

STATE OF GEORGIA

COUNTY OF RABUN

ORDINANCE

To amend Chapter 8 “Animals” of the Code of Ordinances of Rabun County, relating to dogs, so as to revise provisions relating to dogs and provisions relating to dangerous dogs and vicious dogs; to change provisions of liability for damage caused by dogs; to allow for more stringent regulation; to revise provisions relating to the lawful killing of dogs; to provide public safety and administrative procedures for the identification of dangerous and vicious dogs; to require registration for the possession of certain dogs and to require certain safety and indemnity measures as a condition of owning a dog classified as dangerous or vicious; to provide procedural requirements; to provide for euthanasia of dogs in certain instances; to provide for criminal offenses and punishment; to provide for reclassification of previously classified dogs; to provide for an effective date and applicability; to repeal conflicting ordinances; and for other purposes.

BE IT ORDAINED by the Commissioners of Rabun County, Georgia CHAPTER EIGHT of Rabun County’s CODE OF ORDINANCES titled “ANIMALS” is hereby amended as follows:

SECTION 1

Article I. Sec. 8-2 Definitions. is amended by adding the following definitions:

Authority means an animal control board or local board of health, as determined by the governing authority.

Classified dog means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this chapter. No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer’s official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. Chapter 5 of Title 16.

Mail means to send by certified mail or statutory overnight delivery to the recipient’s last known address.

Owner means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of a dog. In the case of a dog owned by a minor, the term ‘owner’ includes the parents or person in loco parentis with custody of the minor.

Serious injury means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health,

including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

Vicious dog means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

SECTION 2.

Article I. Sec. 8-2 Definitions. is further amended by:

(1) Repealing "dangerous dog" definition and adopting the following definition:

The term "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.

(2) Repealing "severe injury" definition, which is replaced with "serious injury" definition.

(3) Revising "proper enclosure" definition by striking "potentially dangerous dog" and inserting "vicious dog" for purpose of reclassifying.

(4) Revising "animal control officer" definition by striking O.C.G.A. § 4-8-22(c) and replacing it with O.C.G.A. § 4-8-22 for purpose of proper reference.

SECTION 3.

Article II. Sec. 8-31 Violations; penalties. is amended by striking "potentially dangerous dog" and inserting "vicious dog".

SECTION 4.

Article IV. Sec. 8-70 Dog vaccination tag and identification tag required. is amended by adding the following:

(2) No owner or custodian of any dog in heat shall permit the dog to roam or run free beyond the limits of his or her property.

Article IV. Sec. 8-72 Removal of collars and tags prohibited. is amended by repealing the section in its entirety and enacting a new section to read as following:

Article IV. Sec. 8-72 Removal of tags and certain collars; restitution; exemption.

(1) It shall be unlawful for any person to remove identification from any animal other than the person's own animal.

(2) No person shall remove an electronic or radio transmitting collar used to track the dog without permission from the dog's owner with the intention of preventing or hindering the owner from locating such dog, and if such dog is lost or killed as a result of the violator's removal of such collar, the violator shall be required to pay the dog's owner restitution in the amount of the actual value of the dog and any associated veterinary expenses.

(3) This Code section shall not apply to an owner or lessee of real property who removes a collar from a dog caught on his or her owned or leased property while such dog remains on such property if such owner or lessee gives notice of such action within 24 hours to the animal control unit.

Article IV. Sec. 8-74 Cruelty to animals prohibited. is amended by repealing the section in its entirety and enacting a new section to read as following:

Article IV. Sec. 8-74 Cruelty to dogs; authorized killing of dogs.

(1) No person shall perform a cruel act on any dog; nor shall any person harm, maim, or kill any dog, or attempt to do so, except that a person may:

a. Defend his or her person or property, or the person or property of another, from injury or damage being caused by a dog; or

b. Kill any dog causing injury or damage to any livestock, poultry or pet animal.

SECTION 5.

Said chapter is further amended by repealing in its entirety **Article VII**, relating to dangerous dog control, and enacting a new article to read as follows:

ARTICLE VII. RESPONSIBLE DOG OWNERSHIP LAW

Sec. 8-170. Procedures for classifying dangerous and vicious dogs; notice; hearing.

(1) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.

(2) When a dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's owner within 72 hours. 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 authority on the dog control officer's determination within 15 days after the date shown on the notice. The notice shall also provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the dog control officer's determination shall become effective for all purposes under this article.

(3) When a hearing is requested by a dog owner in accordance with subsection (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 authority for good cause shown. At least ten days prior to the hearing, the authority conducting the hearing 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 authority conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination.

(4) Within ten days after the hearing, the authority which conducted the hearing shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to Code Section 8-171, the notice shall specify the date by which the euthanasia shall occur.

(5) Judicial review of the authority's final decision may be had in accordance with Code O.C.G.A. §50-13-19.

Sec. 8-171. Euthanasia conditions.

(1) The judge of any superior court of competent jurisdiction within this state may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided by Code Section 8-170 that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:

a. The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or

b. Any local government authority has filed with the court a civil action requesting the euthanasia of the dog.

(2) A dog that is found, after notice and opportunity for hearing as provided by Code Section 8-170 to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before the effective date of this ordinance shall count for purposes of this subsection.

Sec. 8-172. Certificate of registration required.

(1) It shall be unlawful for an owner to have or possess within this county a classified dog without a certificate of registration issued in accordance with the provision of this Code section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.

(2) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.

Sec 8-173. Requirements for registration of a dangerous dog.

Unless otherwise specified by this Code section, a certificate of registration for a dangerous dog shall be issued if the dog control officer determines that the following requirements have been met:

- (1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and
- (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides.

Sec. 8-174. Requirements for registration of a vicious dog.

Except as provided in subsections (5) and (6) of this Code section, a certificate of registration for a vicious dog shall be issued if the dog control officer determines that the following requirements have been met:

- (1) The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property;
- (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
- (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
- (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog.
- (5) No person shall be the owner of more than one vicious dog.
- (6) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:
 - a. A serious violent felony as defined in O.C.G.A. §17-10-6.1.
 - b. The felony of dogfighting as provided for in O.C.G.A. §16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. §16-12-4; or
 - c. A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. §16-13-31 and 16-13-31.1.

from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.

Sec. 8-175. Certificates of registration renewed annually.

Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a vicious dog, a dog control officer shall verify that the owner is continuing to comply with provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

Sec. 8-176. Notice required if owner moves.

- (1) The owner of a classified dog who moves from one residence to another within the county shall notify the dog control officer of the change of address within ten days.
- (2) The owner of a classified dog shall notify the dog control officer if the owner is moving out of the county.
- (3) The owner of a similarly classified dog who moves into this county shall register the dog as required in Code Section 8-172 within 15 days of becoming a resident.

Sec. 8-177. Notice is required if dog is unconfined, has attacked, died or euthanized.

The owner of a classified dog shall notify the dog control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the dog control officer within 24 hours if the dog has died or has been euthanized.

Sec. 8-178. Vicious dog transfer, sell or donation prohibition.

A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a government facility or veterinarian to be euthanized.

Sec. 8-179. Restrictions for permitting a dangerous dog off owner's property.

It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:

- (1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary: or
- (2) The dog is contained in a closed and locked cage or crate.
- (3) The dog is working or training as a hunting dog, herding dog, or predator control dog.

Sec. 8-180. Restrictions for permitting a vicious dog off owner's property.

It shall be unlawful for an owner of a vicious dog to permit the dog to be:

- (1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:

a. The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or

b. The dog is contained in a closed and locked cage or crate.

(2) Unattended with minors.

Sec. 8-181. Grounds for confiscation of dangerous or vicious dogs.

(1) A dog control officer or law enforcement officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.

(2) A dangerous or vicious dog shall be immediately confiscated by any dog control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article

(3) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of reasonable confiscation and housing costs and proof of compliance with the provisions of this article. Fees for confiscation of dangerous or vicious dogs shall be as provided in the county fee schedule. All fines and all charges for services performed by a law enforcement or dog control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

(4) In the event the owner has not complied with the provisions of this article within 20 days of the date the dog was confiscated, such dog shall be destroyed in an expeditious and humane manner and the owner may be required to pay the costs of housing and euthanasia.

Sec. 8-182. Prior classification of potentially dangerous dog or dangerous dog amended.

(1) Any dog classified prior to the effective date of this ordinance as a potentially dangerous dog in this county shall on and after that date be classified as a dangerous dog under this article.

(2) Any dog classified prior to the effective date of this ordinance as a dangerous dog shall on and after that date be classified as a vicious dog under this article.

(3) The owner of any dog referred to in subsection (1) and (2) of this Code section shall come into compliance with all current provisions of this article within six months of the effective date of this ordinance.

Sec. 8-183. Penalties

(1) Except as otherwise specified in this article, any person who violates any provision of this article shall be guilty of a misdemeanor.

(2) A person who violates Sec.8-180 of this Code shall be guilty of a misdemeanor of high and aggravated nature.

(3) An owner with a previous conviction for a violation of this article whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article

shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than \$5,000.00 nor more than \$10,000.00 or both. In addition the classified dog shall be euthanized at the cost of the owner.

(4) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.

Sec. 8-184. Liability for damages.

(1) The owner or, if no owner can be found, the custodian exercising care and control over any dog which while off the owner's or custodian's property causes injury, death, or damage directly or indirectly to any livestock, poultry, or pet animal shall be civilly liable to the owner of the livestock, poultry or pet animal for injury, death, or damage caused by the dog. The owner or, if no owner can be found, the custodian exercising care and control over any dog shall be liable for any damage caused by such dog to public or private property. The liability of the owner or custodian of the dog shall include consequential damages.

(2) This Code section is to be considered cumulative of other remedies provided by law. There is no intent to eliminate or limit other causes of action which might inure to the owner of any livestock, poultry, or pet animal.

(3) Under no circumstances shall the board of commissioners or any employee or official of the board of commissioners which enforces or fails to enforce the provisions of the chapter be held liable for any damages to any person who suffers an injury inflicted by a dog that has been classified as being a dangerous dog or vicious dog or by a dog that the board of commissioners has failed to classify as a dangerous dog or vicious dog or by a dog which has been classified as being a dangerous dog or vicious dog, but has not been kept or restrained in the manner described in this article or by a dangerous dog or vicious dog whose owner has not maintained insurance coverage or a surety bond as required in this article.

SECTION 6


On the effective date, this ordinance shall apply to proceedings for the classification and registration of dogs which are pending on that date as well as to such proceedings which arise on or after that date.

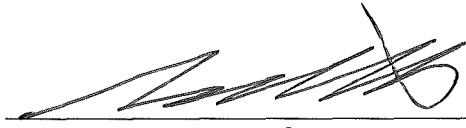
PLACED ON FIRST READING AT THE REGULAR MEETING ON THE 27th DAY OF May, 2014.

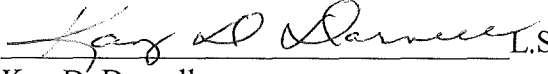
PLACED ON FINAL HEARING AND ADOPTION ON THE 24th DAY OF June, 2014.

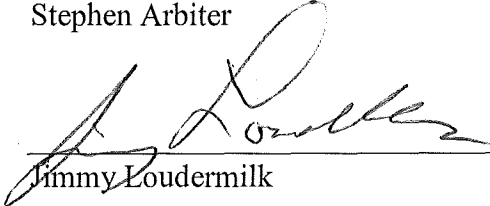
Any ordinance in conflict with said ordinance amendment is specifically repealed. This ordinance shall become effective immediately upon adoption, after the second reading by the County.

RABUN COUNTY, by and through its Board of Commissioners

 L.S.
Greg James, Chairman

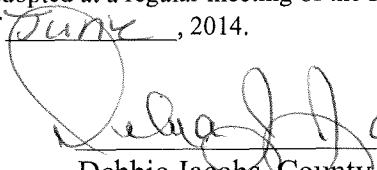
 L.S.
Stephen Arbiter

 L.S.
Kay D. Darnell

 L.S.
Jimmy Loudermilk

 L.S.,
Will Nichols

This is to certify that the above Ordinance was adopted at a regular meeting of the Rabun County Board of Commissioners as provided by law. This 24 day of June, 2014.


Debbie Jacobs, County Clerk

