of the owner or custodian of this animal for a period of time in excess of 36 hours unattended and without proper food, water and shelter. Abandonment shall also include failure to provide reasonable remedy or relief for any injured or diseased animal. An animal shall also be considered as abandoned if the owner is notified of impoundment and refuses to reclaim the animal. If the animal is owner surrendered then the animal is considered abandoned also.

(2) Animal. Animals shall be defined as follows:

Domestic Animals – Animals that are accustomed to live in or about the habitation of humans, that are not found naturally in the wild state, including, but not limited to, cats, dogs and various genetically established strains of Laboratory/pet animals such as mice, rats, hamsters, gerbils, guinea pigs, and rabbits.

Domestic Farm Animals - Domestic animals of types customarily raised or kept on farms for profit or other productive purposes including but not limited to cattle, horses, mules, swine, sheep, goats, llamas, emus, ostriches, donkeys, poultry or other similar birds and animals.

Domestic Fowl Animals – Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include but are not limited to chickens, ducks, geese, and turkeys.

Domestic/Wild Animals – An established strain of wild animal, which is generally used in the fur or pet industry including, but not limited to, ranch mink, ferrets and brown and white skunks.

Feral Animals – Domestic animals which have reverted back to a wild state and do not exhibit traits consistent with their intended use.

Native Wildlife Animals – A non-domesticated animal which is normally found in the natural state within the confines of Georgia.

Non-native or Exotic Wildlife Animals – A non-domesticated animal which is not normally found in the natural state within the confines of Georgia.

(3) Animal Control Division.

- (a) The Animal Control Division shall be under the direction of the Community Development Department Director and assisted by the Animal Control. Such Director shall be appointed by the City Council and shall have the authority, with the approval of the City Council or such person designated by the City Council, to select and hire deputies, or animal control officers. The Animal Control Supervisor and his/her deputies shall be charged with the responsibility of enforcing the animal control ordinances of the City and the operation of the animal shelter.
- (b) The primary responsibility for the enforcement of this chapter shall be vested in the Animal Control Supervisor, who may call upon the Butts County Sheriff's Department from time to time to assist him/her in enforcement of this chapter. The Butts County Board of Health, as the official rabies control officer for the City, may also call upon the Animal Control Supervisor. The Animal Control Supervisor, or designee, shall serve as the animal control officer of the City, as provided by Georgia Law in O.C.G.A. 4-8-22. The Supervisor may, in the exercise of his/her authority, delegate enforcement responsibilities of this chapter to such deputies as he/she may select, as provided herein. Animal Control Officers, Code Enforcement Officers and the Sheriff of Butts County and his deputies shall be authorized to issue citations for violations of this Ordinance.
- (c) Upon information made known to or complaint lodged with the Supervisor, that any owner, possessor, or custodian of any dog or other animal is in violation of this chapter, the Supervisor or animal control officers shall investigate such information or complaint.
- (d) It shall be a violation of this chapter for any person to interfere with any animal control officer or any law enforcement officer engaged in the enforcement of this chapter, to take or attempt to take any animal from a vehicle used to transport said animal, or to take or attempt to take any animal from the animal control impoundment area or areas.
- (e) In the performance of this chapter, any animal control officer or any law enforcement officer assisting in the enforcement of this chapter may use such force as is necessary to defend himself from attack by any animal. Provided, however, that all efforts shall be made to take up an animal without harm, injury or danger to the animal and the officer, and to other persons and property.
- (f) In the performance of this chapter, any animal control officer or any law enforcement officer assisting in the enforcement of this chapter shall be authorized to enter upon private property:
 - (1) With the permission of the owner, possessor, or custodian or tenant of said property for the purpose of investigating complaints or violations; or
 - (2) Without the permission of the owner, possessor, or custodian or tenant of said property for the purpose of taking up an animal for impoundment, and for the purpose of enforcing this chapter where a violation is known to exist; or

- (3) Without the permission of the owner, possessor, or custodian or tenant of said property for the purpose of taking up an animal for impoundment where the life, safety or health of such animal is in immediate jeopardy or risk.
- (g) It shall be the duty of the Supervisor to keep and maintain, or to cause to be kept and maintained, accurate records of citizens' complaints and licensing, impoundment and disposition of all animals coming into his or her custody for a period as required by records management regulations of the City, County or the State.
- (4) **Animal Control Officer.**
Animal Control Officer shall mean any person designated by the City of Flovilla City Council by and through the Supervisor of the Animal Control Department of Butts, Georgia, to enforce the provisions of this Ordinance.
- (5) **Animal Nuisance.**
Animal nuisance shall mean any animal which:
- A. Is dangerous
 - B. Causes unsanitary conditions
 - C. Attacks passersby or passing vehicles
 - D. Is found repeatedly at large and not under restraint
 - E. Damaged the property of others
 - F. Excessively produces disturbing noises
 - G. Female dog while in estrus (in heat, in season) not restrained in a manner which can responsibly be expected to keep away or not attract male dogs; or
 - H. Is inimical to the public health, welfare or safety according to the rules and regulations promulgated by the Butts County Board of Health, which rules and regulations are incorporated herein and made a part hereof as if fully set out in this chapter.
- (6) **Animal Shelter or Pound.**
"Animal shelter or pound" shall mean the facilities operated by Butts County for confining animals impounded or surrendered under the provisions of this Ordinance.
- (7) **Animal Under Restraint.**
"Animal under restraint" means (a) Any animal secured by a leash or lead with a collar, or enclosed by way of fence or other closure, or under supervision of a responsible and competent person at least sixteen years of age, and obedient to the person's commands; (b) A dog being trained or hunted in conformance with the game laws of the State of Georgia and/or those dogs considered to be work animals.
- (8) **Certificate.**

“Certificate” shall mean a certificate or document issued at the time of vaccination for rabies of a dog or cat and bearing thereon the signature of the vaccinator, the vaccination tag number, the name, color, breed and sex of the dog or cat, the name and address of the owner, and the date of the vaccination.

(9) Cruelty to Animals.

“Cruelty to animals” shall mean any person or persons who

- A. Knowingly or willfully and maliciously kill, abuse, maim, or disfigure any animal
- B. Overdrive, overload, overwork, torture, beat, mutilate, carry or confine in a vehicle in an inhuman manner, or otherwise mistreat, any animal
- C. Fail to provide any animal with access to shelter adequate to protect it from all types of weather twenty-four (24) hours a day
- D. Build, make, maintain or keep a pit on premises owned by him or occupied by him, or allow a pit to be built, made, maintained, or kept on such premises for the purpose of an exhibition of animal fighting
- E. In any manner encourage, instigate, promote or assist in an exhibition of animal fighting
- F. Knowingly abandon, knowingly or willingly permit the abandonment of, or aid in the abandonment of any domesticated animal
- G. Maliciously administer poison to any animal or expose any poisonous substance with intent that the same shall be taken and swallowed by any animal
- H. Fail to provide any animal with proper and wholesome quantities of food and good wholesome fresh water and veterinary care; or
- I. Keep or confine an animal in other than a humane manner or kept in unsanitary conditions.

10. Current Vaccination Tag.

“Current vaccination tag” shall mean a metal tag issued by the Georgia Department of Human Resources, or other State Agency, which bears a number showing that it is current for one year up to three year period for immunization of rabies.

(11) Dangerous Dog.

Means any dog that:

- (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 subparagraph;
- (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 subparagraph 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.

(12) Disturbing Noises.

Means the owning, possessing or harboring of any domestic animal which frequently, or for continued duration, howls, barks, meows, squawks or makes other sound which annoy or disturb any ordinary reasonable person of normal sensitivities across a residential or commercial boundary line or within a noise-sensitive area. For the purpose of this article, "Barking Dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously for one-half (1/2) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "Barking Dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.

(13) Fence.

Fence means a structure of wire, wood, stone or other materials, and/or invisible fencing, which is of sufficient height and strength to act as a barrier against the passage of the animal it is intended to enclose.

- A. A fence does not include an "invisible fence" if the fence is:
 - 1. Turned off or the animal is not wearing a properly operating signaling device.
 - 2. Ineffective for any animal that has learned it can cross the fence line.
 - 3. Intended to be a means of keeping people or animals out of an enclosed area.
 - 4. Buried in or adjacent to the city right of way.
 - 5. An invisible fence is not an acceptable means of control for an animal that is classified as vicious, dangerous, potentially dangerous, or is in estrus/heat.
- B. Dogs which are dangerous as hereinafter defined shall be restrained in an enclosure which not only restrains the animal from leaving the owner's property, but also protects persons who may come onto the property from harm.
- C. Female dogs in estrus(in heat, in season) shall be confined in a conventional enclosure or otherwise restrained in a way which prevents breeding not intended by the owner.)

(14) Guard Dog.

"Guard Dog" shall mean any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and/or within which it is located.

(15) **Humane Manner.**

“Humane Manner” shall mean to provide care for an animal to include, but not necessarily limited to, adequate heat, ventilation and sanitary shelter or manner of restraint, wholesome food and water consistent with the normal requirements and feeding habits of the animal’s size, species and breed; also providing of necessary veterinary medical care to ensure reasonable thriftiness and relief from undue pain or suffering.

(16) **Inhumane Manner.**

“Inhumane Manner” means the failure to provide humane care and shall also mean restraining an animal by affixing to its collar or otherwise attaching to its body a chain, rope, cord, or other lead which is attached to the ground or a fixed object and which is not of sufficient length to allow the animal access to food and water, or to move about freely in an area of reasonable size considering the size and nature of the animal.

(17) **Injured Animal.**

The Animal Control Supervisor or his/her authorized representative shall have the authority to humanely dispose of animals which are injured and lying in the public streets or public ways of City of Flovilla, or to seek proper veterinary care for such animals, whenever it shall appear that said animal is injured and is suffering great pain, and such animal does not bear a tag identifying the owner and no determination as to the owner of said animal can be made with reasonable inquiry or investigation. If veterinary care is required and the animal’s owner can be determined, said owner shall be responsible for all costs of such veterinary care.

(18) **Kennel**

Means any person engaged in the commercial business of breeding, buying, selling or boarding wild or domestic animals or livestock.

Commercial Kennel. Any location which provides board and care for dogs, cats or other small animals for pecuniary gain in accordance with Georgia Department of Agricultural Chapter 40-13-13-.07.

(19) **Owner.**

“Owner” shall mean any person owning, keeping, harboring or acting as custodian of an animal for a period of 72 hours or more.

(20) **Person.**

“Person” shall mean an individual, firm, corporation, municipality, society, or owner.

(21) **Potentially Dangerous Dog.**

Means any dog that:

- (a) Aggressively bites, attacks, or endangers the safety of humans without provocation on public or private property;
- (b) Inflicts a severe injury on another dog, cat, or other domestic animal or livestock without provocation on public or private property; or
- (c) Based on competent evidence, chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack without provocation.

- (d) Such term shall not include a dog that inflicts an injury upon a person or animal when the dog is being used by a law enforcement officer to carry out that officer's official duties.

(22) Primary Enclosure

Primary enclosure means an enclosure for keeping a dangerous dog, potentially dangerous dog, or vicious animal securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of another animal or any person other than the owner or caretaker.

The enclosure must include all of the following:

- (a) Be designed to prevent the animal from escaping.
- (1) If the enclosure is a fence, the fence must be high enough to keep the animal from climbing or jumping over and must be secured at the bottom to keep the animal from digging under.
- (2) If the enclosure is a pen or structure other than a fence, the pen or structure must have secure sides and a secure top, a bottom that shall be constructed or secured in such a manner to prevent the animal's escape and be of a height and strength to maintain the animal within it.

(23) Public Nuisance

Means any animal which:

- (a) Is vicious
- (b) Causes unsanitary conditions
- (c) Attacks passersby or passing vehicles
- (d) Is found repeatedly unrestrained
- (e) Damages property of others
- (f) Excessively produces disturbing noises
- (g) Female dog or cat in estrus not confined in a manner which can reasonably be expected to keep away or not attract males of the same species;

(24) Running At Large

Means any domestic animal not under the control and restraint of the owner or caretaker when off of the owner's property.

(25) Seeing Eye Dog.

"Seeing eye dog" is a dog that is trained to guide the blind.

- (26) **Severe Injury.**
Means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery or a physical injury that result in death.
- (27) **Shelter (adequate)**
Means protective cover for a domestic animal that is appropriate for the species, provides adequate space to maintain the animal in a state of good health, and that prevents pain, suffering, or a significant risk to the animal's health.
- A. Adequate shelter includes but is not limited to all of the following:
- (1) Sufficient coverage and insulation to protect an animal from extreme hot and cold temperatures.
 - (2) Sufficient protection from the elements to keep the animal dry.
 - (3) Sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating.
 - (4) Adequate bedding or resting area suitable for the breed, species, age, size, and medical condition of the animal.
- B. Adequate shelter is a structurally sound housing facility which an animal has ready access to that complies with all of the following:
- (1) Is of adequate space.
 - (2) Contains four solid walls or is an "igloo" type of structure.
 - (3) Has a roof.
 - (4) Has a dry floor that is either:
 - a. Solid, or
 - b. Grids, provided the animal can easily stand, walk, lie, and sit on the grids without its feet or body parts being caught, damaged, or injured. The grids and area under the grids must be designed so that they can be cleaned and sanitized.
 - (5) Has an entrance. And
 - (6) Adequately provides for the number of animals on the property.
 - (7) Materials not suitable for shelters include but are not limited to:
 - a. Inadequately insulated containers.
 - b. Crates with exposed nails, sharp screws, etc.
 - c. Broken glass or other dangerous materials.

- d. Any instrument or object that may cause injury to an animal.
- e. Metal or plastic drums.
- 7. Abandoned or parked vehicles.
- 8. Porches or decks.
- 9. Lean-tos.
- 10. Any other materials that do not provide sufficient protection from the elements.
- 11. Any other items those are not safe or suitable for housing the species.
- 12. Space (adequate) means all of the following:
 - a. Sufficient safe space for adequate exercise suitable to the age, size, species, and breed of animal.
 - b. Sufficient space during periods of confinement, suitable to the age, size, species, and breed of animal to permit the animal to turn about freely, stand, sit, lie, move, etc. in a comfortable and normal position.

(28) Tethering

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

(29) Unsanitary Conditions

Means animal living space including shelter and exercise area, contaminated by health hazards, irritants, items, or conditions that endanger or pose a risk to an animal's health, including but not limited to:

- (a) Excessive animal waste.
- (b) Garbage, trash, or effluent.
- (c) Standing water or mud that contains feces, urine, or other pollutants.
- (d) Rancid/contaminated food or water.
- (e) Fumes, foul or noxious odors, contaminated air, hazardous chemicals, or poisons.
- (f) Decaying materials.
- (g) Uncontrolled parasite or rodent infestation.
- (h) Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements, or other items that could cause injury, illness or death to an animal.

(30) Vaccinate.

“Vaccinate” shall mean the proper administration, by a licensed veterinarian, of a specified dose of anti-rabidic vaccine into a dog or cat, such vaccine having the U.S. Government license number approval stamped on the label of the vaccine container and having been approved by the State Department of Human Resources, or other State agency.

(31) Veterinarian.

“Veterinarian” shall mean any person who holds a license to practice the profession of veterinary medicine in the State of Georgia.

(32) Vicious Animal

Means:

A. Any animal which:

- (1) Constitutes a physical threat to human beings or other animals by virtue of one or more attacks of such severity or intensity as to cause severe property or physical damage.
- (2) Makes unprovoked attacks on animals or on human beings.
- (3) Intentionally attacks physical property in an effort to cause harm to a human or other animal.

B. An animal shall not be a vicious animal within the meaning of this chapter if:

- (1) It inflicts an injury upon a person when the animal is being used by a law enforcement officer to carry out the law enforcement officer’s official duties.
- (2) The injury inflicted by the animal was sustained by a person who:
 - a. At the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the animal.
 - b. Had in the past been observed or reported to have tormented, abused, or assaulted the animal.
 - c. Was committing or attempting to commit a crime.

Sec. 10-34. When collar and tag required, dog or cat.

It shall be the duty of each dog or cat owner, possessor, or custodian thereof, to provide a collar for his or her dog or cat to which a current identification tag complete with name and address of the owner and a current rabies vaccination tag shall be attached. The collar, together with the tag, shall be worn by the dog or cat at all times, except as provided herein. Failure to comply with this section shall be unlawful and shall be punished as hereinafter provided. The process of Microchipping an animal is highly acceptable and further ensures the safety of the animal. If an animal does not possess the

required identification tags and is deemed a “Stray” and impounded more than two consecutive times, the animal will be required to be microchipped at the owner’s expense.

Sec. 10-35. Enforcement.

Enforcement of this Ordinance shall be carried out substantially as follows:

- (a) The primary responsibility for the enforcement of this chapter shall be vested in the City Council, by and through the Community Development Department – Animal Control Division of Butts County, Georgia. The Supervisor of the Animal Control Division may be designated by the County Board of Health as the official rabies control authority.
- (b) Upon information made known to, or complaint lodged with the Supervisor or his authorized representative, that any owner, possessor or custodian of any dog or animal is in violation of this chapter, the Supervisor or his authorized representative shall investigate such information or complaint. The Supervisor shall not be required to respond to anonymous complaints.
- (c) In the event that owner, possessor or custodian of any dog or animal is not known and a dog or animal is upon the public streets, alleys, sidewalks, school grounds or other public streets, alleys, sidewalks, school grounds or other public places or premises, or upon the property of another without that property owner’s permission, upon complaint made to or information made known to the Animal Control Division, it shall be the duty of the Supervisor or his authorized representative to immediately take possession of this dog or animal and impound it as herein provided.

Sec. 10-36. Impounding.

The Butts County Animal Control Officers are hereby authorized to impound any dangerous dog or guard.

Sec. 10-37. Notice to owners of impounded animals.

Upon impounding any dog or other animal, the City Council, by and through the Director of the Community Development Department of Butts County, Georgia, or its authorized representative shall cause to be made a prompt and reasonable effort to locate the animal’s owner, possessor or custodian. Upon location thereof, notification of impounding shall be sent to this owner, possessor or custodian. For the purpose of this section, it shall be deemed sufficient notice if a notification of impounding is sent by certified mail to the owner named on the most recent rabies certificate on file at the address indicated thereon within three (3) days.

- (a) If the dog or animal is not claimed by the owner, possessor or custodian thereof within the time hereinafter specified, or if the impounded dog or animal is not wearing a rabies tag or a tag identifying the name, address and telephone number of the owner, possessor or custodian, then and in that event, the Supervisor of Animal Control or his authorized representative may dispose of the dog or animal as provided herein. Animals deemed in pain and suffering or to be diseased with contagious pathogens may be sacrificed expeditiously.

Sec. 10-38. Fees and Fines.

- (a) On an annual basis, the Community Development Department will draft and present a schedule of fees and fines associated with animal control shelter activities and violations of the animal control statues before the City Council for approval and adoption. Once adopted, a copy of the fee and fine schedule will be displayed and / or secured at the Community Development Department office.

Sec. 10-39. Failure to Claim.

- (a) Any animal which has been impounded and is not reclaimed by its owner within 3 to 5 calendar days of the date impounded, shall be subject to adoption, or to euthanasia by humane methods by the personnel of the Animal Control Shelter. If a person other than its owner adopts such animal, it may be released upon payment of the cost of adoption fee.
- (b) Surrendered animals may be made available for adoption immediately, and the appropriate fee applies.

Sec. 10-40. Vaccination and Licensing of Dogs and Cats.

- (a) The owner or possessor of each dog or cat over four months of age kept, maintained or harbored within the municipalities or the incorporated areas of City of Flovilla shall apply for and obtain a rabies tag for such dog or cat which shall be affixed to a collar worn by such dog or cat at all times.

This provision does not apply to show dogs or cats wherein the wearing of a collar may cause damage to the coat of the animal. Owners of show dogs or cats should have in their possession the rabies tag where it may be produced on demand of Animal Control Personnel.

- (a) Proceeds from the sale of licenses and shelter fees shall be applied to the general operating budget of Butts County.
- (b) Any licensed veterinarian shall be authorized to vaccinate dogs or cats against rabies; provided, that at the time of such vaccination he/she furnish a vaccination tag issued by the Georgia Department of Human resources, bearing an official serial number to the owner. He/She shall furnish a certificate or certificates certifying to the vaccination of each dog or cat, sending one copy to the Butts County Animal Control Division and keeping a copy for his/her files.
- (c) It shall be unlawful for any person to attach a vaccination tag or license tag to the collar of any animal for which it was not issued.
- (d) A license fee shall be charged for a certificate of registration as required by Chapter 8 of Title 4 of the Official Code of Georgia Annotated for a dangerous dog.

Sec. 10-41. Rabies Cases to Be Reported.

It shall be the duty of any person knowing of a rabid animal or of an animal showing rabid symptoms, to immediately report such animal to the Animal Control Shelter and give as much pertinent information as possible.

Sec. 10-42. Quarantine.

- (a) Where rabies has been found to exist in any animal, or where its existence is suspected, the Supervisor of Animal Control may designate an area within which quarantine of all such animals shall be maintained and all such animals shall thereupon be immediately confined to the premises designated by the Supervisor of Animal Control in a manner approved by State and County Health Officials, whether or not such animal has been vaccinated against rabies.
- (b) No animal shall be removed from or brought into a quarantined area or premises without prior approval of the Supervisor of Animal Control.
- (c) Quarantine ordered by the Supervisor of Animal Control shall be maintained for such period as the Supervisor of Animal Control deems necessary to protect the public health.
- (d) Quarantined areas or premises and areas where rabid animals or animals suspected of rabies remain at large, shall be posted by the Supervisor of Animal Control 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 Supervisor of Animal Control and shall not be defaced or removed except by the Supervisor of Animal Control. Signs furnished and approved by the Supervisor of Animal Control shall be used.
- (e) The owner or custodian of each animal subject to a quarantine invoked by the Supervisor of Animal Control under the terms of this regulation shall be notified of the quarantine, the particular animals subject thereto, and shall be given such other information as the Supervisor of Animal Control deems necessary.
- (f) The heads of all animals possessing rabies or suspected of having had rabies at time of death shall be submitted to the Supervisor of Animal Control for examination by the Department of Human Resources Laboratory. When necessary, the Supervisor of Animal Control can sacrifice an animal for the purpose of submitting brain tissue for rabies analysis.

Sec. 10-43. Penalties for violation of article.

Any person violating the terms of this Ordinance shall be punished in Magistrate Court by a fee not to exceed *one thousand dollars* (\$1000.00) and/or sixty (60) days in jail for each separate violation. Each day the violation continues shall be considered a separate offense.

Sec. 10-44. Injunctions and claims for damage.

No injunction or claim for damage may be filed against the City, its officers and employees, or the Animal Control Division and its employees for alleged wrong- doing arising from the enforcement of this Ordinance except upon Court Order after due notice and proper hearing.

Sec. 10-45. Kennels.

Kennels must possess a special use permit. If any adjoining property is a residential area, the kennel must have a minimum of 1,000 feet of buffer from any property zoned or used for residential purposes.

Sec. 10-46. Excessive Number of Animals.

The maintenance of an excessive number of dogs, cats, or other small animals can be considered a nuisance as defined under Sec. 10-33 of this Ordinance. Employees of the Animal Control Division maintain the right to interpret and enforce this section.

Sec. 10-47. Tethering.

It shall be unlawful for the owner of any dog or anyone having a dog in his possession and control to restrain or anchor a dog for an excessive amount of time to a stationary object by means of a tether, chain cable, rope or cord. Animal Control Division staff personnel possess the right to interpret and enforce this section. A dog may be tethered provided that the following conditions are met:

- A. The condition of the tethering area:
 - 1. Adequate food, water and shelter shall be available within the tethering area.
 - 2. The tethering area shall be clear of any debris or obstacles to prevent the tethering line from becoming entangled.
 - 3. The tethering area shall allow for the maximum available exercise area and maximum freedom of movement.
 - 4. The tethering area must be maintained in a sanitary condition and must provide the dog access to adequate dry ground.
 - 5. Tethers and cables attaching the dog to the running cable line or trolley system must be made of a substance which cannot be chewed by the dog and shall not weigh more than five percent of the body weight of the dog tethered.
 - 6. A running cable line or trolley system must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the dog.
 - 7. The running cable line or trolley system must be at least ten feet in length and mounted at least four feet and no more than seven feet above ground level.

8. The length of the tether from the running cable line or trolley system to the dog's collar should allow access to the maximum available exercise area and allow the dog free access to food, water and shelter;
 9. Be attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification; and with enough room between the collar and the dog's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering a dog to a running cable line or trolley system; and
 10. Be tethered at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that could result in injury of strangulation of the dog and be of sufficient distance from any fence so as to prohibit the dog access to the fence.
- B. The condition of the tether:
1. The tether shall be attached to a stationary object that cannot be moved by the animal and shall terminate at both ends with a swivel.
 2. The tether shall be placed to prevent any dog from encroaching upon adjoining property or public right of ways, including sidewalks and roads.
 3. The tether shall be a minimum of ten (10) feet or three (3) times the length of the dog, as measured from the tip of the nose to the base of the tail, whichever is longer.
 4. The tether shall be made of a substance which cannot be chewed by the dog.
 5. The tether shall weigh less than 10 per cent (10%) of the weight of the dog being tethered.
 6. The dog shall be attached to the tether with a properly fitting buckle-type collar or harness made of nylon or leather; choke, chain, pinch, or prong collars shall not be used to attach a dog to a tether.
 7. Pulley systems shall be mounted at least four (4) feet and no more than seven (7) feet above ground level.
 8. It shall be unlawful to tether any dog that is sick or injured.
 9. It shall be unlawful to tether any dog that is under six (6) months of age unless the dog exceeds 20 pounds.

Sec. 10-48. Potentially Dangerous or Dangerous Dog Classification procedure.

- (a) Complaint; investigation; notification of owner of classification and right of appeal. When any complaint concerning a potentially dangerous or dangerous dog has been filed with the animal control officer, or if a complaint has been received listing information concerning the attack of a dog on a human being, the animal control officer shall, after any investigation and injuries, notify the owner by certified mail concerning the facts of

his investigation that the animal has been classified as a potentially dangerous or dangerous dog and what requirements the owner shall be expected to meet. The animal control officer shall also notify the owner that he may request a hearing to contest the classification within 15 days from receipt of the notice. If no hearing is requested, the dog's classification shall go into effect on the 15th day.

- (b) Hearing by board of health or animal control board. If the owner requests a hearing contesting the classification of his dog to that of a potentially dangerous or dangerous dog, a hearing must be provided within 30 days of the receipt of the request by the dog control officer. The county will create by resolution or ordinance an animal control board to hold hearings. If an animal control board is created, the animal control officer or anyone else involved in dog classification cannot sit on such board.
- (c) Notification of owner of hearing date; presentation of evidence; final determination. The owner must be notified of the hearing date and location by certified mail. During the hearings, the owner may have the opportunity to present any evidence or testimony on their behalf. The final determination must be provided by the city or its duly appointed representative within ten days of the hearing by certified mail to the owner. If the animal is to be given the classification as dangerous or potentially dangerous the effective date of such classification must be given.
- a) Complaint; investigation; notification of owner of classification and right of appeal. When any complaint concerning a potentially dangerous or dangerous dog has been filed with the animal control officer and after a thorough investigation has concluded the owner via personal service and / or certified mail will receive the results of the investigation, notification that the animal has been classified as a potentially dangerous animal, a departmental "Notice of Violation" and information detailing what requirements the owner shall be expected to meet.

When any complaint concerning a dangerous dog has been filed with the animal control officer and after a thorough investigation has concluded the owner via personal service and / or certified mail will receive the results of the investigation, notification that the animal has been classified as dangerous animal and a Court Summons will be issued.

Furthermore, as a means of protecting members of the general public and other animals, the animal will be impounded at the animal control facility until a decision to return or euthanize that animal has been rendered by the County Superior Court Judge. The owner will be charged and responsible for the payment of any expenses incurred in caring for the dog.

Sec. 10-49. Registration of classified potentially dangerous or dangerous dog.

Dogs that have been classified as dangerous or potentially dangerous must be registered by their owners or confiscated by the animal control officer. To register such an animal, the owners must present or provide evidence to the animal control officer of the following:

- (a) An enclosure to confine the dog such as pen, fence or structure that prevents the dog from escaping and children from getting in. The enclosure must protect the dog from the

elements. The fence / gate system must be constructed in a fashion where there are no visible gaps, spaces, or holes in or underneath the fence / gate system. The fence / gate system must achieve a height where the animal cannot jump / leap over the top of the fence for entrance and exiting purposes.

- (b) A warning sign on the owner's premises which includes a picture symbol to inform small children about the dog.
- (c) Liability insurance in the amount of \$15,000.00.
- (d) An annual registration fee levied by the local government. The annual registration fee shall be an amount as set forth in the schedule of fees and charges.

Sec. 10-50. Regulations for dogs registered dangerous and potentially dangerous.

The animal control officers are authorized to make whatever inquiries are necessary to ensure compliance among dangerous and potentially dangerous dog owners of the items listed in this section. Law enforcement agencies are required to cooperate. Dogs that are not maintained in compliance with this article must be confiscated by the dog control officer.

- (a) The owner must notify the animal control officer within 24 hours if the dog is on the loose, is unconfined, has attacked a person, has died, or has been sold or donated.
- (b) The owner must keep the dog in an enclosure unless such dog is restrained by a strong leash and accompanied by a responsible person. Dangerous dogs must also be muzzled when outside.
- (c) The owners must maintain their registration requirements including liability insurance.
- (d) Dogs that have been confiscated are to be held for 20 days. The owners may regain their dogs by complying with requirements and paying a confiscation fee as set forth in the schedule of fees and charges, as well as any expenses incurred in caring for the dog. If the dog has not been reclaimed by its owner within 20 days, the dog shall be destroyed in an expeditious and humane manner.
- (d) Dogs that have been confiscated are impounded until the County Superior Court Judge renders a decision to return the animal to the owner. If the animal is to the owner, the owners will be required to comply with the conditions rendered by the Department and court and pay the associated fines and fees. If the dog has not been reclaimed by its owner within 20 days, the dog shall be destroyed in an expeditious and humane manner.

Sec. 10-51. Unlawful acts.

It shall be unlawful for any person to do any of the following acts:

- (a) Abandon any animal
- (b) Fail to keep an animal which has been deemed to be a nuisance animal under restraint

- (c) Fail to provide a collar and display on said collar of the animal a current vaccination tag
- (d) Fail to provide care for an animal in a humane manner and/or treat any animal in an inhuman manner
- (e) Allow any animal to become a public nuisance;
- (f) Fail to have any animal vaccinated against rabies;
- (g) Maintain, keep or harbor any dangerous animal;
- (h) Cruelty to animals;
- (i) Injure animals; or
- (j) Fail to have an adopted animal spayed/neutered as per adoption agreement.

This ordinance shall take effect and be in force from and after the date of its adoption.

SO ADOPTED AND ORDAINED THIS _____ DAY OF _____, _____.

Scott Chewning, Mayor

Catherine Watson, Mayor-Pro-Tem

Willie Morgan

Letha Kinard

Glorine Thurman

Thomas Douglas

ATTEST:

Annie Mitchell, City Clerk