

ARTICLE I. - IN GENERAL

[Sec. 8-1. - Definitions.](#)

[Sec. 8-2. - Penalties.](#)

[Sec. 8-3. - Interpretation of chapter.](#)

[Sec. 8-4. - Incorporation of state law; construction; other regulations.](#)

[Sec. 8-5. - Jurisdiction and interlocal agreement.](#)

[Sec. 8-6. - Interference with animal control officer.](#)

[Sec. 8-7. - Disposal of dead animal.](#)

[Sec. 8-8. - Treatment of diseased or injured animals.](#)

[Sec. 8-9. - Animals creating nuisances.](#)

[Sec. 8-10. - Requirements for possessing dangerous or potentially dangerous dogs; registration; insurance; inspection.](#)

[Sec. 8-11. - Control of animal.](#)

[Sec. 8-12. - Attacking or biting animals.](#)

[Sec. 8-13. - Vicious animals; possession.](#)

[Sec. 8-14. - Penalty for violation of section 8-13.](#)

[Sec. 8-15. - Notice concerning attacking and biting animals; confiscation.](#)

[Sec. 8-16. - Prohibited animals.](#)

[Secs. 8-17—8-35. - Reserved.](#)

Sec. 8-1. - 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:

Abandonment of an animal means the act of any person who:

(1)

Abandons an animal by leaving an animal unattended for a period of time in excess of 24 hours without food, water, adequate ventilation or shelter on public or private property, including, but not limited to, the property of the owner/custodian;

(2)

Puts out, leaves, abandons, or in any other way discards any animal on public or private property, including, but not limited to, the property of the owner/custodian, and including, but not limited to, leaving an animal contained in a box, bag, fence, house or other structure or tethered; or

(3)

Places an animal in the custody of a state licensed entity, such as but not limited to a veterinary clinic, grooming facility, boarding facility, or pet sitter for treatment, boarding, or other care, and fails to reclaim the animal by the agreed upon time. The entity shall abide by the requirements of O.C.G.A. § 44-14-490 in disposing of the animal.

Abused animal means any animal that has been harmed by an act, an omission or neglect, including, but not limited to, any animal that has been:

(1)

Deprived of adequate food, water, shelter, ventilation, care, space, or veterinary care.

(2)

Physically harmed, tortured, mutilated, beaten, or illegally killed.

(3)

Trained/used for fighting other animals.

(4)

Used as bait to train/lure other animals to fight/kill.

(5)

Deprived of proper exercise.

(6)

Been left in a cage or crate for long periods of time in unsanitary conditions.

Adequate means sufficient, commensurate, equally efficient, equal to what is required, suitable to the case or occasion, satisfactory.

Animal does not include fish or any pests that might normally be exterminated or removed from a business, a residence or other structure.

Animal bite means any physical contact of the teeth, nails, or claws of an animal with human flesh, including, but not limited to, a scrape, puncture, pierce, scratch or tear, so long as bleeding results.

Animal control facility/shelter means those facilities designated by the board of commissioners for the housing and care of animals pursuant to this chapter.

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

Animal control unit means collectively, the animal control manager and employees who are under the direction of the county manager, its successor departments, or other entity selected by the board of commissioners to carry out the duties of animal control for the county pursuant to this chapter and federal and state laws.

Animal mill means an individual or entity that keeps and/or breeds animals in conditions where animals are frequently caged for extended periods of time, do not receive adequate care, and/or are not kept in an environment conducive to the health and well-being of the animals.

Animal shelter means an entity that possesses a shelter license from the state department of agriculture.

Attacking or biting animal means:

(1)

Any animal which poses a physical threat to human beings or other animals by virtue of an attack that caused property damage and/or physical injury.

(2)

An animal shall not be an attacking or biting animal within the meaning of this chapter if:

a.

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.

b.

The injury inflicted by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort; was tormenting, abusing or assaulting the animal; had in the past been reported to have tormented, abused or assaulted the animal; or was committing or attempting to commit a crime.

Bedding, adequate, means sufficient quantity of dry, noncontaminated, safe bedding, which is appropriate to the animal's age, size, species, and breed requirements.

Board of health means the county board of health, or its authorized representatives, which shall include officers or employees of JCAC.

Breeder means a person or entity that owns an animal and allows it to reproduce, whether planned or unplanned.

Care, adequate/humane, means attention to the needs of an animal, including, but not limited to, the provision of adequate water, food, shelter, bedding, sanitary conditions, ventilation, heating/cooling (temperature control), space, exercise and veterinary medical attention necessary to maintain the health of the animal with regard to the specific age, size, species, and breed of animal.

Confinement means restriction of an animal to a home, basement, garage, building, pen, or other escape-proof enclosure. Confinement by a rope, chain, tether, fenced yard or other area accessible by other animals or persons, other than the caretaker, is not considered confinement.

Costs means confiscation costs on potentially dangerous dogs, dangerous dogs or vicious animals are set by the board of commissioners or their designee and shall be paid by the owner to the county animal control.

County animal control means the county animal control unit and shelter sometimes referred to in this chapter as JCAC.

Dangerous dog means:

(1)

Any dog that, according to the records of the county, has without provocation either:

a.

Inflicted severe injury on a human being on public or private property; or

b.

Aggressively bitten, attacked or endangered the safety of humans after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

(2)

A dog shall not be a dangerous dog within the meaning of this chapter if:

a.

The dog inflicts an injury upon a person when the dog is being used by a law enforcement officer executing official duties;

b.

The injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had in the past been reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

Dead animal means a deceased animal including the carcass or parts of a carcass.

Dispose of means:

(1)

The sale of any live animal at public or private sale, the giving or adopting of a live animal to an individual/entity, or the transference of ownership of a live animal to JCAC or any licensed humane society, licensed rescue group or licensed veterinarian.

(2)

Appropriate burial or cremation of a dead animal as directed in this chapter.

Dog control officer means the manager of the county animal control or his designee who is responsible for enforcing the state dangerous dog laws. This term "dog control officer" is utilized by state law with regard to the state dangerous dog law.

Domestic animal means any animal other than wildlife, wild animals, or exotic animals as defined by this chapter that is domesticated by humans so as to live and breed in a tame condition.

Effluent means an outflow or discharge of waste.

Euthanasia means the legal act of putting animals to death using humane methods approved by the state department of agriculture.

Exercise, adequate, means bodily exertion suitable to the age, size, species and breed of animal to maintain normal good health, muscle tone, nonaggressive temperament, and normal behavior.

Exotic animal means any animal that is not indigenous to the state.

Fence means a structure of wire, wood, stone or other materials, including 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.

(1)

A fence does not include an invisible fence if the fence is:

a.

Turned off or the animal is not wearing a properly operating signaling device;

b.

Ineffective for any animal that has learned it can cross the fence line;

c.

Intended to be a means of keeping people or animals out of an enclosed area; or

d.

Buried in or adjacent to the county right-of-way.

(2)

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.

Fighting animal/game animal means any animal that has aggressive parentage, or an animal bred and/or trained to:

(1)

Exhibit aggressive qualities;

(2)

Have no instinct to withdraw from a fight or to display signs of submission;

(3)

Fight to the point of complete exhaustion or death with minimal provocation;

(4)

Suppress the animal's instinct for self-preservation;

(5)

Inflict maximum damage to the animal's opponents;

(6)

Offer little or no indication that an attack is imminent; or

(7)

Be ready/willing for combat and unyielding in combat.

Food, adequate, means sufficient quantity of noncontaminated and nutritionally adequate food, fed according to age, size, species and breed requirements, or as directed by a veterinarian, which is sufficient to prevent starvation, malnutrition or risk to the animal's health. Garbage or spoiled/rancid food is not considered adequate food.

Foster home means a temporary home that cares for animals until they can be placed in a permanent home or returned to JCAC or its designee for adoption/disposal. Foster homes must be affiliated with and controlled by licensed rescue groups and/or licensed animal shelters.

Garbage means all refuse matter/effluent. The term "garbage" includes, but is not limited to, animal or vegetable refuse, byproduct of a restaurant, kitchen, or meat/poultry processing establishment, spoiled/rancid food and refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise (that is normally discarded).

Grid means a manufactured type of wood, plastic, or wire flooring specifically designed to be used in an area where an animal is housed.

Hoarder means a person or entity that:

- (1) Collects animals and fails to provide them with humane/adequate care;
- (2) Collects dead animals that are not properly disposed of as required by this chapter; or
- (3) Collects, houses, or harbors animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

Human exposure to rabies means any bite, scratch, or other situation in which saliva or central nervous system (CNS) tissue of a potentially rabid animal enters an open wound, fresh wound, or comes in contact with a mucous membrane by entering the eye, mouth, or nose. Touching or handling a potentially rabid animal with the possible exception of a bat or touching or handling another animal or inanimate object that has had contact with a rabid animal does not constitute an exposure unless wet saliva or CNS tissue entered a fresh, open wound or had contact with a mucous membrane. Likewise, contact with the urine, feces, or blood of a potentially rabid animal does not constitute an exposure since the pathogenesis of rabies is such that the virus follows nerve pathways and has only limited circulation in the blood.

Humane society means a licensed organization that rescues, assists and provides care for animals, educates the public in humane care of animals, initiates/facilitates programs to improve the quality of life for animals.

Impoundment means the taking into custody of an animal by JCAC.

Licensed means having a valid license issued under the authority of the state.

Lure means an animal used to bait/teach/encourage another animal to chase, fight or kill other animals.

Manager means the manager of the county animal control unit or his designee.

Neglect means absence of adequate care.

Neglect, willful, means the intentional withholding of adequate food, water and humane care required by an animal to prevent starvation, dehydration, death, or other harmful/debilitating conditions.

Nuisance animal means any animal that:

- (1) Damages, soils, defiles, eliminates or defecates on private property other than its owner's property or on public property;
- (2) Causes unsanitary or offensive conditions or otherwise endangers public health, welfare or safety;
- (3) Causes a disturbance by barking, howling or other noisemaking for a period of more than 15 minutes between 10:00 p.m. and 6:00 a.m.;
- (4) Chases vehicles, bicycles, or people;
- (5) Is in estrus and not confined in a manner which can keep it away from intact males of the same species; or
- (6) Causes serious annoyance to a neighboring residence and interferes with the reasonable use and enjoyment of that property.

Owner means any person owning, possessing, harboring, keeping or having custody or control of any animal subject to this chapter for five or more days. This definition is intended to embrace any person who is a custodian.

Potentially dangerous dog means:

- (1) Any dog that has without provocation bitten a human being on public or private property.
- (2) A dog is not considered a potentially dangerous dog according to this chapter if:
 - a. The dog inflicts an injury upon a person when the dog is being used by a law enforcement officer in carrying out official duties; or
 - b. The injury inflicted was sustained by a person who was committing a willful trespass or other tort, was tormenting, abusing or assaulting the dog, had in the past been reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

Primary enclosure means any structure or device used to restrict an animal to a limited amount of space, such as a fence, building, room, pen, run, cage, stall, paddock, or pasture, that provides adequate space and shelter.

Proper 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:

- (1)

Be designed to prevent the animal from escaping, and:

a.

If the enclosure is a fence, the fence must be high enough to keep the animal from climbing over and must be secured at the bottom to keep the animal from digging under.

b.

If the enclosure is a pen or structure other than a fence, the pen or structure must have secure sides, top and bottom 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.

(2)

Provide adequate shelter.

(3)

Provide adequate space for the animal.

Provoked attack means an attack resulting when a domestic animal is placed in a situation such that an expected reaction would be to bite or attack.

Relinquished means written transfer of ownership of an animal by the owner to JCAC.

Rescue animal means a dog, cat, or other animal temporarily maintained by a licensed rescue group until the animal can be placed in a permanent home.

Rescue group, licensed, means any individual or entity that houses and cares for rescue animals until permanent homes can be located and that maintains all required federal, state and local licenses/registrations.

Restraint of animal means complete and immediate control of an animal by a physical device while under the direct supervision of a competent person.

Running at large means any domestic animal not under the control and restraint of the owner or the owner's designee.

Sale of animals means the transfer of ownership of an animal through verbal or written agreement to a new owner in exchange for money, goods, services, or fees.

Sanitary conditions means animal living space free from health hazards, irritants, or conditions that may endanger or pose a significant risk to an animal's health. In the case of farm animals, nothing in this section shall be construed as imposing sanitation requirements or standards more stringent than normally accepted animal husbandry and humane practices as defined by this chapter and state law as regulated by the state department of agriculture.

Severe injury means any physical injury resulting in any of the following:

(1)

Broken bones;

(2)

Puncture wounds;

(3)

Lacerations, with or without, sutures;

(4)

A medical procedure; or

(5)

Death.

Shelter, adequate, means protective cover for a domestic animal appropriate for the species and providing adequate space to maintain the animal in good health, which also prevents pain, suffering or a significant risk to the animal's health.

(1)

Adequate shelter includes, but is not limited to, the following:

a. Sufficient coverage and insulation to protect an animal from extreme hot and cold temperatures;

b.

Sufficient protection from the elements to keep the animal dry;

c.

Sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating; and

d.

Adequate bedding or resting area suitable for the breed, species, age, size, and medical condition of the animal.

(2)

Adequate shelter is structurally sound housing which provides an animal with:

a.

Adequate space;

b.

Four solid walls or an igloo-type of structure;

c.

A roof;

d.

A dry floor that is either:

1. Solid; or
 2. Grids, provided the animal can easily stand, walk, lay 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;
 - e. An entrance; and
 - f. Adequate space for the number of animals on the property.
- (3) Materials not suitable for shelters include, but are not limited to:
- a. Inadequately insulated containers;
 - b. Crates with exposed sharp edges;
 - c. Metal or plastic drums;
 - d. Abandoned or parked vehicles;
 - e. Porches or decks;
 - f. Lean-tos;
 - g. Any other structure that fails to provide sufficient protection from the elements; and
 - h. Any other structure that is not safe or suitable for housing the species.

Space, adequate, means:

- (1) Sufficient safe space for adequate exercise suitable to the age, size, species and breed of animal;
- (2) 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, or lie, move, etc. in a comfortable and normal position; or
- (3) For sick or injured animals, confinement as directed by a veterinarian.

State dangerous dog control law means O.C.G.A. § 4-8-20 et seq., as amended.

Strict confinement/isolation for animals bitten by rabid animal means confinement for the period of time recommended by the state and kept inside a home, basement, garage, or suitable building, and isolated from other animals and people other than the caretaker while the animal is being observed for symptoms of rabies. An animal within a fenced yard, on a chain, or otherwise in an area accessible in any way to other animals or persons other than the caretaker is not in a strictly confined area.

Temperature control (adequate) means maintaining temperatures recommended for animals by the department of agriculture guidelines for shelters and farm animals.

Tether means any chain, rope, leash, tie out or wire designed to restrain an animal which is attached to an animal's collar or halter and is also attached to a stationary object. Acceptable temporary tethers include appropriate size chain, leash, rope or other tethering device that is of adequate length to satisfy the space and exercise requirements for the animal. In any event, any tether must be a minimum of ten feet in length. Tethering devices, as referred to in this chapter, are the type commonly used for the size animal involved and are attached to the animal by means of a properly fitted collar or harness.

Training group, licensed, means an appropriately licensed organization or individual that trains animals to assist physically handicapped persons, to assist search and rescue operations, and/or to work with government agencies or law enforcement agencies.

Unprovoked attack or without provocation means an attack that is not provoked as defined by this chapter.

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:

- (1) Excessive animal waste;
- (2) Garbage, trash or effluent;
- (3) Standing water or mud;
- (4) Rancid/contaminated food or water;
- (5)

Fumes, foul or noxious odors, contaminated air, hazardous chemicals or poisons;

(6)

Decaying materials;

(7)

Uncontrolled parasite or rodent infestation; and

(8)

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.

Ventilation, adequate, means fresh air sufficient to provide for the health of an animal.

Veterinarian means a doctor of veterinary medicine licensed to diagnose and treat diseases and injuries in animals.

Veterinary care, adequate, means medical care of an animal from or under the direction of a licensed veterinarian and necessary to maintain the health of an animal based on the age, species, breed, etc., of the animal, or to prevent an animal from suffering from:

(1)

Ongoing infections;

(2)

Infestation of parasites;

(3)

Disease; or

(4)

Any other medical condition/injury where withholding or neglecting to provide such care would:

a.

Endanger the health or welfare of the animal; or

b.

Promote the spread of communicable diseases.

Veterinary clinic, licensed, means a business facility where veterinary medicine is practiced.

Vicious animal means:

(1)

Any animal which:

a.

Constitutes a physical threat to human beings or other animals by virtue of an attack of such severity or intensity as to cause severe property or physical damage;

b.

Makes an unprovoked attack on animals or on human beings; or

c.

Intentionally attacks physical property in an effort to cause harm to a human or other animal.

(2)

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

a.

It inflicts an injury upon a person when the animal is being used by a law enforcement officer carrying out official duties; or

b.

The injury inflicted by the animal was sustained by a person who was committing a willful trespass or other tort, was tormenting, abusing or assaulting the animal, had in the past been reported to have tormented, abused or assaulted the animal, or was committing or attempting to commit a crime.

Water, adequate, means clean, fresh water sufficient to prevent dehydration, properly sustain health, and prevent significant risk to the animal's health. For the purposes of this chapter, snow, ice or rancid/contaminated water are not considered adequate water.

Wild animal/wildlife means any animal which is indigenous to this state, but not included in the definition of a domestic animal, and including any hybrid animal that is part wild animal.

(Ord. of 9-11-2006, § 1-1)

State law reference—Georgia Department of Agriculture, Animal Industry Division, O.C.G.A. § 40-13-13.

Sec. 8-2. - Penalties.

Except as provided for in section 8-14, any person convicted of a violation of this chapter shall be punished by a fine of not less than \$25.00 for the first offense or by confinement in the county jail for a period of one day or by both fine and confinement. A second offense shall be punished by a fine of not less than \$50.00 or by confinement in the county jail for a period of two days or by both fine and confinement. Any subsequent offense may be punished by the maximum amount allowed for the violation of county ordinances by state law. Applicable court costs shall be levied in addition to any fine imposed.

Sec. 8-3. - Interpretation of chapter.

(a)
Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.

(b)
Nothing in this chapter shall be interpreted or applied so as to create any liability on the part of the county, or any employee, board or official which enforces or fails to enforce any of the provisions provided in this chapter or any provisions in the state dangerous dog law.

(Ord. of 9-11-2006, § 1-3)

Sec. 8-4. - Incorporation of state law; construction; other regulations.

(a)
Incorporation. The state law known as the dangerous dog control law is incorporated in this chapter by reference and made part of this chapter.

(b)
Construction. This chapter shall be construed to effectuate its purposes and policies and to supplement such existing state laws as may relate to animals.

(c)
Other regulations. Other provisions of law or regulations relating to this chapter shall apply when any provisions of this chapter shall conflict with the laws of the state or the United States of America. The laws of the state or the United States of America shall apply when this chapter is silent.

(Ord. of 9-11-2006, § 1-4)

Sec. 8-5. - Jurisdiction and interlocal agreement.

The jurisdiction for enforcement of this chapter shall be in the unincorporated area of the county; however, the county may contract or enter into agreements with other municipalities to enforce this chapter for joint animal control services or for the provision of animal control services and for the separate or joint use of personnel, facilities and equipment for such services. Such agreements or contracts shall be subject to any state law, which may govern.

(Ord. of 9-11-2006, § 1-5)

Sec. 8-6. - Interference with animal control officer.

It shall be unlawful to interfere with any animal control officer by taking or attempting to take any animal from any vehicle used to transport such animal, or by taking or attempting to take any animal from the animal control impounding areas, or by any other method which would block or hinder any officer referred to in this section from performing his duties.

(Ord. of 9-11-2006, § 1-6)

Sec. 8-7. - Disposal of dead animal.

(a)
Abandonment of dead animals; requirements as to disposal.

(1)
It shall be unlawful for any person who owns or is caring for an animal which has died or has been killed to abandon the animal, its parts, or blood. Under no conditions may dead animals be abandoned at any location, including, but not limited to, in wells or open pits of any kind on private or public land.

(2)
No person shall dispose of an animal, its parts or blood, by burial on the land of another without the permission of the owner of the land.

(3)
Arrangements for proper burial must be made with a county official in order to dispose of a dead animal in a county landfill.

(b)
Removal and disposition of dead animals within rights-of-way and on public property. Any other provision of this section to the contrary notwithstanding, it shall be the duty of JCAC and the county department of transportation to remove and dispose of the carcasses of all dead animals found within the rights-of-way of all county roads maintained either totally or in part from county funds.

(c)
Methods of disposal of dead animals. Methods which can be used for disposal of dead animals are burial and incineration in a county approved incinerator. Disposal of animal carcasses by either of the approved methods must be completed within 12 hours after the death

or discovery of the carcass unless the carcass is properly refrigerated or frozen.

(1)

If incineration is chosen, the entire carcass must be reduced to ashes in the incineration process only in a county approved incinerator.

(2)

Carcasses which are buried must be buried at least three feet below the ground level, but no more than eight feet, and have not less than three feet of earth over the carcass.

(3)

Mutilation of dead domestic animals is prohibited.

(Ord. of 9-11-2006, § 1-7)

State law reference—Dead Animals Disposal Act, O.C.G.A. § 4-5-1 et seq.

Sec. 8-8. - Treatment of diseased or injured animals.

When, in the opinion of the JCAC manager, an animal in the custody of JCAC is:

(1)

Diseased or injured and in need of immediate treatment so as to lessen the animal's suffering or to prevent the spread of communicable disease, the JCAC manager or designee shall immediately obtain the services of or place the animal with a licensed veterinarian for the purpose of administering necessary treatment.

(2)

Suffering needlessly due to a life threatening disease or injury, and a licensed veterinarian recommends euthanasia as the most humane course of action, and the JCAC manager or designee agrees that the best interest of the animal would be served by euthanizing the animal, then the animal shall be humanely euthanized regardless of whether or not the normally required impoundment period has expired.

(Ord. of 9-11-2006, § 1-8)

Sec. 8-9. - Animals creating nuisances.

The owner of any animal shall be in violation of this chapter if the animal exhibits any behavior or engages in any activity defined under section 8-1, nuisance animal.

(Ord. of 9-11-2006, § 1-9)

Sec. 8-10. - Requirements for possessing dangerous or potentially dangerous dogs; registration; insurance; inspection.

(a)

Certificate required. It shall be unlawful for any person to have or possess a dangerous dog or potentially dangerous dog without a certificate of registration issued by the county. No more than one certificate of registration shall be granted per person or owner for a dangerous dog or potentially dangerous dog. No more than one certificate shall be issued per domicile.

(b)

Conditions for issuance of certificate. Subject to the requirements of this section for dangerous dogs and subject to revocation for noncompliance and possible confiscation, the JCAC manager shall issue a certificate of registration to the owner of a dangerous dog or potentially dangerous dog if the owner presents to the JCAC manager sufficient evidence of the following:

(1)

A proper enclosure to confine the dangerous dog or potentially dangerous dog; and

(2)

The posting on the premises of a dangerous dog sign obtained from the county warning that there is a dangerous dog or potentially dangerous dog on the property.

(c)

Dangerous dogs. In addition to the requirements of subsections (a) and (b) of this section, the owner of a dangerous dog shall present to the JCAC manager evidence of either:

(1)

Insurance. A policy of insurance in the amount specified by the state dangerous dog law, issued by an insurer authorized to transact business in the state insuring the owner of a dangerous dog against liability for any personal injuries inflicted by the dangerous dog, provided:

a.

It shall be the continuing and sole duty of the owner to provide the JCAC manager an updated and effective policy;

b.

The owner shall notify the JCAC manager of any changes, renewals, and/or cancellations by written notice at least 30 days prior to any change, renewal, and/or cancellation; and

c.

The county shall have the right to rely on the representations of the owner that to maintain the required insurance when the owner qualifies for the issuance of the certificate of registration; or

(2)

Surety bond. A surety bond in the amount specified by the state and issued by a surety company authorized to transact business in this state payable to any persons injured by the dangerous dog.

(d)

Fees. The certificate of registration must be renewed annually on the date the dog was declared a dangerous dog or potentially dangerous dog. An annual fee to register dangerous dogs and potentially dangerous dogs as set by the board of commissioners shall be paid by the owner to JCAC.

(e)

Right to inspect. JCAC shall have the right to inspect, randomly and without notice, a dangerous dog or potentially dangerous dog, which is required to be confined pursuant to this section, in its environment. Permission of the owner or person in custody of the animal confined shall not be unreasonably withheld.

(f)

Notification within 24 hours of loose dog, attack, sale, etc. The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer within 24 hours if the dog is loose, unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall provide the dog control officer the name, address, and telephone number of the new owner of the dog, and notify the new owner of the designation.

(g)

Notification within ten days of move into jurisdiction. The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer within ten days if the owner is moving within the dog control officer's jurisdiction or moving from the dog control officer's jurisdiction. The owner of the dangerous dog or potentially dangerous dog who is moving out of the county shall register the dangerous dog or potentially dangerous dog in the new jurisdiction within ten days after becoming a resident. Likewise, any person moving into the county who owns a dangerous dog or potentially dangerous dog shall register the dangerous dog in the county within ten days after becoming a resident.

(h)

Release from proper enclosure without due care or control a violation of chapter. Any person who releases a vicious animal either willfully through failure to exercise due care or control or who takes such animal out of such proper enclosure in such a manner which is likely to cause injury to another person or damage to the property of another person shall be in violation of this chapter.

(Ord. of 9-11-2006, § 1-10)

State law reference—Dangerous dog control law, O.C.G.A. § 4-8-20 et seq.

Sec. 8-11. - Control of animal.

(a)

General control.

(1)

It shall be unlawful for the owner of any animal to permit such animal to be out of his immediate control and restraint, or to be left unattended off the premises of the owner, or to be upon the property of another person without the permission of the owner or person in possession of such other property. For the purposes of this chapter, condominium and apartment common property shall not be considered to be the premises of the animal owner. Voice control may constitute control of an animal.

(2)

Restraint of dogs and/or animals shall be maintained as follows:

a.

When upon the premises of the owner, all animals shall be kept indoors or in a primary enclosure as defined by this chapter in such a manner as to contain the animal within the bounds of the owner's premises, or on a leash in the hands of a person that possesses the ability to restrain the animal.

b.

When off the premises of the owner, all animals shall at a minimum be maintained on an appropriate chain, leash or tie not exceeding 12 feet in length, and in the hands of a person who possesses the ability to restrain the animal.

(3)

The requirements of subsection (a)2 of this section shall not apply in the areas zoned for agricultural purposes or where the owner of the dog is using the dog for hunting or working purposes on property with the permission of the owner or person in possession of such other property. If the dog is being used for hunting purposes the owner shall have on his person a valid hunting license. Dogs, while hunting, or show dogs while being shown, are not required to wear a collar or dog tag; but the owner shall have the dog tag in his possession where it may be shown upon demand of a representative of JCAC.

(4)

No person shall tie, stake or fasten any animal within any street, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, alley, sidewalk or other public place.

(5)

Every female dog and cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with an intact male of the same species except for planned breeding.

(6)

Every animal shall be restrained and controlled so as to prevent it from causing property damage, harassing pedestrians or bicyclists, molesting passersby, chasing vehicles, or attacking persons or other animals.

(b)

Control of attacking or biting animal, vicious animals, potentially dangerous dogs and dangerous dogs.

(1)

The provisions concerning general control in subsection (a) of this section are applicable to attacking or biting animals, vicious animals and dangerous dogs and potentially dangerous dogs.

(2)

When upon the premises of the owner, attacking or biting animals, vicious animals, potentially dangerous dogs and dangerous dogs shall be kept indoors or in a proper enclosure as defined by this chapter. Permanent or temporary tethering as a means of enclosure is not permissible.

(3)

The owner of a dangerous dog shall not permit the dog to be outside of a proper enclosure unless the dog is muzzled in a manner that will prevent it from biting any person. The dog must be restrained by a substantial chain or leash not more than six feet in length and under the physical control of a person who possesses the ability to restrain the dog.

(4)

The owner of a potentially dangerous dog, vicious animal or attacking or biting animal shall not permit the dog or animal to be outside a proper enclosure unless the dog or animal is restrained by a substantial chain or leash not more than six feet in length and is under the physical restraint of a person who possesses the ability to restrain the dog or animal.

(c)

Evidence to prosecution. In any prosecution under this section, any animal found running at large may be held by JCAC as evidence of a violation of this section. Such holding is at the discretion of the prosecuting attorney, and the animal may be released at the conclusion of the prosecution.

(d)

Relinquishment in lieu of fine or jail. In lieu of paying a fine or serving jail time under this section, a violator may, at the discretion of the judge, relinquish the animal to JCAC for placement or disposal as determined by JCAC.

(Ord. of 9-11-2006, § 1-11)

State law reference—Livestock running at large, O.C.G.A. § 4-3-1 et seq.; permitting dogs in heat to run at large, O.C.G.A. § 4-8-6.

Sec. 8-12. - Attacking or biting animals.

The owner of any animal that exhibits the characteristics or behavior as set forth in the definition of "attacking or biting animal" shall be in violation of this chapter.

(Ord. of 9-11-2006, § 1-12)

Sec. 8-13. - Vicious animals; possession.

(a)

The owner of any animal shall be in violation of this chapter if the animal engages in any activity or exhibits any behavior as defined by this chapter under section 8-1, vicious animal.

(b)

Upon being adjudicated guilty of or entering a guilty plea or nolo contendere plea to a charge made under this provision, the owner of the vicious animal, if allowed to maintain the animal will have to adhere to the following requirements for possessing a vicious animal:

(1)

The owner must possess a proper enclosure to confine the vicious animal; and

(2)

The owner must post the premises with a vicious animal warning sign.

(c)

Right to inspect. JCAC shall have the right to inspect, randomly and without notice, a vicious animal which is required to be confined pursuant to this section in its environment. Permission of the owner or person in custody of the animal confined shall not be unreasonably withheld.

(d)

Any person who releases a vicious animal either willfully through failure to exercise due care or control or who takes such animal out of such proper enclosure in such a manner which is likely to cause injury to another person or damage to the property of another person shall be in violation of this chapter.

(Ord. of 9-11-2006, § 1-12.1)

Sec. 8-14. - Penalty for violation of section 8-13.

For the first conviction under section 8-13, vicious animals; possession, the following penalties may be assessed:

(1)

The convicted person may serve 60 days confinement;

(2)

The convicted person may be fined \$1,000.00; and/or

(3)

The convicted person may be required to relinquish control of the animal in question to the county animal control and the animal will be dealt with in the discretion of animal control.

(Ord. of 9-11-2006, § 1-12.2)

State law reference—Liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-7; municipal penalties, O.C.G.A. § 36-35(a)(2).

Sec. 8-15. - Notice concerning attacking and biting animals; confiscation.

(a)

Notice to the county.

(1)

Any person having information an animal has bitten or attacked a person shall immediately report such information to JCAC.

(2)

Notwithstanding the provisions of subsection (a)(1) of this section, the owner of a vicious animal shall notify JCAC immediately, but in any case within 24 hours, if the animal is loose, unconfined, has attacked a human, has died or has been sold or donated. If the animal has been sold or donated, the designation travels with the animal, and the original owner shall provide JCAC with the name, address and telephone number of the new owner of the animal, and the former owner shall inform the new owner of the designation.

(b)

Confiscation of biting animals. Upon receiving notice that an animal has bitten or attacked a person, an authorized person from JCAC shall investigate the incident. Any animal determined to have bitten a person shall be immediately strictly confined and isolated for observation at JCAC or, at the owner's option, the owner may immediately take the biting animal to a licensed veterinarian. In the event the licensed veterinarian is closed or unable to take the animal at that time, the animal will be immediately transported to the animal shelter and held until the animal can be transported to a veterinary clinic. Regardless of the quarantine or confinement location, the owner shall be responsible for all expenses incurred. The biting animal shall be segregated and isolated for at least ten days from the date of the bite.

(1)

Nothing shall prohibit JCAC from allowing an animal to remain in strict confinement on the premises of the owner subject to daily inspections by JCAC so long as the health, safety, and welfare of any person or animal is not threatened. Those animals may include, but are not limited to, the following:

a.

A female animal that is nursing offspring and that is current on her rabies vaccination.

b.

A vaccinated animal if the animal has a medical condition, verified by a written statement from a licensed veterinarian, and confinement at JCAC or a veterinary clinic would be detrimental to the health and welfare of the animal.

c.

An animal that is current on its vaccination and has bitten its owner, caretaker, or member of its family.

(2)

No animal that is in strict confinement for biting shall be vaccinated for rabies until the end of the quarantine period.

(3)

No animal that is in strict confinement shall be sterilized or undergo any other surgical procedure during the quarantine period unless the surgery is necessary for a life threatening medical condition or injury.

(c)

Confiscation of dangerous dogs and potentially dangerous dogs. In addition to the provisions of subsection (b) of this section, a dangerous dog or potentially dangerous dog, after adjudication, shall be confiscated as follows:

(1)

Dangerous dogs. A dangerous dog shall be immediately confiscated by JCAC or by a law enforcement officer or by another person authorized by JCAC if:

a.

The owner of the dog does not secure the liability insurance or bond required by section 8-10;

b.

The dog is not validly registered as required by section 8-10, including the posting of warning signs;

c.

The dog is not maintained in a proper enclosure; or

d.

The dog is outside of a proper enclosure in violation of section 8-11.

(2)

Potentially dangerous dogs. A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

a.

Not validly registered as required by section 8-10, including the posting of warning signs;

b.

Not maintained in a proper enclosure, or

c.

Outside of a proper enclosure in violation of section 8-11.

(d)

Return of confiscated dangerous dogs, potentially dangerous dogs or vicious animals. Any dog that has been confiscated under the provisions of subsections (b), (c)(1) or (c)(2) of this section shall be returned to its owner upon the owner's compliance with the provisions of this chapter and upon payment of reasonable confiscation costs provided in this chapter. If the owner has not complied with the provisions of this section the dog shall be destroyed in an expeditious and humane manner. The payment of reasonable confiscation costs and the return of a dog shall not bar or affect an action against the owner for violation of this chapter. A citation for noncompliance shall be issued in such cases.

(Ord. of 9-11-2006, § 1-13)

Sec. 8-16. - Prohibited animals.

It shall be unlawful to purchase, sell, own, possess, harbor or breed skunks, foxes, prairie dogs, raccoons, coyotes, wolves, hybrid wolves, any hybrid animal that is part wild animal, exotic cats or any other wildlife unless licensed by the respective federal or state department of agriculture to possess such animal.

(Ord. of 9-11-2006, § 1-14)

Secs. 8-17—8-35. - Reserved.