

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2024-O-013

AN ORDINANCE OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO AMEND ARTICLE II SECTION 10-35 (A) AND SECTION 10-36 (A) OF CHAPTER 10 OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, GEORGIA TO ENACT PROVISIONS PERTAINING TO ANIMAL CONTROL DISPOSITION; TO PROVIDE GUIDELINES FOR ENFORCEMENT AND PENALTIES FOR SUCH ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, the Board of Commissioners desires to update Section 10-74 (b)(4) of the Cherokee County Code of Ordinances to amend minimum required insurance policy for classified dangerous animals; and

WHEREAS, this Ordinance change will benefit the safety and welfare of the citizens of Cherokee County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

Section 1

Article III Section 10-74 (b)(4) of the Code of Ordinances of Cherokee County, Georgia shall be amended to reduce the minimum required insurance policy for classified dangerous animals within Cherokee County. Said Ordinance shall read as follows:

CHAPTER 10 – ANIMALS.

ARTICLE III – ANIMAL CONTROL GENERALLY.

SEC. 10-74. Requirements for possession of a danger or vicious dog.

- (a) Any owner, possessor, guardian, or custodian of a dangerous or vicious dog shall be jointly and severally responsible with all other owners, possessors, guardians, or custodians of such dog for compliance with the requirements of this chapter.
- (b) No person shall own, possess, keep, harbor, be issued a certificate of registration for, or have custody or control of a dangerous dog or vicious dog except in compliance with all of the following requirements:
 - (1) In addition to the requirements for a proper enclosure set forth in subsection 10-29(b)(1), owners, possessors, guardians or custodians who maintain their dangerous or vicious dog out-of-doors shall fence a portion of their property with a second perimeter or area fence. Within this perimeter or area fence, the dangerous or vicious dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground or sunken into a concrete pad. The gate to the kennel shall be inward-opening and shall be kept locked, except when tending to the animal's needs such as cleaning the kennel or providing food and water.
 - (2) It shall be unlawful for the owner, possessor, guardian or custodian of a dangerous or vicious dog to allow the dog to be outside of its proper enclosure as provided for in subsection 10-29(b)(1) and subsection (b)(1), above, unless the dog is properly muzzled by a muzzle or device constructed so as to prevent the animal from biting, and the dog is attended by the owner, possessor, guardian or custodian, and the dog is restrained by a secure collar and leash of sufficient strength to prevent escape and under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary. The leash shall be no longer than six feet in length and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced. It shall be unlawful for the owner of a vicious dog to permit the dog to be unattended with minors.
 - (3) The premises where a dangerous dog or vicious dog is kept shall be posted with a clearly visible sign, warning that there is a dog on the premises that presents a danger to human beings. Such signs shall include a symbol sufficient to convey without words the message that there is a dog on the premises which presents a danger to human beings. The signs shall be conspicuously displayed at all entrances to the premises where the dog resides and on each side of the enclosure for each 50 feet of enclosure, with a minimum of two signs, as well as a sign on each ingress and egress point to the enclosure. The signs shall be a minimum of ten inches high and 14 inches long.
 - (4) The owner of a dangerous dog or vicious dog shall maintain at all times a policy of general or specific liability insurance in a minimum amount of \$100,000.00 insuring

the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog, which policy shall be issued by an insurer authorized to transact business in this state.

- (5) The animal control officer, or his designee, shall have the right to inspect randomly and without notice a dangerous dog or vicious dog which is required to be confined pursuant to this section.
- (6) The owner of a dangerous or vicious dog shall have a microchip containing an identification number and capable of being scanned injected under the skin between the shoulder blades of the dog.
- (7) The owner of a classified dog shall have the dog spayed or neutered.
- (8) No owner of a classified dog shall keep such dog within 200 yards of any structure or manmade improvement that is an aquatic center, church, convenience store, day care, grocery store, hospital, library, nursing home, park, playground, restaurant, school, pediatric office, or walking trail.

(Ord. No. 2012-O-010, § 2, 12-4-12)

Section 2.

It is hereby ordained that the provisions of this Ordinance shall become a part of the Code of Ordinances of Cherokee County, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3.

(a) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Cherokee County Board of Commissioners to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Cherokee County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5.

This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED, APPROVED, AND ADOPTED this 15th day of October 2024.

By:


HARRY B. JOHNSTON, Chairman

Attest:


CHRISTY BLACK, County Clerk



EXHIBIT A (with additions/deletions shown)

CHAPTER 10 – ANIMALS.

ARTICLE III – ANIMAL CONTROL GENERALLY.

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- (b) No person shall own, possess, keep, harbor, be issued a certificate of registration for, or have custody or control of a dangerous dog or vicious dog except in compliance with all of the following requirements:
 - (1) In addition to the requirements for a proper enclosure set forth in subsection 10-29(b)(1), owners, possessors, guardians or custodians who maintain their dangerous or vicious dog out-of-doors shall fence a portion of their property with a second perimeter or area fence. Within this perimeter or area fence, the dangerous or vicious dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground or sunken into a concrete pad. The gate to the kennel shall be inward-opening and shall be kept locked, except when tending to the animal's needs such as cleaning the kennel or providing food and water.
 - (2) It shall be unlawful for the owner, possessor, guardian or custodian of a dangerous or vicious dog to allow the dog to be outside of its proper enclosure as provided for in subsection 10-29(b)(1) and subsection (b)(1), above, unless the dog is properly muzzled by a muzzle or device constructed so as to prevent the animal from biting, and the dog is attended by the owner, possessor, guardian or custodian, and the dog is restrained by a secure collar and leash of sufficient strength to prevent escape and under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary. The leash shall be no longer than six feet in length and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced. It shall be unlawful for the owner of a vicious dog to permit the dog to be unattended with minors.
 - (3) The premises where a dangerous dog or vicious dog is kept shall be posted with a clearly visible sign, warning that there is a dog on the premises that presents a danger to human beings. Such signs shall include a symbol sufficient to convey without words the message that there is a dog on the premises which presents a danger to human beings. The signs shall be conspicuously displayed at all entrances to the premises where the dog resides and on each side of the enclosure for each 50

feet of enclosure, with a minimum of two signs, as well as a sign on each ingress and egress point to the enclosure. The signs shall be a minimum of ten inches high and 14 inches long.

- (4) The owner of a dangerous dog or vicious dog shall maintain at all times a policy of general or specific liability insurance in a minimum amount of \$1,000,000.00 **one hundred thousand (\$100,000.00)** insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog, which policy shall be issued by an insurer authorized to transact business in this state.
- (5) The animal control officer, or his designee, shall have the right to inspect randomly and without notice a dangerous dog or vicious dog which is required to be confined pursuant to this section.
- (6) The owner of a dangerous or vicious dog shall have a microchip containing an identification number and capable of being scanned injected under the skin between the shoulder blades of the dog.
- (7) The owner of a classified dog shall have the dog spayed or neutered.
- (8) No owner of a classified dog shall keep such dog within 200 yards of any structure or manmade improvement that is an aquatic center, church, convenience store, day care, grocery store, hospital, library, nursing home, park, playground, restaurant, school, pediatric office, or walking trail.

(Ord. No. 2012-O-010, § 2, 12-4-12)