



ORDINANCE 2019- 04

ADOPTING ANIMAL CONTROL REGULATIONS

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF BRYAN COUNTY, GEORGIA AMENDING THE CODE OF ORDINANCES OF BRYAN COUNTY, CHAPTER 6 ANIMALS; TO REPEAL AND REPLACE CHAPTER 6 IN ITS ENTIRETY FOR REGULATIONS FOR ANIMAL CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

SECTION 1. Be It Ordained by the Board of Commissioners of Bryan, Georgia that the Code of Ordinances of Bryan County, Georgia, Chapter 6 ANIMALS is hereby amended to read as follows:

ANIMALS

ARTICLE I. – GENERAL

Sec. 6-1. - Definitions.

As used hereinafter, the following words and terms shall have the meaning set forth unless the context clearly indicates otherwise:

Abandonment shall mean the act by an owner intentionally, knowingly, recklessly or with negligence leaving a domestic animal at a location with the intent of not returning and without providing minimum care to sustain the animal during the entire time the owner is absent.

Abused or Cruelty to animals 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 illegal animal fighting
- 4) Used as bait to train/lure other animals to fight/kill

Adequate food and water shall mean food and water that is sufficient in amount and appropriate for the particular type of animal to prevent starvation, dehydration, or significant risk to the animal's health from a lack thereof.

Aggressive shall be descriptive of any animal which demonstrates the intention to attack a human or another domestic animal, or which has in fact attacked a person or another domestic animal without provocation on at least one occasion, or which threatens a human or another domestic animal by

growling or barking in such a manner that causes persons of reasonable sensibilities to be apprehensive of the safety of that person or that person's domestic animal.

Animal shall mean all living nonhuman creatures, domestic or wild, including livestock.

Animal breeding is the process of selective mating of animals with desirable genetic traits, to maintain or enhance these traits in future generations.

Animal shelter shall mean any facility designated by the Board of Commissioners for animal control, animal sheltering, and/or the implementation of the provisions of this chapter.

Animal Services or Animal Services Department shall mean the agency designated by the Board of Commissioners for animal control, animal sheltering, and the implementation and enforcement of state laws pertaining to animals and the provisions of this title.

Animal Services/Control Officer shall mean any individual employed by the Animal Services Department to enforce County code related to animal care and control, aid in the enforcement of the dangerous or vicious animal portion of Article III, and administration of dangerous animal or vicious animal classifications.

At large shall mean any domestic animal, other than an unaltered cat, that is either not leashed or not under the direct physical or voice control of the owner while not on its owner's property. An unaltered cat is at large if it is outdoors on private or public property and is not contained, or not leashed and/or harnessed. At large also applies livestock which is not under manual control of a person and which is on any public roads of this state or on any property not belonging to the owner of the livestock, unless by permission of the owner of such property.

Bite shall mean any physical contact with human skin or clothing where skin is broken or clothing worn by a human is damaged from the teeth, nails, or claws of an animal.

Board of Commissioners shall refer to the Bryan County Board of Commissioners unless otherwise specified. Synonymous with "*governing authority*".

Board of Health shall mean the Bryan County Board of Public Health unless otherwise specified. Synonymous with "*health department*".

Cat shall mean the domestic cat, *Felis catus*.

Citation shall mean a written notice issued to a person stating that there is probable cause to believe that the person has committed an infraction of this chapter and directing the person to respond to the charge at a certain date and time in the Magistrate Court of the County.

Classified animal means any animal that has been classified as either a dangerous animal or vicious animal pursuant to Article III or O.C.G.A. Title 4, Ch. 8.

County shall refer to Bryan County unless otherwise specified. Synonymous with "*local government*".

Court shall mean, Magistrate Court of the County.

Director shall refer to the head or acting lead of the Animal Services Department.

Dog shall refer to the domestic dog, *Canis familiaris*.

Domestic animal shall be any dog, cat, or other legally owned animal not defined as wildlife.

In heat shall define the state in which a female animal, that is a mammal, experiences any stage of the receptive period of the sexual cycle that would allow that animal to mate with a male of the species.

Humane care shall mean, but not be limited to, the provision of sanitary and adequate shelter, sufficient space, wholesome and adequate food and water, and ventilation consistent with normal requirements and feeding habits of the animal's size, species, and breed.

Identification shall mean identification in the form of a tag fasten to a collar, a microchip, or tattoo placed on the animal for the purposes of identification, which shall, at a minimum, provide sufficient information for the contact of the owner of the animal.

Kennel shall mean owners keeping, breeding, or maintaining ten (10) or more dogs or cats that have reached the age of four (4) months or over.

Leash shall mean a physical chain, strap, rope, or similar object held or attached to an owner and attached to an animal's collar, harness, or body for use in controlling, leading, or restraining an animal. Electronic or wireless training devices are not considered a leash in this article.

Livestock means all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals.

Microchip shall mean a cylindrical Radio Frequency Identification Device (RFID) that is implanted in the subcutaneous tissue of an animal, using a hypodermic needle, for the purpose of identification of that animal.

Nontraditional livestock means the species of artiodactyl (even-toed ungulates) listed as bison, water buffalo, farmed deer, llamas and alpacas that are held and possessed legally and in a manner that is not in conflict with the provisions of O.C.G.A. Title 27, Ch. 5, relating to wild animals.

Owner means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust that possesses, harbors, keeps, or has title, custody or control of an animal. In the case of an animal in custody of a minor, the term "owner" refers to the parents, legal guardian, or custodian with custody or in care of the minor.

Person shall refer to any individual, firm, corporation, partnership, organization, association, or other group or combination acting as a unit.

Public nuisance shall mean any domestic animal that unreasonably annoys persons, endangers the life or health of persons or of other domestic animals, or substantially interferes with the rights of citizens, other than the owner of such animal, to enjoy life and property. The term shall include, but not be limited to, any domestic animal which:

- 1) Is found at large within the restricted zoning districts of R-1, R-2, R-3, R-4, R-30, and Planned Unit Developments currently under construction or completed. Publicly owned dog parks are excluded.
- 2) Damages the property of anyone other than its owner;
- 3) Chases vehicles;
- 4) Molests, attacks, or interferes with persons, other domesticated animals, or livestock;
- 5) Persistently or continuously barks, howls, or makes noise common to their species that disturbs the peace and quiet of the surrounding neighborhoods.
- 6) Defiles or defecates on private property other than that of the owner of the animal or public property (unless waste is immediately removed and properly disposed of by the animal's owner)
- 7) Causes an unsanitary, dangerous, or offensive condition;
- 8) Does not have proof of rabies inoculation clearly displayed, if required;

- 9) Is trained, owned, or harbored for the purpose, primary or in part, of illegal animal fighting; or is contrary to public health, welfare, or safety according to the rules and regulations promulgated by the County, which rules and regulations are incorporated in this section and made a part of this chapter as if fully set out in this section.

Public roads means any street, road, highway, or way, including the full width of the right of way, which is open to the use of the public for vehicular travel.

Quarantine shall mean the humane confinement of an animal for observation of symptoms of rabies or other disease in a proper enclosure that prevents the animal from coming into unplanned contact with any other animal or person.

Radio Collars shall mean a collar with an attached radio transmitter that is put on an animal so that its movements in its natural habitat can be remotely monitored.

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.

Severe injury shall mean any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

Stray shall mean any domestic animal which is at large and whose owner is unknown or not readily identifiable.

Tether shall mean a physical chain, strap, rope, or similar object secured to a stationary object or post and attached to an animal's collar, harness, or body for use in restricting the animal's movement. This term shall also refer to that act of using such objects as a tether. Electronic or wireless containment devices are not considered a tether in this title.

Unwanted Contact shall mean any physical contact or close proximity from an at-large domestic animal that is unwelcome, unsolicited or threatening to a person or another domestic animal. This includes but may not be limited to tracking, chasing, inhibiting movement, or biting. This is not to include any animal that is participating in a qualified activity such as legal hunting, herding, or competitive canine performance events.

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

Sec. 6-2. - Application of chapter

- a) This chapter shall apply only to domestic animals, as defined hereinabove, and not to all animals, unless this chapter shall specifically state otherwise or unless the context shall clearly provide otherwise. The Georgia Department of Natural Resources, or other appropriate agency, should be contacted regarding non-domestic animals, including wild animals and migratory birds.

Sec. 6-3. - Purposes.

- a) The broad purposes of this chapter shall include, but not be limited to, the following:
 - 1) To set forth the minimum standards by which the county shall operate in its enforcement of all state and county laws, ordinances, and resolutions relating to domestic animals and the care, custody, and control of such domestic animals;
 - 2) To protect and to promote the health, welfare, and safety of the general public;

- 3) To educate the general public with regard to proper maintenance and care of domestic animals, including, but not limited to, educating the public as to the benefits of spaying or neutering certain domestic animals to prevent undesired reproduction;
- 4) To enforce and to promote the public health requirement that all dogs and cats be properly vaccinated against rabies regularly;
- 5) To enforce and to promote the public safety requirement that all dangerous animals be properly confined and that necessary measures be taken to protect the public at large from such animals.

Sec. 6-4. - Jurisdiction of magistrate court.

- a) Pursuant to the provisions of O.C.G.A. § 15-10-60 et seq., the county magistrate court shall have jurisdiction to hear and to determine all alleged violations of this chapter unless the accused shall demand a jury trial, in which case the prosecution shall be removed to the county superior court for jury trial as a misdemeanor. The county magistrate court shall have all powers granted to it which are necessary and incident to the hearing and disposition of the matters brought before the court, including but not limited to the authority to issue citations and summons for witnesses.
- b) The following persons have authority to file complaints for violations of this chapter:
 - 1) The County Animal Services Officer;
 - 2) Law enforcement officers;
 - 3) Public health officials;
 - 4) Individuals with personal knowledge of the violation.

Sec. 6-5. - Enforcement.

- a) The Animal Services Department and the Sheriff's Office shall have the primary responsibility for the enforcement and execution of this chapter and the provisions of Title 4, Chapter 11, Article 1 of the Official Code of Georgia Annotated, entitled "the Georgia Animal Protection Act" (O.C.G.A. § 4-11-1 et seq.).
 - 1) The sheriff's office, the Animal Services officer or other designated officers shall respond to reports from anyone of a dog biting a human and shall be empowered to immediately take custody of the dog if the owner cannot provide for the confinement of the dog to ensure it does not have access to the general public.
 - 2) The sheriff's office, the Animal Services officer or other designated officers may immediately take custody of the dog for observation purposes if in the officer's professional opinion the dog poses an immediate or potential threat to the health and safety of any human.

Sec. 6-6. – Rights of officials to enter premises.

- a) Whenever an animal control officer, a representative from the Bryan County Health Department or its authorized representative, any law enforcement officer, or other city or county official has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this article or other applicable law, or whenever it is necessary for such official to make an inspection to enforce any provisions or perform any duty imposed by this article or any other applicable law, such person shall have the right to

enter such property at any reasonable time to inspect and perform any duty imposed by this article or another applicable law; provided, that:

- 1) If such property be occupied, such person entering shall first present proper credentials to the occupant and request entry explaining the reason therefor; and
 - 2) If such property be unoccupied, such person entering shall first make a reasonable effort to locate the owner or the person having charge or control of the property and request entry, explain the reason therefor; and
 - 3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, recourse shall be had to every remedy provided by law to secure lawful entry and inspection of the property.
- b) Nothing in this section shall affect or otherwise abridge the right of any animal control officer to pursue or impound an animal or to issue a citation when an animal is on property other than that of the owner of the animal or that of a person who has a right to control such animal.

Sec. 6-7 – Right of officials for emergency entry.

If an animal control officer, health department representative, any law enforcement officer, or other city or county official has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe, or dangerous as to require immediate inspection to save the animal or protect the public health or safety, such person shall have the right to immediately enter and inspect such property and may use reasonable means required to effect such entry and make inspection whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, such person shall first present property credentials to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection. Failure or refusal to permit inspection hereunder shall constitute a misdemeanor.

Sec. 6-8. - Penalty for violation of chapter.

Violation of the provisions of this article shall be deemed a misdemeanor punishable as provided by in state law with each day such violations continue consulting a separate offense. Appropriate actions and proceedings may be taken by law or in equity to prevent any violations of these regulations; to recover damages; to restrain, correct, or abate a violation; and these remedies shall be in addition to the penalties described above.

Sec. 6-9. - Impoundment.

- a) Any animal that is in violation of any portion of this chapter may be subject to impoundment. The appropriate enforcement agency shall use discretion in determining whether impoundment shall be necessary to effect the purposes of this chapter.
- b) All impounded animals not bearing identification shall be designated as a stray.
- c) All impounded animals shall be provided adequate food and water and shall be provided with humane care while impounded at the owner's expense.
- d) Neither the county nor its agents shall be responsible for any diseases, injuries, or other harm to any impounded animal.
- e) The Board of Commissioners shall set the fees with respect to services performed in connection with the enforcement of this chapter. A copy of said fees shall be available by request from that office. Fees may change at the discretion of the Board of Commissioners. The fees established and collected pursuant to this subsection are not penalties; they are imposed for the sole purpose of defraying expenses born by the County for animal care and control. Fees may change at any time and shall include but not be limited to an impoundment

fee, a field service fee, a per-day boarding fee, flea/tick control, microchipping, any vaccinations given, and any veterinary care provided.

- f) Nothing contained herein shall prevent the killing of an animal when it is determined to be a menace to public safety or a menace to other animals such that it cannot be impounded with reasonable effort.
- g) Nothing contained herein shall prevent the humane killing of an animal that is severely sick or injured.

Sec. 6-10. - Detention periods following impoundment.

- a) Any stray animal impounded pursuant to this chapter shall be detained for a period of not less than seven days prior to being subject to adoption by a third party or being euthanized.
- b) Any animal impounded pursuant to this chapter which is bearing identification shall be detained for a period of not less than seven days prior to being subject to adoption by a third party or being euthanized. During such period, the County shall make reasonable efforts to contact the owner, either in writing or by telephone, or both, utilizing any information provided upon the identification. If the only identification is a rabies tag, then the County shall contact the issuing veterinarian for identification information.
- c) If at any time during the required detention period set forth above, the owner indicates that he or she intends not to reclaim the animal, the balance of the detention period may be waived. In such instance, the owner shall indicate in writing such intention not to reclaim the animal and such writing shall be maintained by the County.
- d) If at any time during the required detention period, evaluation of the animal indicates that the animal is severely sick or injured, or that such animal is a threat to the health of the other animals detained or to the employees at the county animal shelter, the balance of the detention period may be waived. In such instance it's determined that the circumstances set forth herein are satisfied, the Director shall prepare a written summary to be retained by the county of the conditions which prompted him or her to make such determination.

Sec. 6-11. - Owner reclaims.

- a) An owner of an impounded animal may reclaim such animal during normal business hours only.
- b) The owner shall provide picture identification (i.e. driver's license, government issued ID, passport, etc.) prior to an animal being returned to the owner.
- c) The owner shall provide the address of his or her residence and the address where the animal resides at time of reclaim.
- d) Reasonable proof of ownership (i.e. vaccine certificate or other veterinary records, bill of sale, registration papers from AKC, UKC, ASCA, or any other verifiable entity) shall be required in order to claim an animal at the animal shelter.
- e) The owner shall provide proof that any animal to be reclaimed is currently vaccinated against the rabies virus. If no proof is provided, then the owner shall be cited pursuant to this chapter.
- f) If an owner indicates that an animal to be reclaimed has been stolen, the county animal shelter shall use discretion in determining whether any fees associated with reclaiming the animal shall be waived if the owner produces a copy of a police report or lost report filed with the Sheriff's Office or with the Animal Services Department documenting the disappearance of their animal prior to the time of reclaim.

Sec. 6-12. - Adoption of impounded animals.

- a) Unredeemed or unreclaimed animals. The animal services department or its chosen agent may offer for adoption of any animal unredeemed or unreclaimed after 7 days.
- b) Animals surrendered by owner. If the animal is surrendered to the animal services department by the owner, the animal may be offered for adoption.
- c) Age requirement. All persons adopting an animal shall be 18 years of age or older
- d) Proper care and spaying/neutering required. All persons adopting animals shall provide proper and humane care, feeding, sheltering and protection from the weather and veterinary treatment as required. All persons adopting a fertile dog, cat or ferret shall have the female spayed or the male neutered within 30 days from the adoption date or as otherwise considered to be in the best interest of the animal as instructed by a licensed veterinarian and provide documentation to the animal services department within 30 days of the adoption date.
- e) Animal Experimentation prohibited. Any persons adopting an animal shall not engage in and research involving the use or abuse of the animal by an individual or institution.
- f) Right to refuse adoption. The frequency with which animals may be adopted and placed in any household may be restricted. Animal services or its designee reserves the right to refuse adoption of any animal to persons that do not meet specific requirements.

Sec. 6-13. – Impoundment Penalties

- a) Except as provided by Section 6-11, any person reclaiming an animal shall pay \$50.00 for the first impoundment and shall provide documentation that the animal has been microchipped and registered within 30 days of the release date, \$60.00 for the second impoundment, and \$70.00 for each subsequent impoundment. In addition to the above, \$10.00 per day will be charged for boarding plus the cost of inoculations and/or veterinary services.
- b) Except as provided by Section 6-11, any person reclaiming a dog or cat, and provides confirmable proof of alteration of that dog or cat, shall pay a \$25.00 impoundment fee for the first impoundment, \$30.00 for the second impoundment and \$35.00 for each subsequent impoundment. In addition to the above, \$10.00 per day will be charged for boarding plus the cost of inoculations and/or veterinary services.
- c) There shall be a registration fee of \$200.00 for all dangerous animals and vicious animals in the county. Such registration is to be renewed on an annual basis.
- d) If a dog or cat is impounded three (3) times or more within a 12-month period, Animal Services may provide a written order of alteration of that dog or cat if it is not altered at the time of impound. The owner will have 30 days to have the dog or cat altered (spayed or neutered) and provide proof of compliance to the order. This is subject to appeal to the Board of Commissioners by the owner within 5 days of receipt of the written order.

Sec. 6-14. – Care of animals under impoundment.

Animals under impoundment shall be treated in a humane manner. They shall be provided reasonable protection from extremes in weather. Animals suspected of having a communicable disease shall be isolated from the remainder of the animal population. Each animal shall be fed an adequate amount of food at least once per day and shall have fresh water available at all reasonable times.

Sec. 6-15. - Interpretation of chapter.

- a) Nothing herein shall be interpreted or applied to create any power or duty in conflict with the preemptive effect of any state or federal law, ordinance, rule, or regulation.
- b) Nothing herein shall be interpreted or applied to create any liability upon the County, or any of their employees or agents for the enforcement or failure to enforce any of the provisions contained in this chapter.

Sec. 6-16. - Incorporation of state law; construction.

- a) This chapter shall be construed to effect its purposes and policies and to supplement such existing state laws as may relate to animals.

Sec. 6-17. - Duties of animal owners and citizens.

- a) In addition to the other requirements of this chapter, it shall be the duty of every owner or custodian of an animal within the county to:
 - 1) Exercise reasonable care and take all necessary steps and precautions to protect other people and property from injuries and damage that might result from the animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
 - 2) Ensure that the animal is restrained or controlled to prevent it from chasing vehicles or chasing, menacing, or attacking persons or other animals.
 - 3) Ensure that the animal is restrained or controlled to prevent it from acting or being aggressive.
 - 4) Ensure that the animal is restrained or controlled to prevent it from creating a public nuisance.
 - 5) Ensure that the animal bears adequate identification in the form of a tag worn on a collar, subcutaneous chip, or tattoo placed on the animal for the purposes of identification, which shall provide sufficient information for the contact of the owner of the animal.
 - 6) Recognize that domestic animals are additionally prohibited in those public areas so designated and posted by the County or other governmental entity or private entity (for example, a homeowner's association) having authority to do so.
- b) It shall be unlawful for any owner to conceal or falsely deny ownership of an animal to any animal services officer or other authority empowered to enforce this chapter.
- c) Feeding Animals on Property of Another.
 - 1) Feeding animals other than those owned by the private property owner is expressly forbidden unless the property owner provided express permission.
 - 2) Feeding animals on public property is expressly forbidden.
- d) A citation under this section shall not replace or be a substitute for enforcement of any other section of this title and an owner may be subject to enforcement under all sections.

Sec. 6-18. - Obstruction or interference in enforcement.

- a) It shall be unlawful for any person to obstruct, interfere, or hinder any person or officer in the lawful discharge of his or her duties pursuant to this chapter.

- b) It shall be unlawful for any person to relocate, interfere with, or alter the operation of any device, equipment, or item that is property of the Animal Services Department.
- c) It shall be unlawful for any person to place their own animal into or remove any animal contained within a trap or cage operated by the Animal Services Department.
- d) It shall be unlawful for any person to give a false name, address or date of birth to any officer, employee or agent of the County in the lawful discharge of his or her official duties with the intent to mislead such officer, employee or agent in any way.

Sec. 6-19. – Willful cause of violation by third party.

- a) It shall be unlawful for any person to willfully cause any domestic animal to be in violation of any portion of the animal ordinance for Bryan County or in violation of any animal ordinance for the state of Georgia.

Sec. 6-20. – Forfeiture of animals for repeated violations.

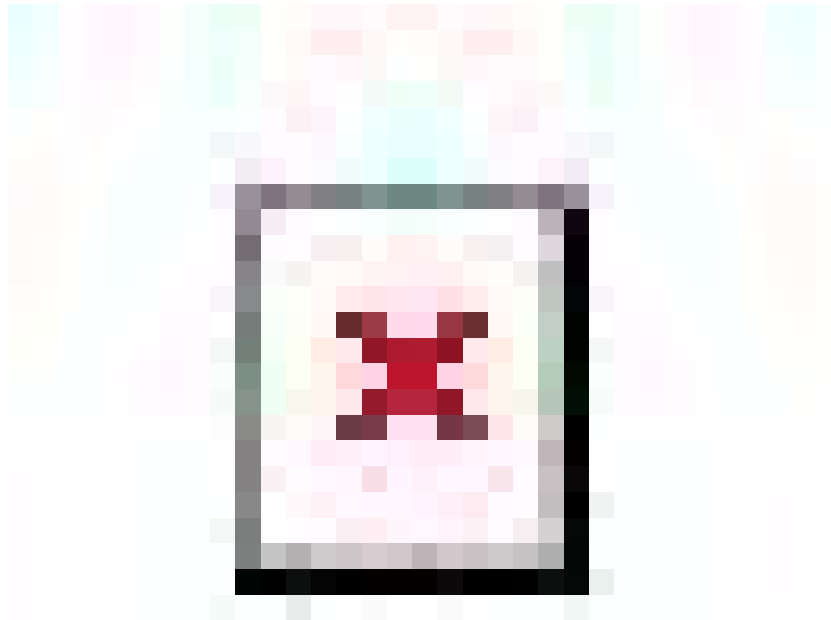
- a) An animal seized by the county pursuant to the provisions of this chapter for the same violation of this article on three or more occasions during any 12-month period of time shall be conclusively deemed to have been abandoned and forfeited by the owner. Following seizure for the 3rd such violation within any 12-month period, any animal not destroyed pursuant to the provisions of this article may be delivered to a Bryan County Animal Shelter or other appropriate agency.

Sec. 6-21. - Bird sanctuary.

- a) *Geographical scope.* The residential areas embraced within the community limits of Fort Mcallister Estates, Hardwick Estates, Strathy Hall Estates, Tivoli River Estates, and Cranston Bluff Estates are hereby designated as bird sanctuaries.
- b) *Prohibited conduct.* It shall be unlawful to trap, hunt, or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests within a bird sanctuary; provided, however, if starlings or similar birds are found congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the health department, then in such event the representatives of the health department shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society or as many group(s) as are found to exist in the county, after having given at least three days of actual notice of the time and place of the meeting to the representatives of the group(s). If as a result of the meeting no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by the health department under supervision of the sheriff of the county.

Sec. 6-22. - Distances of large and small farm animals and animal enclosures from property

- a) Any large or small farm animals, or housing or enclosures used for the keeping of animals or fowl shall be kept at the following minimum distances from all property lines:



- b) Dog pens and houses shall meet the minimum set back requirements for all zoning districts within the county.

ARTICLE II. – KENNELS

Sec. 6-22. – Kennel Licenses

No person shall operate a kennel without first obtaining a license from the animal services department in compliance with this chapter, nor may any person operate an animal establishment in a manner in violation of any provision of this chapter.

- a) The license period shall begin with the first day of the calendar year and shall run for one (1) year. Renewal application for licenses shall be made thirty (30) days prior to and up to sixty (60) days after January first of each year. Application for a license for a new establishment under the provisions of this chapter shall be made within sixty (60) days of the start of business or operation.
- b) Every facility regulated by this article shall be considered a separate enterprise, requiring an individual license (e.g., two (2) kennels at different locations but owned by the same person shall be considered as two (2) animal establishments.
- c) Licenses obtained in accordance with this articles shall be displayed in a prominent location on the premises of the animal establishment.
- d) Hunters and Hunting Clubs are exempt from this section.
 - 1) To qualify for the exemption under this section, an owner of a dog must establish that:

- (i) Such dog is a breed of dog used for hunting or field trials; and
 - (ii) Such dog is participating in hunting or field trials.
- 2) Each dog must wear a collar that identifies the owner, owner's telephone number and name of hunt club if applicable.
- 3) Owners must provide proof that each dog is registered and have proof of rabies inoculation. If deemed necessary by the hunters, the registration tags can be kept in the owner's vehicle.

Sec. 6-23. – Standards for Kennels.

All kennels shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a license or revocation of a license. Standards for kennels are as follows:

- a) Enclosures must be provided which shall allow adequate protection against weather extremes.
- b) Adequate ventilation shall be maintained.
- c) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.
- d) Cages are to be material and construction that permit cleaning and sanitizing.
- e) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
- f) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- g) The food shall be free from contamination, and shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- h) All animals shall have fresh water available at all times.

Sec. 6-24. – Revocation of Kennel License.

- a) The animal services department may revoke any license if the person holding the license refuses or fails to comply with this chapter, or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this article.
- b) Whenever a license is revoked for cause, or pending any proceedings to contest such action, the animal services department shall have power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed for removal of animals from such premises and shall state the specific reasons for revocation. In the event any such owner shall fail to remove such animals as directed, the animal services department may impound such animals pursuant to the impoundment provisions of this chapter.
- c) The animal services department shall be permitted to inspect any animal establishment and all animals and premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this chapter.
- d) The animal services department shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept, other than those animal establishments

exempted by Section 6-25 hereof, at any reasonable time during normal business hours to ensure compliance with all provisions of this chapter.

Sec. 6-25. Exemption of Kennel License.

Any animal establishment as defined herein that is required to be licensed and permitted by state and/or federal law, and which is in fact continuously so licensed and/or permitted, shall be exempt from Section 6-22.

ARTICLE III. - RABIES CONTROL

Sec. 6-26. - Rabies control; vaccination required.

- a) It shall be unlawful for any person to own any dog or cat over four months of age within the County unless such dog or cat is vaccinated against the rabies virus. This provision does not apply to dogs and cats owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.
- b) All dogs and cats shall be vaccinated against the rabies virus by a licensed veterinarian in accordance with the latest compendium of animal rabies vaccines and recommendations for immunization published by the National Association of State Public Health Veterinarians.
- c) All dogs and cats shall bear a collar with a tag showing compliance with this provision.
- d) No person shall vaccinate dogs or cats against rabies who is not licensed to practice veterinary medicine.
- e) It shall be unlawful for any person not to comply with the regulations concerning rabies vaccinations as promulgated by the Georgia Department of Health and described in O.C.G.A. § 31-5-1 and § 31-19-1.
- f) If the Animal(s) is not current on the rabies or the owner cannot show records from a licensed veterinarian, the owner will be given 72 hours to have the vaccine performed by a licensed veterinarian or obtain records from a veterinarian showing that the animal is current on the rabies vaccine and present it to the Animal control.
- g) Failure to produce valid documentation shall be considered a violation of this article, amenable to the process of the magistrate court of the county, and shall subject the owner to a fine not to exceed \$1,000.00 per violation.

Sec. 6-27. - Quarantine.

- a) Where rabies has been found to exist in any warm-blooded animal, or where its existence is suspected, the health department may designate an area within which quarantine shall be maintained as provided by the terms of this section. Every such animal shall thereupon be immediately confined to the premises designated by the health department, whether or not the animal has been vaccinated against rabies.
- b) No animal shall be removed from a quarantined area and no animal shall be brought into a quarantined area without written permission of the health department. The application for such permission shall be in writing, filed with the health department, giving the reason for movement and the location at which the animal will be confined after movement.
- c) When quarantine is ordered by the health department it shall be maintained for a period of at a minimum of 10 days, with the right of the health department to increase or diminish the period at its discretion.

- d) Persons living within a quarantine area having in their possession an animal subject to rabies or to the terms of this article shall be given written notice of the quarantine, and an order to confine their animals to the premises of the owner, together with any other requirements specified by the health department. Such notice shall be signed by a duly authorized agent of the health department.
- e) The violation by any person of any quarantine order issued by the health officer shall be violation of this section and the person so violating shall be subject to all the penalties prescribed by law for a violation.

Sec. 6-28. – Pet licensing and microchipping requirements.

- a) It shall be unlawful for any person to own any dog or cat over four months of age within the County unless their dog or cat is licensed by the County.
- b) It shall be required that a dog or cat be microchipped under the following circumstances:
 - 1) Classified Dogs or Cats
 - a. The owner of a classified dog or cat shall be required to have the animal implanted with a microchip for identification or provide proof of prior microchip implantation within 72 hours of notification to owner of classification.
 - b. The name of the microchip manufacturer, proof of implantation, and the identification number associated with that microchip must be provided to the Animal Services Department or Sheriff's Office of the County within 72 hours of notice of classification

ARTICLE IV. – Public Nuisance and other violations

Sec. 6-29. – General Public Nuisance

An owner shall:

- a) Prevent a domestic animal from being at large within the restricted zoning districts of R-1, R-2, R-3, R-4, R-30, and Planned Unit Developments currently under construction or completed. Publicly owned dog parks are excluded. Hunting dogs, as defined by Section 6-22, Paragraph d) 1, d) 2 and d) 3, in the act of hunting or training are excluded from the running at large requirements.
- b) Prevent a domestic animal from damaging property outside the animal owner's property.
- c) Prevent a domestic animal from defecating on private property outside the animal owner's property. An animal may be allowed to defecate on public property or common area of property in which the animal owner shares an interest if the owner immediately removes and disposes of the animal waste in a sanitary manner.
- d) Prevent a domestic animal from entering private property without the property owner's permission. The property owner may capture the trespassing animal humanely and promptly notify law enforcement authorities for impoundment, or humanely transport the animal to the animal shelter.
- e) Prevent a domestic female dog or cat that is in heat from being outside of a building or other secure containment that prevents attraction of other animals.
- f) Prevent a domestic animal in his or her care, charge, control, custody, or possession to persistently or continuously make noise common to their species or commit other actions that

disturb the peace and quiet of the surrounding citizens. Nothing contained herein shall be construed to prohibit a dog who is trained to defend livestock against predators from performing that function.

- 1) It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual sound or noise which either disturbs, injures or endangers the comfort, response, health, peace or safety of a reasonable person, and which is audible to such person from a distance of 100 feet or more from the point of origin of the sound or noise. A reasonable person is defined as a person of ordinary sensibilities with normal hearing ability.
- g) Allow a domestic animal to cause an unsanitary, unsafe, or offensive condition due to the size or number of animals in a single location or because a facility, shelter, or other containment is not properly maintained or appropriate for the animal.

Sec. 6-30. – Nuisances endangering public safety.

- a) An owner shall not:
 - 1) Allow a domestic animal to be at large on the premises of a school or childcare facility.
 - 2) Fail to prevent a domestic animal in his or her care, charge, control, custody, or possession to have unwanted contact with a person or another domesticated animal.
 - 3) Allow a domestic animal to create dangerous conditions by exhibiting threatening behaviors to people.
 - 4) Allow a domestic animal to chase vehicles or creates unsafe conditions for drivers
 - 5) Allow Domestic animal to directly attack, injures or kill other domestic animals.
- b) Liability of owner or custodian for damages done to livestock, poultry, or pet animal by dog
 - 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.

ARTICLE V. – ANIMAL CRUELTY

Sec. 6-31. – General prohibitions against cruelty to animals.

- a) It shall be unlawful for any person to cause the death or unjustifiable physical pain or suffering to any animal, regardless of whether or not said animal is domestic or not, by an act, an omission, or because of willful neglect. This section shall specifically include, but not be limited to, the following examples of cruelty:

- 1) An owner's failure to provide adequate medical care, food, water and/or humane care for any domestic animal;
 - 2) The use of caustic, flammable, boiling, or overheated substances upon any domestic animal;
 - 3) The suffocation or drowning of a domestic animal;
 - 4) The torture, maiming, or mutilation of any domestic animal;
 - 5) The infliction of burns, cuts, or lacerations upon any domestic animal;
 - 6) Leaving an animal unattended in a parked vehicle in a manner that endangers the health and safety of that animal;
 - 7) Over working or over loading an animal beyond humane limits.
- b) Nothing contained herein shall prohibit a person from killing or injuring an animal in the defense of his or her person or property, or the person or property of another, including but not limited to the killing of a domestic animal threatening injury or damage to livestock or poultry. Nothing contained herein shall prohibit a person from humanely killing an animal that is severely sick or injured. The method used for killing or injuring the animal shall be designed to be as humane as is possible under the circumstances. A person who humanely kills or injures an animal under the circumstances described herein shall incur no liability for the death or injury of said animal.

Sec. 6-32. - Abandonment of domestic animal

- a) It shall be unlawful for any person to intentionally abandon any domestic animal upon any public or private property or public right-of-way. No person shall intentionally abandon a dead domestic animal on any private property belonging to another unless the person so doing shall have first obtained permission from the owner of the property on which the dead domestic animal is being left and the provisions of O.C.G.A. § 4-5-3 are complied with.
- b) All dead animals shall be disposed of within 12 hours of the death by the owner, agent or custodian in accordance with the requirements of Georgia law and in accordance with any rules and regulations of the commissioner of agriculture, including, but not limited to:
- 1) Delivery of the deceased to a livestock dealer, livestock market, meat processing plant or rendering plant with the consent of the recipient.
 - 2) Burial of the dead animal in a sanitary manner upon premises of the owner or custodian or a third party with the prior expressed consent of the same to a sufficient depth and degree so as to prevent the exposure of scavengers with such burial to be to a level of at least three feet below ground level and with not less than three feet of compacted earth over the animal.
 - 3) Delivery to the facility of the county maintained for such purposes with payment of all required fees
 - 4) No person in possession or responsible of such animal carcass shall abandon the same upon a public street, any public property or any property of any other person without express consent.

Sec. 6-33. - Animal fighting.

- a) It shall be unlawful for any person who:

- 1) Owns, possesses, trains, transports, or sells any animal with the intent that such animal shall be engaged in fighting with another animal;
- 2) For amusement or gain, causes any animal to fight with another animal or for amusement or gain, causes any animal to injure each other;
- 3) Wagers money or anything of value on the result of such animal fighting;
- 4) Knowingly permits any act in violation of this subsection on any premises under the ownership or control of such person or knowingly aids or abets any such act; or
- 5) Knowingly promotes or advertises an exhibition of fighting with another animal

Sec. 6-34. - Keeping of sick, diseased animals, and hopelessly disable animals.

- a) It shall be unlawful for any person to own any domestic animal that is seriously sick or injured and not provided proper veterinary care. This section shall not be construed to include animals under active veterinary care or veterinary hospitals.
- b) Notwithstanding any other provisions of this article licensed veterinarians, state and local law enforcement officers or those licensed by the county to administer and enforce the provisions of this article, and all federal, state and local governmental employees while acting within the scope of their authority are empowered to induce death of any hopelessly disabled animals by appropriate humane methods, preferably by means of euthanasia. Such officer shall be held harmless for such actions as they relate to humane destruction of any animal.

Sec. 6-35. – Tethering requirements for dogs.

- a) An owner may tether his or her dog with the following requirements:
 - 1) Tether must be at least 15 feet in length or five times the length of the dog...whichever is longer...
 - 2) Tether must permit the dog to reach shade, shelter and adequate food and water.
 - 3) Tether shall be connected to the dog by a collar of sufficient size and tightness that shall adequately restrain the dog without embedding the collar in the dog's neck or impairing the dog's ability to breathe.
 - 4) No Animal shall be tethered during any declared weather emergencies.
 - 5) The dog shall not be tethered in any area where the tether or dog can become entangled on the tether or some other object.
 - 6) Tether weight shall be appropriate and not excessive when considering the dog's body weight;
 - 7) Tether shall not unreasonably limit a dog's movement;
 - 8) Tether shall not be in unsafe or unsanitary conditions; and
 - 9) Tether shall provide a dog the ability to defecate or urinate in an area separate from the area where it must eat, drink, or lie down.
- b) Exceptions to this section include:
 - 1) Animal is involved in a scheduled dog show or obedience demonstration or trial, or is legally involved in hunting or retrieving game animals; or

- a. The animal may be kept on a short tether during the event or training
- b. The animal must be long enough to allow the animal to get up and down
- c. The owner or agent responsible for the animal must make sure the animal is properly watered and feed
- d. In the situation of bad weather the owner or agent responsible for the animal must move the animal to proper shelter to protect the animal from dangerous elements.

Sec. 6-36. – Shelter requirements dogs and cats.

Dogs and cats confined outdoors shall be provided shelter that shall meet the following minimum requirements:

- a) The housing facilities shall consist of walls on at least three sides and a roof, shall be structurally sound, and shall be maintained in good repair to protect the dog from injury and from the elements.
- b) Enclosures shall be constructed and maintained to provide sufficient space to allow each dog adequate freedom of movement.
- c) Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt, and trash, to minimize health hazards.
- d) Sufficient shade by natural or by artificial means shall be provided to protect the dog from direct sunlight.

Sec. 6-37. – Confiscation of suspected abused animals.

If an animal control officer and/or any law enforcement officer has reasonable cause to believe that any animal is subject to abuse as defined in this division, he shall confiscate and impound the animal pending the conclusion of an investigation. Said investigation shall be completed by the end of the seventh business day, at which time a finding shall be issues by the animal control officer. If a finding is made that the animal is being abused, cruelty to animal charges shall be filed against the owner and the animal will become the property of the county. In the event that a determination is reached that the animal is not being abused, the animal will be returned to its owner, and follow-up investigations may be conducted by the animal control officer at the discretion of the animal control officer. The responsibility for costs related to the confiscation and impoundment during the investigation will rest with the owner, regardless of the determination reached.

Sec. 6-38. – Care of animals under impoundment.

Animals under impoundment shall be treated in a humane manner. They shall be provided reasonable protection from extremes in weather. Animals suspected of having a communicable disease shall be isolated from the remainder of the animal population. Each animal shall be fed an adequate amount of food at least once per day and shall have fresh water available at all reasonable times.

ARTICLE VI. - DANGEROUS ANIMAL CONTROL

Sec. 6-39. - Purpose, definitions, and exceptions.

- a) *Purpose* . This article is passed under the authority of and in compliance with O.C.G.A. § 4-8-1 et seq. The purpose of this article is to clearly define local government responsibility, as well as limit the administrative and liability burdens upon the county with regard to dangerous or vicious dogs.

As set forth in O.C.G.A. § 4-8-1, to the extent that the application of any provision hereof would result in the control and regulation of dogs in a manner less restrictive than the minimum standards provided for in O.C.G.A. Title 4, Chapter 8, then such provision contained herein shall yield and the applicable provision contained in O.C.G.A. Title 4, Chapter 8 shall govern.

- b) *Definitions* . Unless otherwise defined within this article, all terms contained herein shall have the definitions set forth in O.C.G.A. § 4-8-21. As provided in that code section, the following definitions are incorporated herein:

- 1) *Classified dog* means any dog that has been classified as either a dangerous dog or vicious dog.
- 2) *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.
- 3) *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.
- 4) *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.

If the definition of any term contained above is modified or amended as set forth in O.C.G.A. Title 4, Chapter 8, then such term shall be deemed to have the meaning as provided by statute and the definitions above shall yield to such statutory definitions.

- c) *Exceptions*.

- 1) Notwithstanding any other provision contained herein, a dog that inflicts an injury upon a person 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 dangerous dog or a vicious dog within the meaning of this article.
- 2) Notwithstanding any other provision contained herein, a dog shall not be a dangerous dog or a vicious dog within the meaning of this article if the injury inflicted by the dog was sustained by 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. Title 16, Chapter 5.

Sec. 6-40. - Designation of a dog control officer and designation of authority.

- a) The county's animal control officer shall be designated as the "dog control officer" for purposes of this article. It shall be the dog control officer's duty to investigate and classify as appropriate suspected dangerous or vicious dogs. In the event that the county does not have a designated animal control officer, then the "dog control officer" shall be appointed by the county board of commissioners, pursuant to O.C.G.A. § 4-8-22(b).
- b) The dog control officer's duty of investigation and classification arises only after a report is made to such dog control officer regarding events which occurred within the incorporated portions of the county which events may warrant classification of a dog as dangerous or vicious. Such a report

may be made by any law enforcement agency, rabies control office, local or state board of health, or citizen.

- c) The dog control officer shall not be authorized to make arrests unless he or she is a law enforcement officer having the powers of arrest.
- d) The county board of commissioners may designate an animal control board or local board of health to receive appeals from dog owners regarding classification of dangerous or vicious dogs, as set forth herein below (hereinafter referred to as the "designated authority.") In the event that the county board of commissioners does not designate such an authority to receive appeals, such appeals shall be handled by the county probate court as required by O.C.G.A. § 4-8-23.

Sec. 6-41. - Investigation and determination of classification, notice of classification, right of appeal, and hearings before a designated authority.

- a) 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.
- b) Upon completion of his or her investigation, the dog control officer shall:
 - 1. Determine that the dog is not subject to classification;
 - 2. Determine that the dog is subject to classification as a dangerous dog; or
 - 3. Determine that the dog is subject to classification as a vicious dog.
- c) In the event that the dog control officers determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall provide a notice of such classification to the dog's owner within 72 hours of such designation, which notice of classification shall include the following:
 - 1. A summary of the dog control officer's investigation, findings, and classification.
 - 2. A statement that the owner has a right to appeal the dog control officer's determination and classification to a hearing before the designated authority, as defined above. However, if an authority has not been established or designated for the jurisdiction, the owner shall be informed of the right to appeal the determination and request a hearing before the county probate court, as required by O.C.G.A. § 4-8-23.
 - 3. A notice of appeal form to be used by the dog owner for requesting an appeal of the dog's classification to a hearing before the designated authority or county probate court.
 - 4. A statement that the owner's request for appeal and hearing must be made within seven days of the date of the notice of classification.
 - 5. A statement that failure to make a request for appeal and hearing within such time period may result in waiver of the right to a hearing and, in the event of such a waiver, the dog control officer's determination and classification shall become effective for all purposes under this article.

Such notice of classification must be provided via certified mail or statutory overnight delivery to the owner's last known address.

- d) In the event that a dog owner appeals the dog control officer's determination and classification to a hearing before the designated authority or county probate court, then such determination and classification shall not become effective until issuance of the order on appeal, as set forth below.
- e) If an owner cannot be located within ten days of the dog control officer's determination that a dog is subject to classification as a dangerous or vicious dog, then such dog may be released to an animal shelter as defined in O.C.G.A. § 4-14-2, as determined by the dog control officer.
- f) All hearings on appeal shall be conducted pursuant to the provisions contained in O.C.G.A. Title 4, Chapter 8.

- g) When a hearing on appeal is requested by a dog owner in accordance with this article, such hearing must be scheduled to be conducted within 30 days after the request is received. However, the hearing may be continued by the designated authority, as provided in O.C.G.A. § 4-8-23(d).
- h) If the hearing on appeal is conducted by the designated authority, then at least ten days prior to the hearing, the designated authority 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 designated authority conducting the hearing shall receive evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination and classification.
- i) If the hearing on appeal is conducted by the designated authority, then within ten days after the hearing on appeal, the designated authority shall mail written notice to the dog owner of its determination and conclusions (herein referred to as the "order on appeal"). If the order on appeal upholds the dog control officer's classification of the dog as dangerous or vicious, then such order must specify the date upon which the classification shall become effective.

Sec. 6-42. - Certificates of registration, dog owner responsibilities, and other restrictions.

- a) The owner of any classified dog must obtain a certificate of registration issued and renewed annually pursuant to this article and O.C.G.A. § 4-8-27. Such certificate of registration must be initially obtained within ten days from the effective date of classification.
- b) An owner must apply to renew an existing certificate of registration annually, within ten days of the expiration of one year from the previous renewal date or initial issuance date.
- c) An owner applying for an initial certificate of registration or renewing an existing certificate of registration shall pay an annual registration fee of \$100.00.
- d) At the time of renewal of a certificate of registration for a vicious dog, the dog control officer shall verify that the owner is continuing to comply with the requirements set out in this article.
- e) Failure to obtain and thereafter annually apply for renewal of a certificate of registration constitutes a violation of this article.
- f) A certificate of registration shall be issued or renewed for a dangerous dog if the dog control officer determines that the following requirements are met by the owner:
 - 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.
- g) A certificate of registration shall be issued or renewed for a vicious dog if the dog control officer determines that the following requirements are met by the owner:
 - 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.
- h) Certificates of registration shall be non-transferable.
- i) Notwithstanding any provision contained above, a certificate of registration shall not be issued or renewed in the following circumstances:

1. No certificate of registration shall be issued to any person under 18 years of age.
2. Only one certificate of registration shall be issued per domicile.
3. Only one certificate of registration for a vicious dog shall be issued per owner.
4. No certificate of registration shall be issued to any person who has been convicted of two or more violations of O.C.G.A. Title 4, Chapter 8, of this article, or of any local ordinance implementing the restrictions contained therein.
5. 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.
- j) An owner of a classified dog must notify the dog control officer within 24 hours if the dog is on the loose, unconfined, has attacked a person, or has died. If the dog has been sold or donated, the owner shall also provide the dog control officer with the name, address, and telephone number of the new owner of the dog. Provided, however, a vicious dog may not be transferred, sold, or donated.
- k) An owner of a classified dog shall keep the dog in a proper enclosure unless restrained by a strong leash and accompanied by a responsible person. Vicious dogs must also be muzzled when outside the enclosure. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with the dog's vision or respiration but will prevent the dog from biting any person.
- l) An owner of a dog classified as dangerous or vicious in another jurisdiction within this state, which owner is moving into the city, must notify the dog control officer of within ten days of residency within the city.
- m) An owner of a dog meeting the classification requirements hereunder, or meeting similar classification requirements in a previous state of residence, which owner is moving into the city from outside of the State of Georgia, must notify the dog control officer within 30 days of residency within the city.
- n) The dog control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.
- o) Issuance of a certificate of registration or the renewal of a certificate of registration by the city does not warrant or guarantee that the requirements specified in this article are maintained by the owner of a dangerous dog or a vicious dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

Sec. 6-43. - Confiscation of dogs; grounds; disposition.

- a) A classified dog shall be immediately confiscated by the dog control officer or by a law enforcement officer if the owner of such classified dog fails to comply with any provision set forth in this article.
- b) The owner of any dog that has been confiscated may recover such dog upon proof of compliance with the provisions of this article and payment of all fines, charges for services performed by the dog control officer, and reasonable confiscation and housing costs. However, such payments shall not be a prerequisite to recovery of the dog if the confiscation is deemed to be in error by a dog control officer, a designated authority, or the probate court. Criminal prosecution for a violation of this article shall not be stayed due to owner recovery of the dog.

- c) In the event the owner has not complied with the requirements and responsibilities set forth herein within 14 days of the date the dog was confiscated, such dog shall be released to an animal shelter, as defined in O.C.G.A. § 4-14-2.
- d) Refusal to surrender a dog subject to confiscation shall constitute a violation of this article.

Sec. 6-44. - Immediate impoundment.

- a) Pursuant to O.C.G.A. § 4-8-24, a law enforcement officer or the dog control officer shall immediately impound a dog if the dog poses a threat to the public safety.
- b) The owner of any dog that has been impounded may recover such dog upon payment of reasonable confiscation and housing costs. However, such payments shall not be a prerequisite to recovery of the dog if the impoundment is deemed to be in error by a dog control officer.

Sec. 6-45. - Euthanasia.

Euthanasia shall only be utilized as authorized by O.C.G.A. Chapter 8 of Title 4.

Sec. 6-46. - Prior classification determinations.

Any dog previously classified as a potentially dangerous dog shall on and after the adoption of this ordinance [from which this article derives] be classified as a dangerous dog under this article. Any dog previously classified as a dangerous dog shall on and after the adoption of this ordinance [from which this article derives] be classified as a vicious dog under this article.

Sec. 6-47. - Sovereign immunity.

It is the intent of this article that the owner of a classified dog shall be solely liable for any injury to or death of a person caused by such dog. Pursuant to O.C.G.A. § 4-8-31, Under no circumstances shall a local government or any employee or official of a local government be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article. Under no circumstances shall the city or any of its employees or officials which enforce or fail to enforce the provisions of this article be held liable for any damages to any person who suffers any injury or damages inflicted or caused by any dog, including but not limited to any classified dog, any dog that has been reported to the dog control officer for investigation and classification, any dog that a dog control officer has determined is not a classified dog, any dog that the dog control officer has failed to determine is or is not a classified dog, any classified dog that was not kept or restrained in the manner described in this article, or any classified dog whose owner has not maintained insurance coverage as required in this article.

Sec. 6-48. - Violations of this article.

An owner of a classified dog who fails to comply with any provision set forth in this article shall be guilty of a misdemeanor. Additionally, such acts may constitute a misdemeanor pursuant to O.C.G.A. § 4-8-32.

BE IT SO ORDAINED, this 14th day of May, 2019.

BRYAN COUNTY, GEORGIA

By: _____
Chairman, Carter Infinger

Attest: _____
Donna M. Waters, Clerk

1st Reading: April 9, 2019

2nd Reading: May 14, 2019