

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA  
WITH RESPECT TO ANIMAL CONTROL; AND FOR OTHER PURPOSES

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 4-1-1 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, the definition therein of potentially dangerous dog, is hereby amended by deleting therefrom the words “as defined in O.C.G.A. §§ 4-8-21(6) and 4-8-21(b) or any dog” and “or death” so that the definition of potentially dangerous dog in section 4-1-1 is:

**Sec. 4-1-1. - Definitions.**

*Potentially dangerous dog* means any dog that without provocation causes severe injury to another dog or cat, except that a dog that inflicts an injury upon another dog or cat when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a potentially dangerous dog within the meaning of this definition. In addition, a dog shall not be a potentially dangerous dog within the meaning of this definition if the injury inflicted by the dog was sustained by another dog or cat that, at the time, was not under control as defined in this section.

SECTION 2. Section 4-1-1 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, the definition therein of severe injury to another dog or cat, is hereby amended by deleting therefrom the words “or a physical injury that results in death” so that the definition of severe injury to another dog or cat in section 4-1-1 is:

**Sec. 4-1-1. - Definitions.**

*Severe injury to another dog or cat* means any unprovoked physical injury that results in broken bones or severe lacerations requiring multiple sutures or surgery.

SECTION 3. Section 4-1-4 entitled “*Prohibitions for domestic animals*” of the Code of Athens-Clarke County, Georgia, subsection (b) thereof, is hereby amended by deleting therefrom the words “Pending an adjudication for any citation for a violation of this subparagraph (b), the person cited shall be required to maintain the dog in a proper enclosure, as defined in this chapter” so that subsection (b) of section 4-1-4 is:

**Sec. 4-1-4. - Prohibitions for domestic animals.**

It shall be unlawful for any person to permit a domestic animal under his or her ownership or possession to do the following:

- (b) Attack or act so as to menace pedestrians or other persons using public ways or on the property of another. Any person convicted of violating this subsection, in addition to penalties provided for in section 4-1-14, shall be required to maintain the dog in a proper enclosure, as defined in this chapter.

SECTION 4. Section 4-1-15 entitled “*Power to issue citation*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto the words “or citation” and “A citation or summons which has been prepared in accordance with this chapter and signed by an officer of the Athens-Clarke County Animal Control Division may be personally served by any member of the Animal Control Division staff not less than 18 years of age who has been specially designated by the Animal Control superintendent.” so that section 4-1-15 is:

**Sec. 4-1-15. - Power to issue citation.**

Officers of the Athens-Clarke County Animal Control Division, the code enforcement division, the police department, or the marshal are hereby authorized to issue a summons or citation relative to the enforcement of this chapter. A citation or summons which has been prepared in accordance with this Chapter and signed by an Officer of the Athens-Clarke County Animal Control Division may be personally served by any member of the Animal Control Division staff not less than 18 years of age who has been specially designated by the Animal Control Superintendent.

SECTION 5. Section 4-1-19 entitled “*Enforcement*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto the words “or citation” so that section 4-1-19 is:

**Sec. 4-1-19. - Enforcement**

This chapter shall be enforced by the superintendent of the Athens-Clarke County Animal Control Division. Upon information known to, or a signed written statement lodged with, the superintendent or authorized officers of the animal control division that any owner of an animal is in violation of this chapter, a summons or citation may be served upon authority of the superintendent by authorized officers requiring the owner of the animal to appear before the Athens-Clarke County Municipal Court on a day and time certain to stand trial for violation of this chapter. If such violation has not been witnessed by an officer, a subpoena may be issued to the person supplying the information on which a formal charge may be made to appear at said time and date to testify on behalf of Athens-Clarke County. The superintendent or authorized officers of the animal control division are authorized to use necessary means to obtain warrants or subpoenas from municipal court or magistrate court for the purpose of enforcing this chapter.

SECTION 6. Section 4-1-20 entitled “*Confinement of biting animals*” of the Code of Athens-Clarke County, Georgia, subsection (b) thereof, is hereby amended by deleting therefrom the words “known to have bitten a person or to have caused severe injury or death to another dog or cat”, “for rabies observation”, “to a veterinary facility or to such other facility as may be approved by the county health department” and “and observation”, and by adding thereto the words “believed to be subject to classification as potentially dangerous under this Chapter or dangerous or vicious under O.C.G.A. § 4-8-21 et seq.” so that subsection (b) of section 4-1-20 is:

**Sec. 4-1-20. - Confinement of biting animals.**

- (b) The animal control superintendent shall be authorized to order the owner of any dog that is believed to be subject to classification as potentially dangerous under this Chapter or dangerous or vicious under O.C.G.A. § 4-8-21 et seq. to submit

the dog to the animal control facility. All expenses incurred for such confinement shall be paid by the owner of such animal.

SECTION 7. Section 4-1-25 entitled “*Regulation of dangerous and potentially dangerous dogs*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding to the title thereof the word “vicious”, and by changing the Official Code of Georgia reference in subsection (a) thereof from O.C.G.A. § 4-8-22(c) to O.C.G.A. § 4-8-22(b), so that section 4-1-25 and subsection (a) thereof is:

**Sec. 4-1-25. - Regulation of dangerous, vicious and potentially dangerous dogs.**

- (a) The animal control superintendent shall be the designated authority to carry out the duties of dog control officer as provided for in O.C.G.A. § 4-8-22(b) and as provided for in this chapter.

SECTION 8. Section 4-1-25 entitled “*Regulation of dangerous and potentially dangerous dogs*” of the Code of Athens-Clarke County, Georgia, subsection (b) thereof is hereby amended by deleting therefrom the words “potentially dangerous” and by adding thereto the words “potentially dangerous dogs as required in this chapter and” and “vicious”, so that subsection (b) of section 4-1-25 is:

**Sec. 4-1-25. - Regulation of dangerous, vicious and potentially dangerous dogs.**

- (b) It shall be the duty of the administrative hearing officer to conduct hearings and make determinations concerning the regulation and disposition of potentially dangerous dogs as required in this chapter and dangerous and vicious dogs as required by O.C.G.A. Chapter 8, Title 4 and as required by this chapter.

SECTION 9. Section 4-1-25 entitled “*Regulation of dangerous and potentially dangerous dogs*” of the Code of Athens-Clarke County, Georgia, subsection (c) thereof is hereby amended by deleting therefrom the words “potentially dangerous pursuant to the provisions of this chapter or as potentially dangerous or”, and by adding to said subsection (c) the words “or vicious”, and by changing the Official Code of Georgia reference in said subsection (c) from O.C.G.A. § 4-8-20 to O.C.G.A. § 4-8-21, by deleting from item (1) of subsection (c) the words “O.C.G.A. § 4-8-25 and of this section for the classification” and by adding to said item (1) of subsection (c) the words “O.C.G.A. § 4-8-27 and be issued a certificate of registration” and “prior to a certificate of registration being issued”, by deleting in their entirety items (2), (3), (4) and (5) of said subsection (c), by changing the numbering of item (6) of said subsection (c) to (2), by deleting from such item the words “potentially” and “dangerous” and by adding to such item the word “vicious”, by adding to said subsection (c) new item (3) as follows “No dog classified as dangerous or vicious and in the custody of Athens-Clarke County Animal Control may be offered for the purpose of adoption”, so that subsection (c) of section 4-1-25 is:

**Sec. 4-1-25. - Regulation of dangerous, vicious and potentially dangerous dogs.**

- (c) Whenever a dog within Athens-Clarke County has been classified as dangerous or vicious under O.C.G.A. § 4-8-21 et seq., or during the specified amount of time that such classification is eligible for or under appeal by the owner, the following apply:

- (1) Before the dog will be released to the owner pending classification, the owner must meet all of the requirements of O.C.G.A. § 4-8-27 and be issued a certificate of registration. The animal control superintendent shall be authorized to inspect and approve the method of confinement for the dog being classified prior to a certificate of registration being issued;
- (2) The owner must meet the requirements for keeping a dangerous or vicious dog no later than five days after the date the classification becomes effective. If the dog is not retrieved from Athens-Clarke County within such time, then the dog shall be deemed unclaimed and subject to the provisions of section 4-1-18.
- (3) No dog classified as dangerous or vicious and in the custody of Athens-Clarke County Animal Control may be offered for the purpose of adoption.

SECTION 10. Section 4-1-25 entitled “*Regulation of dangerous and potentially dangerous dogs*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto new subsection (d) as follows:

**Sec. 4-1-25. - Regulation of dangerous, vicious and potentially dangerous dogs.**

- (d) Investigations by animal control superintendent; notice to owner; hearings; determinations by hearing authority.
  - (1) Upon receiving a report of a dog believed to be subject to classification as a potentially dangerous dog as defined in this Chapter, the animal control superintendent shall make such investigations as necessary to determine whether such dog is subject to classification as a potentially dangerous dog.
  - (2) When the animal control superintendent determines that a dog is subject to classification as a potentially dangerous dog, the animal control superintendent shall send by certified mail to the owner’s last known address a dated notice to the dog's owner. Such notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing from the administrative hearing officer on the animal control superintendent’s determination within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the animal control superintendent’s determination shall become effective for all purposes under this Chapter. If an owner cannot be located within ten days of a dog control officer's determination that a dog is subject to classification as a potentially dangerous dog, the dog shall be deemed unclaimed and subject to the provisions of section 4-1-18.
  - (3) When a hearing is requested by a dog owner in accordance with subsection (c)(2) of this Code section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the administrative hearing officer for good cause shown. At least ten days prior to the hearing, the administrative

hearing officer shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the administrative hearing officer shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the superintendent's determination.

- (4) Within ten days after the hearing, the administrative hearing officer shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a potentially dangerous dog, the notice of classification shall specify the date upon which that determination shall be effective.

SECTION 11. Section 4-1-25 entitled "*Regulation of dangerous and potentially dangerous dogs*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto new subsection (e) as follows:

**Sec. 4-1-25. - Regulation of dangerous, vicious and potentially dangerous dogs.**

- (e) Whenever a dog within Athens-Clarke County has been classified as potentially dangerous pursuant to the provisions of this Chapter or during the specified amount of time that such classification is eligible for or under appeal by the owner, the following apply:
  - (1) Before the dog will be released to the owner pending classification, the owner must obtain a certificate of registration by meeting all of the requirements of this section for the classification. The animal control superintendent shall be authorized to inspect and approve the proper enclosure for the dog being classified;
  - (2) The owner of the dog shall confine the dog only in a proper enclosure that is inspected and approved by the animal control superintendent. The owner shall post on the premises where the dog is kept a clearly visible sign warning that there is a dangerous or potentially dangerous dog on the property. Whenever outside the proper enclosure, the potentially dangerous dog must be restrained by a leash not to exceed six feet in length and under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary.
  - (3) The owner of the dog shall immediately notify the animal control division if the dog is not confined in the approved location or by the approved method, the dog is stolen or missing, the dog is donated, transferred or sold, or the dog is deceased. The owner must submit within two business days a notarized, sworn written statement describing the circumstances of the dog's death or disappearance, or the name, address and telephone number of the person to whom the dog was donated, transferred or sold.
  - (4) The animal control superintendent shall be authorized to administer an identifying microchip and/or other types of permanent identification to the dog. It shall be unlawful for any person to tamper with or remove such identification.

- (5) Whenever a dog classified as potentially dangerous is subject to confiscation, the owner of the dog must submit the dog to the animal control division without delay. A potentially dangerous dog is subject to confiscation under this chapter if it is not validly registered as a potentially dangerous dog, not maintained in a proper enclosure or is outside the proper enclosure in violation of this Chapter.
- (6) The owner must meet the requirements for keeping a potentially dangerous dog no later than five days after the date the classification becomes effective. If the dog is not retrieved from Athens-Clarke County within such time, then the dog shall be deemed unclaimed and subject to the provisions of section 4-1-18.
- (7) The owner of a potentially dangerous dog must renew the certificate of registration annually. The animal control superintendent may inspect and approve the proper enclosure for the dog prior to renewing a certificate of registration.
- (8) No dog classified as potentially dangerous and in the custody of Athens-Clarke County Animal Control may be offered for the purpose of adoption except to an animal shelter licensed by the Georgia Department of Agriculture if authorized by the animal control superintendent.

SECTION 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.