

Chapter 10

UNIFIED ANIMAL CONTROL ORDINANCES

ARTICLE I—IN GENERAL

Sec. 10-1.	Definitions.
Sec. 10-2.	Penalty for violation of chapter.
Sec. 10-3.	Citations.
Sec. 10-4.	Joint government services.
Sec. 10-5.	Designation and powers of animal control officer.
Sec. 10-6.	Authority to remove abused or neglected animals.
Sec. 10-7.	Interference with animal control officer.
Sec. 10-8.	Keeping of wild animals, livestock, or fowl.
Sec. 10-9.	Restraint of animals.
Sec. 10-10.	Creation of nuisance.
Sec. 10-11.	Confinement of female animals in season.
Sec. 10-12.	Animal Neglect.
Sec. 10-13.	Cruelty to animals.
Sec. 10-14.	Abandonment.
Sec. 10-15.	Exposure of poisons.
Sec. 10-16.	Removal of waste.
Sec. 10-17.	Confinement and quarantine of biting animals.
Sec. 10-18.	Rabies inoculation for dogs and cats.
Sec. 10-19.	Number of dogs and cats per residential lot.
Sec. 10-20.	Waiver to animal limitations.
Sec. 10-21.	Warning notice on premises using guard dogs.
Sec. 10-22.	Tethering
Sec. 10-23.	Limiting Ownership
Sec. 10-24.	Aggressive Dogs
Sec. 10-25.	Dead Animals
Sec. 10-26.	Feeding of Stray (feral) cats
Sec. 10-27.	Cats injuring or destroying property of others
Secs. 10-28 - 10-75.	Reserved.

ARTICLE II—IMPOUNDMENT

Sec. 10-76.	Animals subject to impoundment.
Sec. 10-77.	Redemption of impounded animals.
Sec. 10-78.	Impoundment fee.
Sec. 10-79.	Disposition of unclaimed animals.
Secs. 10-80 - 10-100.	Reserved.

ARTICLE III. - RESPONSIBLE DOG OWNERSHIP

Sec. 10-101.	Definitions.
Sec. 10-102.	Exemptions from article.
Sec. 10-103.	Violation of article.
Sec. 10-104.	Animal control board.
Sec. 10-105.	Investigation; notice to owner.
Sec. 10-106.	Procedures for classification.
Sec. 10-107.	Confinement.
Sec. 10-108.	Confiscation of dogs.
Sec. 10-109.	Liability.
Sec. 10-110.	Reclassification.
Sec. 10-111.	Jurisdiction, Power, and Duties of Probate Courts

Sec. 10-1. - Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "shall" is mandatory and the word "may" is permissive.

Abandonment means the intentional or complete forsaking of any animal by its owner, without making reasonable arrangements for the adequate care and custody of the animal to be assumed by another person or the failure to return and resume responsibility of an animal at the designated time as arranged with the care giver. Abandonment also means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate and proper food and water for a period in excess of thirty-six (36) hours, regardless of where such animal may be found or kept.

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

(1) Adequate food means palatable, non-contaminated and nutritionally adequate food that is appropriate for the species. Adequate food does not include garbage.

(2) Adequate water means clean, fresh, potable water.

Adequate shelter means a structure having three sides, a top and bottom which is suitable for the animal's size to protect it from cold, wind and rain and other elements. During cold weather, sufficient bedding inside the shelter shall be present.

Altered means it shall be the duty of the owner of a dog or cat declared by an authority or court of competent jurisdiction to be a potentially dangerous, dangerous or vicious animal, to have the animal surgically sterilized. Such sterilization must be performed by a licensed veterinarian within thirty (30) days of a final order of an authority or court of competent jurisdiction declaring the animal to be a potentially dangerous animal, dangerous animal, or vicious animal.

Animal means any living thing, not a plant, other than man. (excludes: rodents and insects.)

Animal control officer means any person designated by the Houston County Board of Commissioners as a law enforcement officer or agency for the purpose of administration and enforcement of the provisions of this chapter.

Animal shelter means any facility operated by the City of Warner Robins or the City of Perry in conjunction with the county or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter.

Cruelty means:

(a) every act, omission, or neglect by which death, unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue to any animal when there is a reasonable remedy of relief

(b) also includes transporting an animal in an unrestrained open-air vehicle or transporting an unrestrained animal in the trunk of any vehicle or leaving an animal unattended in a closed vehicle without proper ventilation or temperature control, where the outside air temperature is eighty (80) degrees Fahrenheit or above.

(c) also means allowing or causing any animal to participate in training for or engaging in an animal fight operated for sport, entertainment or gaming purposes. Routine medical procedures by a licensed veterinarian shall not be regarded as cruelty.

Electronic animal confinement system shall mean a commercially produced, functioning and professionally installed electronic fence which utilizes an invisible electrically generated perimeter, in which the animal within the perimeter wears an electronic collar that produces an electric shock when the animal approaches or exceeds the perimeter.

Fence means any structure of wire, being 16 gauge or higher, wood, stone or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence shall be sufficient to prevent the animal from being able to jump, dig, or escape from confinement; and shall have slats installed for chain link if it is the only barrier to contain a dangerous/vicious animal.

Governing authority means the governing body or officials in which the legislative powers of Houston County are vested.

Guard dog means any trained or untrained dog that is maintained for the purpose of safety or security and which is reasonably expected to attack persons or other animals independently or upon command.

Humane care of animals means but is not limited to the provision of adequate shelter and wholesome and adequate food and water consistent with the normal requirements and feeding habits of the breed.

Inhumane care means any act, omission or neglect which causes unjustifiable physical pain suffering or death to any living animal.

Inoculation against rabies means the injection subcutaneously or otherwise, of rabies vaccine approved by the state department of public health, and administered under the supervision of a licensed veterinarian and a certificate of vaccination or inoculation issued by the veterinarian.

Jurisdiction means, for the enforcement of this chapter, the unincorporated areas of Houston County.

Owner means any person partnership or corporation owning, possessing, keeping or harboring one (1) or more animals. A person who continually feeds a stray cat shall be considered its owner. An animal shall be deemed to be harbored if it is fed or sheltered for seven (7) or more consecutive days; or in the case of an animal owned by a minor, the term 'owner' includes the parents or person in loco parentis with custody of the minor.

Open-air vehicle means the cargo area of any pickup truck that is not covered by a permanent attached utility cover or any convertible vehicle with its top down.

Pen means a pad locked, fenced area within a perimeter fenced area that has secure sides that are buried two (2) feet into the ground or sunken in concrete and a secure top.

Public nuisance. An animal shall be deemed to be a public nuisance if the animal:

- (1) Is permitted to go upon the property of another person other than its owner or keeper without the express consent of such other property owner or occupant;
- (2) Attacks or acts so as to menace pedestrians or other persons using public ways;
- (3) Is permitted to cause annoyance, alarm, or noise disturbance for more than fifteen (15) minutes at any time of the day or night, by repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property, where said such owner has been given one (1) warning by law enforcement personnel to control the animal or animals.
- (4) Is repeatedly running at large.
- (5) Trespasses on school grounds.

Records of appropriate authority means records of any county or municipal animal control agency, records of any county board of health, records of any federal, state or local courts, or records of an animal control officer provided for in this chapter.

Residential Lot The lot with a dwelling located thereon, exclusive of any vacant lots adjacent thereto under the same ownership.

Restraint means any animal which is:

- (a) on a hand-held leash or;
- (b) at heel or beside a competent person and obedient to that person's commands while on the owner's real property limits, or;
- (c) within a vehicle being driven or parked on the streets and roads of the city, or;
- (d) in a fenced area within the real property limits of the owner (***if zoned R-1, R-2, R-3, R-4, RMH, C-1, C-2, M-1, M-2 or PUD***), or;
- (e) within the property limits of an R-Ag zone, or;
- (f) within a designated off-leash area of the dog park; or
- (g) within an electronic animal confinement system and provided they are maintained in good working order and keep the animal contained, and;
 - 1) Contain permanent and prominently displayed signs around the perimeter of the electronic animal confinement system. The signs shall be clearly visible prior to entering such premise and shall read: "Caution—Electronic Animal Confinement System."
- (h) It shall be the duty of every owner of an animal to ensure that the animal is kept under restraint, and that precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner.
- (i) It shall be the duty of every owner to ensure that the enclosure must be securely locked at any time the animal is left unattended, after being issued a warning or a citation by the animal control officer.
- (j) It shall be the duty of every owner of a classified animal to ensure that the animal is securely and humanely enclosed within a proper enclosure as a means of restraint.

Running-at-large means any animal which is off the property of its owner and not under the control of a competent person. (*Res. of 6-7-05; Amd. of 9-7-10*)

Sec. 10-2. - Penalty for violation of chapter.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided in section 1-11 of the Houston County Code of Ordinances. (*Res. of 6-7-05*)

Sec. 10-3. - Citations.

Any person who violates the provisions of this chapter may be issued a citation for that violation to appear in Magistrate Court. Such a citation may be issued by an animal control officer, based upon his own personal knowledge or upon a sworn written statement of another person who has witnessed the violation, in which case the witness shall be subpoenaed to testify for Houston County in the court. (*Res. of 6-7-05*)

Sec. 10-4. - Joint government services.

Any county or municipality or any combination of such local governments may contract or enter into agreements with each other for joint animal control services and codes and for the separate or joint use of personnel, facilities and equipment used in the provision of such services. (*Res. of 6-7-05*)

Sec. 10-5. - Designation and powers of animal control officer.

- (a) The director of administration shall designate an individual to carry out the duties of an animal control officer as provided in this chapter.
- (b) One animal control agency may carry out the duties of animal control for more than one local government pursuant to a contract or agreement under section 10-4
- (c) The animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter. Law enforcement agencies of local governments and the sheriffs of counties shall cooperate with animal control officers in enforcing the provisions of this chapter.
- (d) Persons carrying out the duties of an animal control officer shall not be authorized to make

arrests, unless the person is a law enforcement officer having the powers of arrest. *(Res. of 6-7-05)*

Sec. 10-6. - Authority to remove abused or neglected animals.

Animal control officers shall be authorized to remove or cause to have removed to a safe location any animal that appears to be abused or suffering undue pain from abuse or neglect, as may be necessary to prevent further suffering. A sheriff's deputy or animal control officer may use any force necessary to remove any animal locked in a closed vehicle when the ambient temperature is eighty (80) degrees Fahrenheit or above outside the vehicle. If the vehicle is damaged during such removal, the police chief nor Board of Commissioners shall not be liable for any damage to the vehicle. The owner or possessor of the animal may be charged according to O.C.G.A. § 16-12-4 concerning cruelty to animals. *(Res. of 6-7-05)*

Sec. 10-7. - Interference with animal control officer.

It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any animal control officer in the official performance of their duties as provided for in this chapter. *(Res. of 6-7-05)*

Sec. 10-8. - Keeping of wild animals, livestock, or fowl.

It shall be unlawful for any person to raise, keep or permit to be raised or kept on premises that he owns or controls within Houston County any wild nondomestic animal, or any cattle, horses, ponies, donkeys, mules, goats, sheep, or fowl, unless permitted by the ordinances of the county. *(Res. of 6-7-05)*

Sec. 10-9. - Restraint of animals.

It shall be unlawful for any person to fail to keep any animal under restraint which is owned by or in the custody or control of such person. *(Res. of 6-7-05)*

Sec. 10-10. - Creation of nuisance.

It shall be unlawful for any person to maintain a public nuisance as defined in this chapter. *(Res. of 6-7-05)*

Sec. 10-11. - Confinement of female animals in season.

It shall be unlawful for any owner or other person who has custody or control of a female animal that is in season to fail to keep the female animal confined in such a manner that such female animal cannot come in contact with a male animal, except for intentional breeding purposes. *(Res. of 6-7-05)*

Sec. 10-12. - Animal Neglect.

It shall be unlawful for any owner to fail to provide his animals with sufficient and wholesome food and water, with proper shelter and protection from the weather, with veterinary care when needed to prevent suffering, and with humane care and treatment. *(Res. of 6-7-05)*

Sec. 10-13. - Cruelty to animals.

- (a)* It shall be unlawful for any person to commit acts of cruelty towards any animal; and
- (b)* It shall be unlawful for any person to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cock fight, or other combat between animals or between animals and humans. *(Res. of 6-7-05) State law reference— Dog fighting unlawful, O.C.G.A. § 26-2-160.*

Sec. 10-14. - Abandonment.

It shall be unlawful for any person to abandon an animal. *(Res. of 6-7-05)*

Sec. 10-15. - Exposure of poisons.

It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that the substance is liable to be eaten by any animal; provided that it shall not be

unlawful for a person to expose on his own property common rat poison mixed only with raw vegetable substances. *(Res. of 6-7-05)*

Sec. 10-16. - Removal of waste.

It shall be unlawful for the owner of an animal to fail to immediately remove any excrement deposited by his animal on public property, walks, recreation areas or private property not owned or controlled by the owner of the animal; or fails to remove any excrement from their property and dispose of this waste on a daily basis. *(Res. of 6-7-05)*

Sec. 10-17. - Confinement and quarantine of biting animals.

It shall be unlawful for an animal that is known to have bitten a person not to be confined for the purpose of quarantine by a method to be determined by the county health department for a period of not less than ten days. All expenses incurred for such confinement and observation shall be paid by the owner of such animal. State law reference O.C.G.A. § 31-19 and the Georgia Rabies Control Manual. *(Res. of 6-7-05)*

Sec. 10-18. - Rabies inoculation for dogs and cats and ferrets.

It shall be unlawful for the owner of any dog or cat or ferret housed, kept or boarded past 3 months of age within the unincorporated or incorporated limits of the county to fail to have the animal(s) inoculated against rabies, and to have a rabies tag attached to animal's collar. The owner shall be liable for the inoculation of the animal. State law reference O.C.G.A. § 31-19 and the Georgia Rabies Control Manual. *(Res. of 6-7-05)*

Sec. 10-19. - Number of dogs and cats per residential lot.

It shall be unlawful for there to be more than three dogs and three cats on any residential lot subject to the following exceptions:

- (1) Pet owners in compliance with any prior ordinance limiting the number of dogs and cats shall be allowed to continue to keep said number of animals.
- (2) A litter of puppies or kittens will be permitted to remain on property for a period of 12 weeks after their birth.
- (3) Limitation does not apply to residential lots of five (5) or more acres or for lots zoned Residential Agricultural (R-Ag).
- (4) Limitation does not apply to licensed foster home operators, breeders or other individuals who have been granted a waiver by the (board of commissioners/mayor and council) consistent with the procedures and criteria outlined in section 10-20 *(Res. of 6-7-05)*

Sec. 10-20. - Waiver to animal limitations.

(a) Upon application to and approval by the Houston County Board of Commissioners, a citizen may keep animals in greater numbers than provided in section 10-19 of this chapter, provided that the board of commissioners find that:

- (1) There are exceptional and extraordinary circumstances existing such that a waiver should be granted;
- (2) Granting the waiver would not confer upon the applicant any special privileges that are denied to others;
- (3) The wavier will not be injurious to the neighborhood or to the general welfare of the neighborhood; and
- (4) The applicant can demonstrate a special use or need to house animals in greater numbers than provided in section 10-19. This item shall be deemed to include, but not be limited to, participation in a licensed animal rescue organization (Licensed in State of Ga.), use of animals for therapeutic or other purposes, emergency care of pets owned by other persons, or other circumstances which are specified in the application for waiver.

(b) The person making application for such a wavier shall submit, with his/her application a fee of

\$100.00. A sign containing information as to the proposed waiver, and the date and time at which the application will be considered by the board of commissioners shall be posted in a conspicuous location on the property not less than 15 days prior to the date of the public hearing.

- (c) The application shall be sent to the board of commissioners for review, public hearing and approval/denial thereof. The board of commissioners shall have 30 days in which to make a decision.
- (d) Any waiver approved by the board of commissioners may be revoked upon the applicant being found in violation of the nuisance provisions of this article. (Res. of 6-7-05)
- (e) The waiver shall be renewed on an annual basis. At the time of renewal of a waiver a animal control officer shall verify that the owner is continuing to comply with provisions of this ordinance section. Failure to be in compliance shall cause the animal control officer to bring violations to the board of commissioners.

Sec. 10-21. - Warning notice on premises using guard dogs.

It shall be unlawful for the owner, tenant or custodian of property upon or within which a guard dog is located to fail to conspicuously and prominently post a notice on the outside of the property. Such notice shall comprise the words "Warning—Guard Dog" and shall be in clearly distinguishable block letters of either red or black on a white background which are easily read at a distance of 50 feet. In the case of a guard dog being kept inside a building or fence, such notice shall be conspicuously posted upon the building or fence at a distance not greater than 50 feet apart, as well as upon each and every entrance and exit to the building. In the case of apartments, condominiums or businesses located within a larger building where the guard dog is located within the apartment, condominium or business solely, this notice shall be conspicuously posted on each and every entrance and exit to the apartment, condominium or business. (Res. of 6-7-05)

Sec. 10-22. – Tethering.

It shall be unlawful to restrain an animal by tethering or any similar use of chain, cable, rope, runner or other stakeout or tie-out device.

Sec. 10-23 - Limiting Ownership

Any person convicted of cruelty, neglect or abandonment of animal shall not be allowed to adopt an animal from an animal shelter or rescue for at least three (3) years after the date of conviction, without written waiver from the city council or county commissioners; and

Any person who has been convicted of cruelty, neglect or abandonment of animal as provided in this Code and has been required to or voluntarily relinquished ownership of said animal, shall not be allowed to own a pet in their household for at least three (3) years from the date of conviction; and person who has been convicted of failure to keep animal under restraint while on owner's property as provided in this Code and has been required to provide additional confinement requirements and has not complied with the court's order, shall not be allowed to own a pet in their household for three at least (3) years from the date of conviction.

Sec. 10-24 Aggressive dogs

No person shall in any area zoned for residential use engage in the business of training dogs to attack humans or maintain dogs which are being trained to attack humans unless such use is expressly permitted under the applicable zoning regulations in effect for such residential area.

SEC. 10-25 Dead animals

No person shall place any dead animal upon public property, their premises or upon the premises of any other person, or allow any dead animal to remain upon public property, their premises or

any dead animal belonging to them to remain upon the premises of another without disposing of same or causing the same to be properly removed or disposed of within twenty-four (24) hours.

SEC. 10-26 Feeding of Stray (feral) cats

It shall be unlawful for any person to feed stray and/or feral cats, where such feeding causes a nuisance to neighbors or businesses, or creates a condition contrary to the health, safety and welfare of the community.

SEC. 10-27 Cats injuring or destroying property of others

It shall be unlawful for any person to own, or allow to be in or upon any premises occupied by him or her or under his or her charge or control, any cat that in any manner injures or destroys any real or personal property of any description belonging to another.

Secs. 10-27—10-75. - Reserved.

Sec. 10-76. - Animals subject to impoundment.

Any animal that is out of control or unattended or otherwise in violation of this ordinance, whether or not the animal is on private or public property, may be impounded by the animal control officer in accordance with rules and regulations adopted pursuant to this article. *(Res. of 6-7-05)*

Sec. 10-77. - Redemption of impounded animals.

It shall be the duty of the animal control officer to notify the owner, if the owner is known or can be reasonably ascertained, of every animal impounded, by telephone, if possible, or by mail, within two working days of the impoundment. The owner of any animal impounded may claim and take custody of the animal within four working days of such impoundment by the payment of an impoundment fee, plus the boarding fee and providing proof of rabies inoculation. If the animal is not current on rabies inoculation, the animal may be released to the owner and the owner shall have the animal inoculated within five working days and provide a copy of the rabies certificate to the animal control officer. *(Res. of 6-7-05)*

Sec. 10-78. - Impoundment fee.

(a) All fees for impoundment under this article shall be set from time to time by the Houston County Board of Commissioners. Impoundment fees are separate and distinct from penalties for violations of any part of this chapter.

(b) Effective July 1, 2005 impoundment fees shall be as follows:

- (1) First offense, \$25.00.
- (2) Second offense for the same animal, \$50.00.
- (3) Third and subsequent offense for the same animal, \$100.00. *(Res. of 6-7-05)*

Sec. 10-79. - Disposition of unclaimed animals.

The animal control officer shall be authorized to dispose of any animal impounded under this article in as humane and painless a manner as possible, or to donate any animal to a public or nonprofit institution or agency, if such animal has remained unclaimed for the prescribed period of time or if it has been injured and is suffering or in great pain and such animal does not display an identification tag and no determination of the owner can be made from a reasonable investigation. The disposal of any animal as provided in this section does not relieve the owner of any liability for any violation of this chapter. If the owner of any animal is known or ascertainable, but for a valid reason cannot be reached within the four-working day period, the animal control officer shall be authorized to hold the animal until such time as the owner can be reached. *(Res. of 6-7-05)*

Secs. 10-80—10-100. - Reserved.

Sec. 10-101. - Definitions.

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

Altered means it shall be the duty of the owner of a dog or cat declared by an authority or court of competent jurisdiction to be a potentially dangerous, dangerous or vicious animal, to have the animal surgically sterilized. Such sterilization must be performed by a licensed veterinarian within thirty (30) days of a final order of an authority or court of competent jurisdiction declaring the animal to be a potentially dangerous animal, dangerous animal, or vicious animal.

Classified animal means any animal that has been classified as either dangerous or vicious animal pursuant to this article. Classifications are permanent until the death of the animal.

Dangerous animal means any animal that:

1. Causes a substantial puncture of a person's skin by teeth without causing serious injury; or
2. Aggressively attacks in a manner that causes a person to reasonably believe that the animal posed an imminent threat of serious injury to such person or another person although no such injury occurs; or
3. 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; where certain conditions apply, see Sec 10-102; or
4. has previously been found to be a potentially dangerous animal and has repeated the same behavior under potentially dangerous animal sections 1,2, or 3.

Fence means any structure of wire, being 16 gauge or lower, wood, stone or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence shall be sufficient to prevent the animal from being able to jump, dig, or escape from confinement; and shall have slats installed for chain link if it is the only barrier to contain a dangerous animal.

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 care or control of an animal. In the case of an animal owned by a minor, the term 'owner' includes the parents or person in loco parentis with custody of the minor.

Pen means a pad locked, fenced area within a perimeter fenced area that has secure sides that are buried two (2) feet into the ground or sunken in concrete and a secure top.

Potentially dangerous animal means any animal that:

1. endangers the safety of humans; or
2. an animal that bites or attacks a person or pet animal without causing injury; or
3. or an animal that has been found "running at large more than one time in a six month period: or
4. which, because of temperament, conditioning, or training, has a known propensity, tendency, or disposition to attack, bite, or injure humans or other animals without provocation.

Proper enclosure means an enclosure for keeping

1. A potentially dangerous animal, while on the owner's property, securely and locked confined indoors or in a securely enclosed pad locked fenced in area. Such enclosure shall be suitable to prevent the entry of young children and designed to prevent the animal from escaping. All sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the animal's escape from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.

2.

3. A dangerous animal, while on the owner's property, securely confined indoors or inside an enclosed and locked pen constructed with a fence of 16 gauge or lower, or inside a fence of 16 gauge or lower with slats inserted, if said fence is the only barrier to maintain said dangerous animal and maintained and suitable to prevent the entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top. If the animal is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the animal's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.
4. A vicious animal, while on the owner's property, securely confined and enclosed and locked pen, with fence 16 gauge or higher, and shall be separate from the chain link fencing and it shall have slats, and such structure shall be suitable to prevent the entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top and a secure bottom. The pen shall be constructed or secured in such a manner as to prevent the animal's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.

Residential Lot The lot with a dwelling located thereon, exclusive of any vacant lots adjacent thereto under the same ownership.

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 avulsion; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

Vicious animal means any animal that:

- (1) inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the animal's attack; or
- (2) in the opinion of a judge, presents a threat of serious harm to other animals or humans; or
- (3) has previously attacked or bitten a human or injured a pet animal and has attacked or bitten a human or pet animal for second time; or
- (4) has been previously classified as a dangerous animal and has attacked or bitten a human or pet animal for second time.

Sec. 10-102. - Exemptions from article.

No dog shall be classified as a potentially dangerous dog, dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a potentially dangerous dog, dangerous dog or vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit a crime; or (*Amd. of 8-21-12*)

Training, hunting, herding exemption from dangerous dog restraint/leash requirement:

- (a) In addition to the requirements otherwise specified by this Code section and O.C.G.A. § 4-8-29(a)(3), the person training the dog(s) must be the owner thereof, and must be in compliance with all Department of Natural Resources requirements including without limitation
 1. a valid hunting license on his/her persons; and
 2. has the consent of the property owner where he/she is hunting
 3. training, hunting, herding and/or predator control cannot take place off the property of the owner thereof, unless with the express written permission and acknowledgement of dangerousness of the dog granted by the owner of the land being used; and
 4. only with a dog that will instantly respond to the verbal commands of the dog's owner, including without limitation a command to immediately heel and/or return to the owner.

Sec. 10-103. - Violation of article.

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

It shall be unlawful for an owner of a Dangerous or Vicious Animal to leave said animal

- (a) unattended with minors
- (b) A person who violates subsection (a) of this Code section shall be guilty of a misdemeanor of high and aggravated nature.
- (c) It shall be unlawful for an owner of a Dangerous or Vicious animal to leave said animal unattended with other pets

Sec. 10-104. - Animal control board.

- (a) The board of commissioners hereby establish an animal control board to hold hearings as provided by O.C.G.A. § 4-8-23
- (b) This board is created in conjunction with the cities of Warner Robins, Centerville and Perry and shall be comprised of one representative each from the Houston County Board of Commissioners and the cities of Centerville, Perry and Warner Robins.
- (c) No member of the animal control board may participate in a hearing on any matter in which such member previously participated in the classification of the animal at issue. (*Amd. of 8-21-12*)

Sec. 10-105. - Investigation; notice to owner.

A. For purposes of this section, the term:

- (1) "Authority" means a court of competent jurisdiction an animal control board or local board of health, as determined by the governing authority of a local government; provided, however, that if an authority has not been established for the jurisdiction, the owner shall be informed of the right to request a hearing from the probate court for such jurisdiction where the dog was found or confiscated within five days after the date shown on the notice.
- (2) "Mail" means to send by certified parcel mail or statutory overnight delivery to the recipient's last known address.

B. Upon receiving a report of an animal believed to be subject to classification as a

C. Potentially dangerous animal within an animal control officer's jurisdiction, the animal control officer shall make such investigations as necessary to determine whether such animal is subject to classification as a potentially dangerous animal.

- a. Animal control officer shall mail a dated notice within 72 hours.
- b. Notice shall include animal control officer's determination and shall state what qualifications/regulations the owner must be in accordance with.
- c. Shall have no appeal process under potentially dangerous classification
- d. if it is determined that the potentially dangerous animal shall be classified as a dangerous animal, the owner shall comply with the requirements under section for Dangerous Animal

E. Dangerous animal or vicious animal within an animal control officer's jurisdiction, the animal control officer shall make such investigations as necessary to determine whether such animal is subject to classification as a dangerous animal or vicious animal.

F. When a animal control officer determines that an animal is subject to classification as a dangerous animal or vicious animal, the animal control officer shall mail a dated notice to the animal's owner within 72 hours. Such notice shall include a summary of the animal control officer's determination and shall state that the owner has a right to request a hearing from the authority on the animal control officer's determination within 5 business days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the animal control officer's

determination shall become effective for all purposes under this article.

- G. When a hearing is requested by an animal owner in accordance with subsection (c) of this section, such hearing shall be scheduled within 15 days after the request is received; provided, however, that such hearing may be continued by the authority or probate court for good cause shown. At least 5 days prior to the hearing, the authority or probate court conducting the hearing shall mail to the animal owner written notice of the date, time, and place of the hearing. At the hearing, the animal owner shall be given the opportunity to testify and present evidence and the authority or probate court conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify which only means to upgrade or downgrade classification, or overrule the animal control officer's determination.
- H. Within ten days after the hearing, the authority or probate court which conducted the hearing shall mail written notice to the animal owner of its determination on the matter. If the determination is that the animal is to be euthanized pursuant to Code Section 4-8-26, the notice shall specify the date by which the euthanasia shall occur.
- I. Judicial review of the authority's final decision may be had in accordance with Code Section 15-9-30.9. Judicial review of a probate court's final decision shall be in accordance with Code Section 5-3-2 and costs shall be paid as provided in Code Section 5-3-22.

Sec. 10-106. - Duties of owner; registration fee.

- A. It shall be unlawful for an owner to have or possess within this state a potentially dangerous animal, or classified animal without a certificate of registration issued in accordance with the provisions of this Code section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.
- B. Unless otherwise specified by this section, a certificate of registration for a potentially dangerous animal shall be issued if the animal control officer determines that the following requirements have been met:
 - (1) The owner has maintained a proper enclosure for a potentially dangerous animal; and
 - (2) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the animal; and owner must provide verifiable proof of registration to the animal control officer within 5 business days; and shall be kept up to date; and
 - (3) The animal has been altered and owner must provide verifiable proof to the animal control officer within thirty (30) days from date of classification; and
 - (4) The animal is current on rabies inoculations and provide proof and attach rabies tag to animal's collar at all times; and
 - (5) The owner nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal; and no certificate of registration shall be issued to any person who has been convicted of two or more violations of this article; and no person shall be the owner of more than one potentially dangerous, or classified animal; and
 - (6) Owner or lessor of said property, where owner of animal resides, must give written consent granting approval and knowledge that the resident owns a potentially dangerous animal.
 - (7) Notify animal control officer upon the animal being sold, transferred ownership, died or attacked a human or pet animal with 24 hours or owner has moved.
- C. Unless otherwise specified by this section, a certificate of registration for a dangerous animal shall be issued if the animal control officer determines that the following requirements have

been met:

- (1) The owner had maintained a proper enclosure designed for a dangerous animal; and
- (2) Clearly visible warning signs have been posted at or on all entrances to the pen and posted at the entrance to the premises where the animal resides; and
- (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the animal; and owner must provide verifiable proof of registration to the animal control officer within 5 business days; and shall be kept up to date; and
- (4) The animal has been altered and owner must provide verifiable proof to the animal control officer within thirty (30) days from classification or date of hearing; and
- (5) The animal is current on rabies inoculations and provide proof and attach rabies tag to animal's collar at all times; and
- (6) The owner nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal, or any person who has been convicted of two or more violations of this section; and no person shall be the owner of more than one potentially dangerous, or classified animal; and
- (7) The owner shall maintain 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 dangerous animal against liability for any bodily injury or property damage caused by the animal; and
- (8) No owner can keep/house a classified animal within 200 yards of any structure or manmade improvement that is an aquatic center, church, convenience store, daycare, grocery store, hospital, humane society, library, nursing home, park, playground, restaurant, school, skilled nursing unit, or walking trail, due in part to these areas being frequented by children and senior citizens, and in some cases having food present; and
- (9) Owner or lessor of said property, where owner of animal resides, must give written consent granting approval and knowledge that reside owns a potentially dangerous, dangerous, or vicious animal; and
- (10) Owner of a dangerous animal shall be charged an annual registration fee of \$300.00

D. Unless otherwise specified by this section, a certificate of registration for a vicious animal shall be issued if the animal control officer determines that the following requirements have been met:

- (1) The owner has maintained an enclosure designed to securely confine the animal on the owner's property in a securely pad-locked and enclosed pen; and
- (2) Clearly visible warning signs have been posted at or on all entrances to the pen and posted at the entrance to the premises where the animal resides: and
- (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the animal; and owner must provide verifiable proof of registration to the animal control officer within 5 business days; and shall be kept up to date; and
- (4) The animal has been altered and owner must provide verifiable proof to the animal control officer within thirty (30) days of classification or date of hearing; and
- (5) The animal is current on rabies inoculations and provide proof and attach rabies tag to animal's collar at all times; and
- (6) The owner nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal, or any person who has been convicted of two or more violations of this section; and no person shall be the owner of more than one potentially dangerous, dangerous or vicious animal; and

- (7) Owner or lessor of said property, where owner of animal resides, must give written consent granting approval and knowledge that resident owns a vicious animal.
 - (8) The owner shall maintain and can provide proof of general or specific liability insurance in the amount of at least \$100,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious animal against liability for any bodily injury or property damage caused by the animal; and
 - (9) No owner can keep/house a classified animal within 200 yards of any structure or manmade improvement that is an aquatic center, church, convenience store, daycare, grocery store, hospital, humane society, library, nursing home, park, playground, restaurant, school, skilled nursing unit, or walking trail, due in part to these areas being frequented by children and senior citizens, and in some cases having food present.
 - (10) Owner of a vicious animal shall be charged an annual registration fee of \$300.00
- E. No certificate shall be issued to the owner of more than one potentially dangerous, dangerous or vicious animal nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal, or any person who has been convicted of two or more violations of this section.
- F. No person shall be the owner of more than one potentially dangerous, dangerous, or vicious animal.
- G. No certificate of registration for a vicious animal shall be issued to any person who has been convicted of:
- (1) A serious violent felony as defined in Code Section 17-10-6.1;
 - (2) The felony of dog fighting as provided for in Code Section 16-12-37 or the felony of aggravated cruelty to animals as provided for in Code Section 16-12-4; or
 - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in 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.
- H. Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a potentially dangerous, dangerous, or vicious animal, a animal control officer shall verify that the owner is continuing to comply with provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.
- I. The owner of a classified animal shall notify the animal control officer within 24 hours if the animal is on the loose or has attacked a human or attacked a pet animal and shall notify the animal control officer within 24 hours if the animal has died or has been euthanized.
- J. A vicious animal shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.
- K. The owner of a potentially dangerous animal or classified animal who moves from one jurisdiction to another within the State of Georgia shall register the potentially dangerous or classified animal in the new jurisdiction within ten (10) days of becoming a resident and notify the animal control officer of the jurisdiction from which he or she moved. The owner of a similarly classified animal who moves into this state shall register the animal as required in Code Section 4-8-27 within 30 days of becoming a resident.

Sec. 10-107. - Confinement.

It shall be unlawful for an owner of a:

- A. Potentially dangerous animal to allow that animal outside of a proper enclosure unless that

animal is

- a. on a leash less than 4 feet; and
- b. is under the immediate control of a person capable of preventing the animal from engaging any other human or animal when necessary; and
- c. Flexi-leashes are not allowed.

B. Dangerous animal or Vicious animal to allow that animal outside of a proper enclosure unless that animal is:

- a. on a leash less than 4 feet; and
- b. is under the immediate physical control of a person capable of preventing the animal from engaging any other human or animal when necessary; and
- c. shall have on a wire basket muzzle at all times; and
- d. Flexi-leashes are not allowed;

Sec. 10-108. - Confiscation of dogs.

NEW STATE LAW

Said article is further amended by revising Code Section 4-8-30, relating to payment of costs for recovery, as follows:

"4-8-30.

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

(b) The owner of any animal that has been confiscated pursuant to this article may recover such animal upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by a dog control officer, an authority, as defined in Code Section 4-8-23, or a probate court. All fines and all charges for services performed by a law enforcement or animal control officer shall be paid prior to owner recovery of the animal. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the animal.

(c) In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was confiscated, such animal shall be released to an animal shelter, as such term is defined in Code Section 4-14-2, or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia."

Sec. 10-109. - Liability.

Under no circumstances shall Houston County or its employees or officials be held liable for any damages to any person who suffers an injury inflicted by an animal as a result of a failure to enforce the provisions of this article. *(Amd. of 8-21-12)*

Sec. 10-110. - Reclassification.

(a) (1) Any dog classified prior to July 1, 2012, as a potentially dangerous dog shall on and after that date be classified as a dangerous dog under this article.

(2) Any dog classified prior to July 1, 2012, as a dangerous dog or vicious dog shall on and after that date be classified as a vicious dog under this article.

(b) The owner of any dog referred to in subsection (a) of this Code section shall come into compliance with all current provisions of this article by January 1, 2013. *(Amd. of 8-21-12)*

Sec. 10-111. – Jurisdiction, Power, and Duties of Probate Courts.

OCGA 15-9-30.9.

(a) In addition to any other jurisdiction vested in the probate courts, such courts shall have the right and power to hear cases of violations of Article 2 of Chapter 8 of Title 4 and to impose:

- (1) Civil penalties for such violations, other than euthanasia; and
- (2) Criminal penalties for such violations as provided by Code Section 4-8-32.

(b) An appeal from a decision by an animal control board or local board of health pursuant to subsection (f) of Code Section 4-8-23 shall lie in probate court. No appeal shall be heard in probate court until costs which have accrued in the tribunal below have been paid, unless the appellant files with the probate court or with the tribunal appealed from an affidavit stating that because of indigence he or she is unable to pay the costs on appeal. In all cases, no appeal shall be dismissed in the probate court because of nonpayment of the costs below until the appellant has been directed by the court to do so and has failed to comply with the court's direction.

(c) Filing of the notice of appeal and payment of costs or filing of an affidavit as provided in subsection (b) of this Code section shall act as supersedeas, and it shall not be necessary that a supersedeas bond be filed; provided, however, that the probate court upon motion may at any time require that supersedeas bond with good security be given in such amount as the court may deem necessary unless the appellant files with the court an affidavit stating that because of indigence he or she is unable to give bond.