

## Chapter 4

### ANIMAL CONTROL

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**ARTICLE I. DEFINITIONS.**

**Section 4.1**            **General Rules.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

**Section 4.2**            **Definitions.**

*Agent of the humane society* means the person appointed by, contracted with or employed by the City Council as animal control officer and such agents or employees designated by such officer to carry out the duties of such officer under this chapter.

*Animal* means any domestic animal, livestock or fowl.

*At large* is a term applied to an animal that is found off of the premises of the owner and is not under the restraint, control, custody, charge or possession of the owner or other responsible person either by leash, cord or chain or as otherwise provided in this chapter.

*Dangerous Animal* means any animal that, according to the record of an appropriate authority:

- (1)    Inflicts a severe injury on a human being or domesticated animal without provocation on public or private property.
- (2)    Aggressively bites, attacks or endangers the safety of humans or domesticated animals without provocation after the animal has been classified as a potentially dangerous animal and after the owner has been notified of such classification.

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 animal or potentially dangerous animal within the meaning of this article. An animal shall not be a dangerous animal or a potentially dangerous animal within the meaning of this article if the injury inflicted by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the animal or had in the past been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime.

*Domesticated Animal* means cat, dog, or any other animal that is kept and cared for as a pet.

*Governing Authority* means the City Council.

*Humane Society* means the Thomasville-Thomas County Humane Society or its agent.

*Kennel* means the housing of four (4) or more adult dogs.

*Local Government* means the City of Coolidge, Georgia, a municipal corporation.

*Nuisance*, as referenced to in this chapter, means:

- (1) Allowing or permitting an animal to damage the property, both real or personal, of anyone other than its owner, including but not limited to, the disruption or destruction of trash receptables, garbage containers, gardens, flower beds, or vegetation; or
- (2) Allowing or permitting an animal to defecate on the property of another; or
- (3) Maintaining an animal in an unsanitary environment which may result in:
  - a. Endangerment to the animal, or
  - b. Endangerment to the public health, safety or welfare of the city through the increased probability of disease transmission, or
  - c. Offensive odors; or
- (4) Allowing or permitting an animal to bark, whine, howl, crow, or cackle in an excessive or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or
- (5) Maintaining an animal that habitually or repeatedly, without provocation, chases, snaps at or attacks pedestrians, joggers, bicyclists and the like or similarly responds to other animals being walked on a leash; or
- (6) Maintaining animals in number, density or location on the property that allows the owner's property to be offensive, annoying or dangerous to the public health, safety or welfare of the community.

*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 an animal within the corporate limits of the city.

*Potentially dangerous animal* means any animal which without provocation bites a human being on public or private property.

*Pound* means any premises designated by the humane society for animals found at large in violation of this article.

*Proper enclosure* means an enclosure for keeping a dangerous animal or potentially dangerous animal, while on the owner's property, securely confined. Proper enclosure is further defined to mean that if a dangerous animal or potentially dangerous animal is maintained out of doors, then the dangerous animal or potentially dangerous animal must be confined in a pen or kennel of sufficient size for the humane confinement of the animal. The kennel or pen must have secure sides and a secure top attached to all sides. The kennel or pen must have sides which are buried into the ground for a minimum of two (2) feet or the sides must be securely attached to a concrete pad or the sides must be attached to a wire bottom. The gate to the kennel must be locked at all times when the animal is confined therein. The kennel or pen must be located within a perimeter fence, and the kennel or pen shall not share common fencing with the perimeter fence, and the perimeter fence shall be of suitable design and constructions so as to prevent the entry of small children and so as to prevent the escape of the dangerous or potentially dangerous animal. The matter of whether an enclosure for the confinement of a dangerous animal qualifies as a proper enclosure under this definition shall be left to the determination of the animal control officer whose determination in that regard shall be final and from which determination there shall be no appeal.

*Rabies Control Officer* means an employee of the county board of health whose specific duties include enforcement of the rabies control rules and regulations of the county.

*Records of an appropriate authority* means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state, or local court; or records maintained by the animal control officer pursuant to this article.

*Restraint* means an animal that is:

- (1) Confined within a proper enclosure as defined in this section;
- (2) Confined within a fenced area bordered by fencing of such construction and design so as to prevent the animal from being at large;
- (3) Secured humanely by chain, cable, or free running line no longer than fifty (50) feet and no shorter than ten (10) feet, but in no event shall the chain, cable or free running line allow the animal to come closer than ten (10) feet to any adjoining property line or right of way;
- (4) Secured within a vehicle being driven or parked on city streets or parked at any other location within the city, or;
- (5) Controlled by a leash not over ten (10) feet in length attached to a secure collar.

No dangerous or potentially dangerous animal shall be taken off the property of the owner unless it is attended by the owner and restrained by secure collar and leash not over six (6) feet in length and muzzled so as to prevent the animal from biting persons or other domestic animals.

*Severe injury* means 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.

**Sections 4.3 - 4.5**

**Reserved.**

## ARTICLE II. KEEPING OF ANIMALS.

### **Section 4.6**                    **General Requirements.**

a.        Every person desiring to keep animals within the corporate limits of the city shall provide and maintain adequate and sanitary facilities for the keeping of such animals in accordance with the standards required by the provisions of this article and the laws of this state.

b.        In addition, every dog and cat kept within the corporate limits of the city shall be inoculated at least annually by a licensed and accredited veterinarian with a recognized antirabies vaccine, approved by the state department of human resources. Each such dog and cat shall wear a tag showing current antirabies inoculation.

c.        The keeping of four (4) or more adult dogs is considered as having a kennel, and must be licensed by the Dept. of Agriculture. Any person having four or more adult dogs shall be subject to the provisions of Article XII.

### **Section 4.7**                    **Restraint Requirement.**

Every owner of an animal shall keep such animal under control to prevent its being at large. When animals are off the owner's premises, they must at all times be under the direct control of such owner or other competent person by means of a secure leash, or other such device, not over then (10) feet in length or secured within a vehicle.

### **Section 4.8**                    **Nuisances.**

It shall be unlawful for any person to own, keep, possess or maintain an animal in such manner as to constitute a public nuisance. Whenever an animal is kept in such manner as to constitute a nuisance, the owner or keeper thereof shall be subject to the provisions of Article XII.

### **Sections 4.9 – 4.10**                    **Reserved.**

**ARTICLE III. IMPOUNDMENT, REDEMPTION, ADOPTION, DESTRUCTION  
OF ANIMALS.**

**Section 4.11                    At Large Animals.**

Animals running at large, shall be taken into custody by an animal control officer and shall be impounded and confined in the humane society pound in a humane manner until disposition can be made of them in accordance with the provisions of this article.

**Section 4.12                    Impoundment of Animals.**

Immediately upon impounding an animal, the humane society shall make reasonable effort to notify the owner, if known, of such animal of its impoundment and to further inform such owner of the conditions under which the animal may be reclaimed. All conditions and fees required for the administration of this article shall be set by the humane society, which conditions and fees shall be prominently posted on the premises operated by the humane society for animal control. This article shall not apply to impounded dangerous animals or potentially dangerous animals.

**Section 4.13                    Adoption of Animals.**

If the owner of an impounded animal shall not claim such animal within five (5) days after notice of impoundment or if the owner is unknown and cannot be found after reasonable effort within five (5) days after impoundment, such animal may be released to any person desiring to adopt the animal upon payment of the prescribed fee set by the humane society, or in the sole discretion of the humane society the animal may be humanely destroyed.

d. Notwithstanding any other provisions of this article, the humane society as the absolute authority, after receiving a concurring opinion from a licensed veterinarian, to humanely destroy any animal at any time whatsoever which is suffering extreme pain, has incurred an irreversible medical conditions which might reasonably prove to be fatal in the immediate future, or carries a communicable disease dangerous to animals or humans.

**Sections 4.14 - 4.15                    Reserved.**

**ARTICLE IV. HUMANE TREATMENT AND CRUELTY TO ANIMALS.**

**Section 4.16            Humane Treatment.**

All animals shall at all times be furnished with adequate food, water, shelter, and protection from the elements. It shall be unlawful for any person to treat any animal in a cruel manner, to abandon an animal, or to release any animal upon public or private property with the intention or appearance of abandoning it.

**Section 4.17            Cruelty to Animals.**

It shall be further be unlawful for any person willfully and cruelly to injure or kill any animal by any mode or means causing it unnecessary fright or pain, and it shall further be unlawful for any person, by neglect or otherwise, to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of any pain, suffering or injury so caused to any animal, acts violating this article shall include, but not limited to the following:

- a.        Failure to provide adequate shelter from inclement weather;
- b.        Failure to provide animals food for a period of more than twenty-four (24) hours or water for more than eighteen (18) hours;
- c.        Abandoning or the appearance of abandonment of any animal on private or public property;
- d.        Failure on the part of the driver of a motor vehicle to stop or to call the police or other agencies for assistance after striking or injuring an animal by the motor vehicle;
- e.        Leaving or exposing any poisonous substance, food or drink, for man, animal or fowl, or to aid or abet any person in so doing, except insect or rodent poison when used for the control of insects, mice, or rodents.

**Sections 4.18 – 4.20            Reserved.**

**ARTICLE V. INTERFERENCE OR OBSTRUCTION OF OFFICER.**

**Section 4.21                    Interference or Obstruction of Officer.**

No person shall resist, interfere with, obstruct, hinder, or molest any animal control officer or any agent of the humane society in the performance of the duties imposed upon them by this article or seek to release any animal in the custody of the humane society, except as provided in this article.

**Sections 4.22 – 4.25                    Reserved.**

**ARTICLE VI. RECORDS.**

**Section 4.26            Records.**

It shall be the duty of the humane society to keep or cause to be kept accurate and detailed records of the impoundment and disposition of all animals coming into its custody.

**Sections 4.27 – 4.30            Reserved.**

## ARTICLE VII. CLASSIFICATION OF DOGS AS DANGEROUS OR VICIOUS

### Section 4.31

### Purpose, Definitions, and Exceptions

#### a. Purpose

Article VII of the Animal Control Ordinance is passed under the authority of and in compliance with O.C.G.A. § 4-8-1 et seq. The purpose of this ordinance is to clearly define local government responsibility, as well as limit the administrative and liability burdens upon the City 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.

- (d) “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.
- (e) “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.

**Section 4.32**

**Designation of a Dog Control Officer and Designation of Authority**

a. The City'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 City does not have a designated Animal Control Officer, then the “Dog Control Officer” shall be appointed by the City Council, 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 City 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.

c. The City Council 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 City Council 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.

**Section 4.33**                    **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 seventy-two (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 (7) 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 (10) 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 thirty (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 (10) 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.

**Section 4.34**                    **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 (10) days from the effective date of classification.

b.        An owner must apply to renew an existing Certificate of Registration annually, within ten (10) days of the expiration of one (1) 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.

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 eighteen (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 Chapter 8 of Title 4 of the Official Code of Georgia Annotated, 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. Code Sections 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 twenty-four (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 (10) 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 thirty (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.

**Section 4.35**                    **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 pre-requisite 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 fourteen (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.

**Section 4.36**                    **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 pre-requisite to recovery of the dog if the impoundment is deemed to be in error by a Dog Control Officer.

**Section 4.37**                    **Euthanasia.**

Euthanasia shall only be utilized as authorized by Chapter 8 of Title 4 of the Official Code of Georgia Annotated.

**Section 4.38**                    **Prior Classification Determinations.**

Any dog previously classified as a potentially dangerous dog shall on and after the adoption of this ordinance 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 be classified as a Vicious Dog under this Article.

**Section 4.39**                    **Sovereign Immunity and Violations**

a. 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.

b. 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.

**Sections 4.40 – 4.45**

**Reserved.**

**ARTICLE VIII. POSSESSION OF DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL WITHOUT CERTIFICATE; KEEPING OF ANIMAL IN VIOLATION OF CONDITIONS OF CERTIFICATE.**

**Section 4.46**                    **Possession of Dangerous or Potentially Dangerous Animal Without Certificate; Keeping of Animal in Violation of Conditions of Certificate.**

a.        It shall be unlawful for an owner to have or possess within the city a dangerous animal or potentially dangerous animal without a certificate of registration issued in accordance with Article VII of this article.

b.        It shall be unlawful for an owner of a dangerous animal to permit the animal to be outside a proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person.

c.        It shall be unlawful for an owner of a potentially dangerous animal to permit the animal to be outside a proper enclosure unless the animal is restrained by a substantial chain or leash and is under the restraint of a responsible person.

d.        It shall be the duty of the animal control officer and any person under his employ to impound the animal if:

1.        The owner does not secure a certificate of registration in accordance with Article VII;
2.        The owner does not secure a certificate of registration in accordance with Article VII;
3.        The owner does not keep the animal within a proper enclosure or permits the animal to roam or run free.

e.        Any animal impounded under the provisions of this Article shall be returned to the owner upon the owner's compliance with the provisions of this Chapter and upon payment of reasonable impoundment cost, as fixed by a schedule approved by the governing authority, as from time to time amended. Notice of impoundment under this Article shall be given the owner, in writing, by certified mail, at his last known address. The notice shall state that if the owner has not complied with the provisions of this Chapter within twenty (20) days from receipt of such notice the animal shall be destroyed in an expeditious and humane manner; provided, however, no animal shall be destroyed under this Article unless it has been held a full twenty (20) days, exclusive of the date of giving notice.

f.        The owner of a dangerous animal or potentially dangerous animal shall notify the

animal control officer if the owner is moving from the animal control officer's jurisdiction. The owner of a dangerous animal or potentially dangerous animal who is a new resident of the state shall register the animal as required in this Article within thirty (30) days after becoming a resident, the owner a dangerous animal or potentially dangerous animal who moves from one (1) jurisdiction to another within the state shall register the dangerous animal or potentially dangerous animal in the jurisdiction within ten (10) days after becoming a resident.

g. Issuance of a certificate of registration or the renewal of a certificate of registration by a local government does not warrant or guarantee that the requirements specified in section 4.35 are maintained by the owner of a dangerous animal 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.

h. An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this Chapter.

i. The certificate of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, and animal control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous animal or potentially dangerous animal is continuing to be confined in a property enclosure and that the owner is continuing to comply with other provisions of this article.

**Sections 4.47 – 4.50**

**Reserved.**

**ARTICLE IX. PROHIBITED ACTS.**

**Section 4.51            Prohibited Acts.**

a.        It shall be unlawful for the owner of any dog or cat to allow, cause or permit such dog or cat to enter any public hall, restaurant, ice cream parlor, soft drink parlor, or any office or store during such time that such office or store is open for public business, unless the dogs or cats are on a leash or otherwise under the immediate control of such owner.

b.        It shall be unlawful for the owner of any dog or cat to allow, cause, or permit such dog or cat to be in hallway of any building occupied by two or more families, unless such dog or cat is effectively caged, physically carried or held by a leash by a person thoroughly capable, physically and mentally, of controlling such dog or cat.

c.        The provisions of subsections (a) and (b) of this section shall not apply to guide dogs, hearing dogs, and service dogs properly trained to assist blind, deaf and mobility-impaired persons when such dogs are actually being used by such persons for the purpose of aiding them in going from place to place. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

d.        It shall be unlawful for any person to own or harbor any dog for the purpose of dog fighting.

e.        It shall be unlawful for any person to train, torment, badger, bait or use any dog in such manner as to cause or encourage such dog to make unprovoked attacks upon human beings or domestic animals.

**Sections 4.52 – 4.55            Reserved.**

**ARTICLE X. BITCHES IN HEAT.**

**Section 4.56            Bitches in Heat.**

It shall be unlawful for any owner to allow cause or permit any bitch in heat to be off the premises of such owner or to remain on such premises to the annoyance of any other person or the neighborhood. It shall be the duty of the animal control officer or other officer to take into custody and confine in the humane society, to be disposed of in accordance with Article III, any such bitch found off the premises of its owner, and also, any such bitch kept on the premises of any owner, who after twenty-four (24) hours notice from the animal control officer or other officer, has failed to effectively confine such bitch in a manner not to cause further annoyance to any person or to the neighborhood.

**Sections 4.57 – 4.60            Reserved.**

**ARTICLE XI. DISABLED OR DEAD ANIMALS.**

**Section 4.61            Disabled or Dead Animals.**

a.        it shall be unlawful for the owner of any animal which may die within the city to suffer that carcass thereof to remain therein without chemically reducing or cremating it, or to dump or deposit any dead animal within the city limits, or within any body of water passing through the city, or upon the banks or margin thereof.

b.        If any person shall cast any dead animal into a road or knowingly permit any dead animal to remain unburied upon his property or having in custody and maimed, diseased, disabled or injured animal, leave it to lie or be in a street, road or public place, he shall be subject to the provision of Article XII of this code.

c.        The owner of any animal that shall die in the city shall cause the carcass, if not chemically reduced or cremated, to be buried.

**Sections 4.62 – 4.65            Reserved.**

## ARTICLE XII. ISSUANCE OF CITATIONS.

### **Section 4.66**

### **Issuance of Citations.**

For violations of Article II through Article V of this chapter, an animal control officer or a police officer shall issue a summons to the accused. Each such summons shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall indicate the identity of the accused and the address of the accused, shall state the date of the violation, the locations of the violation, and the date of the service of the summons. The original of the summons shall be personally served upon the accused, and a copy of the summons shall be promptly filed with the clerk of the municipal court. No person shall be arrested prior to the time of trial, except for violation of Article V, and such arrest shall be effected only by a duly sworn police officer of the city. For violation of sections violation of the equivalent sections of the O.C.G.A. Sections 4-8-25 and 4-8-26.

### **Sections 4.67 – 4.70**

### **Reserved.**

**ARTICLE XIII. PENALTIES.**

**Section 4.71            Penalties.**

The keeping of any animal in violation of Article II through Article V of this chapter shall be punished in the municipal court as otherwise provided in Article XII of this Code for punishment of violations of ordinances of the City. Punishment for violations of Article VII and Article VIII shall be administer through the state court system under the provisions of O.C.G.A. Section 4-8-23.

**Sections 4.72 – 4.75            Reserved.**

## ARTICLE XIV. FOWL

### **Section 4.76**            **Keeping of Fowl.**

In City zoning districts, except AG, agriculture, fowl such as chickens, roosters, turkeys, and bantams, may be kept on the owner's property with adequate housing, subject to the conditions set forth in paragraphs (A), (B), and (C). The houses hutches, pens or other enclosures wherein animals are kept shall have a solid floor made of cement or other suitable washable materials, except when pens are at least 75 feet or more from the nearest neighbor's residence or place of business.

a.        *Floor space requirements:*

The minimal floor space for fowl shall be as follows:

1. Turkeys, four square feet per bird over four months of age.
2. Chickens and similar fowl, two square feet per bird over four months of age.
3. Bantams, one square foot per bird over four months of age.

b.        *Location.* Pens or yards where such fowl are kept shall be placed at the following minimum distances from any residence or business establishment:

1.        Distance from any residence, except that of owner, or any business establishment, (fifty) 50 feet.
2.        Distance from owner's residence, five (5) feet.

c.        *Maximum Number.* No owner shall allow more than 25 fowl to be kept on the premises of any property not zoned specifically for such purpose.

### **Section 4.77 – 4.80**            **Reserved.**