

**Dawson County Animal Control Ordinance
Chapter 14**

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ARTICLE I. IN GENERAL

Sec. 14-1. Definitions (also found at beginning of Article IA, Article II, Article III, Article IV)

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:

Abandoned animal means any domesticated animal that has been placed upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned, when it has been unattended and without proper food and water for a period in excess of 36 hours, regardless of where the animal may be found or kept.

Animal at large means any animal not under restraint and off the property of its owner.

Animal control center means those facilities designated by the Board of Commissioners for the housing and care of animals pursuant to this article.

Animal control department carries the same meaning as the Animal Control Officer.

Animal shelter means the facility designated by the Board of Commissioners of the county for the detention of animals.

Animal under restraint means any animal secured by a leash or lead; or enclosed by way of fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's commands, and the person being present with the animal; or an animal confined within a vehicle, parked or in motion.

Appropriate authority means Dawson County, the animal control department of Dawson County, the State of Georgia, any city, any county, or any state or subdivision thereof.

Board means Dawson County Board of Health, State of Georgia.

Certificate shall mean a certificate of vaccination on a form furnished or approved by the Georgia Department of Human Resources.

Companion animal means a domesticated animal kept for pleasure rather than utility. Pets include but are not limited to birds, cats, dogs, hamsters, horses, mice, reptiles, domesticated wild animals, exotic animals and other animals associated with man's environment.

Dangerous dog means any dog that, according to the records of an appropriate authority:

- (1) Inflicts a severe injury on a human being or domestic animal without provocation; or
- (2) Bites, attacks or endangers the safety of humans or domestic animals without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.
- (3) 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 potentially dangerous dog within the meaning of this article. A dog shall not be a dangerous dog or a potentially dangerous 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 willful trespass or other tort or was tormenting, abusing, or assaulting the dog, or had in the past been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

Dangerous dog control ordinance means Article IV of this Chapter.

Department means the department of human resources, State of Georgia.

Dog shall mean a dog, of either sex, vaccinated or not vaccinated against rabies.

Domesticated animals means animals that are accustomed to living in or about the habitation of men, including, but not limited to: cats, cows, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals. (This definition only applies to those animals mentioned herein and is only applicable to this chapter and in no way affects the meaning or application of a definition of the described animal, as may be found in any other city ordinance.)

Governing authority means the governing body or official in which the legislative powers of a local government are vested.

Guard dog means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which he is located.

Health department means the Dawson County Health Department or in the absence of a functioning health department, the Dawson County Board of Health.

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Local government means the City of Dawsonville and Dawson County.

Owner means any natural person or any legal entity owning, keeping, harboring, possessing, or having custody or control, or acting as caretaker or custodian of any domesticated animal, having a right of property in an animal, or any person who permits an animal to remain on his premises, within the City of Dawsonville or Dawson County.

Person shall mean any individual, firm, corporation, partnership, municipality, county, society, or association.

Potentially dangerous dog means any dog that without provocation bites a human being or domestic animal.

Proper enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog, while on the owner's property, securely confined indoors or in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of younger children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top, and if the dog 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 dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

Public nuisance means any animal which:

- (1) Is found at large in violation of section 14-4.
Is found at large in violation of section 14-5 and section 14-6 as set out below;
- (2) Is vicious, and for the purpose of this section, an animal shall be considered vicious if it attacks without provocation any human being or other domesticated animal or animals;
- (3) Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the county;
- 4) Attacks passersby's or passing vehicles; or
- 5) Is harmful or hostile to the public health, welfare or safety according to the rules and regulations promulgated by the county health department, whose rules and regulations are incorporated in and made a part of this article as if fully set out.

Rabies control fee shall mean that surcharge (fee) authorized by the State Health Code and levied by the county of residence at the time of rabies immunization of a pet animal in a private or public clinic. This fee is to be collected by the veterinarian and forwarded to the treasurer of the county of the animal owner's residence. The "rabies control fee" is not to be confused with any fees associated with licensing or registering pet animals, or the fee that shall be charged by the veterinarian for performing the vaccination.

Rabies vaccination tag shall mean a tag furnished or approved by the Georgia Department of Human Resources and which tag shall be worn by the vaccinated dog at all times.

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 of an animal control officer as provided for in this division.

Severe injury means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery, or a physical injury that results in death.

Vaccinate, inoculate shall mean the injection of a specified dose of anti-rabies vaccine by a veterinarian into the proper site of an animal, such vaccine having the U.S. Department of Agriculture Veterinary Biologics Control Section license number approval stamped on the label of the container and having been approved by the Georgia Department of Human Resources.

Vaccine means an injectable material containing killed or attenuated rabies virus, licensed by the United States Department of Agriculture, Veterinary Biologics Section, and approved by the Georgia Department of Human Resources. Vaccine used for the purpose of this rule shall be stored at the temperature prescribed on the purchase label. Outdated vaccine shall not be used.

Veterinarian shall mean any person who holds a degree of doctor of veterinary medicine (DVM).

Vicious animal means any animal which constitutes a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage or physical injury. An animal shall also be considered vicious if it makes an unprovoked attack on other animals or on human beings or on physical property.

- (a) The term "vicious animal" means:
- (1) Any animal that attacks, bites or injures humans or other animals without provocation;
 - (2) Which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation.
 - (3) An animal which has on one or more occasions caused injury to other living creatures without provocation; or

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- (4) Any animal which constitutes a physical threat to human beings or domesticated animals by one or more attacks without provocation of severity to cause physical injury. The definition of "vicious animal" contained in this subsection shall be supplementary to the definitions contained in Article IV.

Sec. 14-2. Interpretation of chapter; conflicting provisions.

- (a) Where there is a conflict between this chapter and another county or municipal ordinance, this chapter shall apply.
- (b) Where there is a conflict among chapters or sections within this chapter, the chapter or section which is more restrictive and stricter shall apply.
- (c) Definitions in one article of this chapter may be used to define terms in other parts of this chapter unless it is clear from the context that the definition does not apply.
- (d) This chapter shall apply to the participating municipalities, notwithstanding the use of the word "county" instead of "city."

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ARTICLE IA. DOMESTIC ANIMAL CONTROL *

Sec. 14-3. Running at large prohibited.

- (a) It shall be unlawful for the owner of any animal, or anyone having an animal [any domestic fowl or livestock] in his possession and custody, to allow it to run at large unattended on or about the streets and highways of the unincorporated and incorporated limits of the county, or on the property of another person or of the person in possession of such property, except for dogs being used in hunting in accordance with state game and fish department laws, rules and regulations.
- (b) Any such animal at large may be impounded by the animal control officer or an authorized representative thereof.

Sec. 14-4. Duty to keep animal under restraint--While on property.

- (a) It shall be the duty of every owner of any animal to ensure that it is confined by way of a fence or other enclosure or is restrained by chain or leash or, in some other physical manner, under the control of a competent person so that it cannot wander off the real property limits of the owner, it being the intent of this article that all animals be prevented from leaving, while unattended, the real property limits of their owners.
- (b) In addition, all male and female dogs and cats that have not been spayed or neutered must be securely confined in such a way that they not only cannot get out to run loose, but also cannot be reached by other dogs or cats.

Sec. 14-5. Duty to keep animal under restraint--While off property.

- (a) It shall be the duty of the owner of any animal or anyone having an animal in his possession to keep the animal under control at all times while the animal is off the real property limits of the owner, possessor or custodian. For the purposes of this section, an animal is deemed under control when it is confined within a vehicle, whether parked or in motion; is secured by a leash or other device held by a competent person; or is properly confined within an enclosure with permission of the owner of the property where the enclosure is located. An animal may be under voice control only if the owner is present and if the animal is responsive to the owner.
- (b) No person shall tie, stake or fasten any animal within any street, alley, sidewalk or other public place or in such manner that the animal has access to any portion of any street, alley, sidewalk or other public place.
- (c) Every female dog in heat shall be confined in a building or other enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding.
- (d) Every animal shall be restrained and controlled so as to prevent it from harassing passersby, chasing vehicles, or attacking persons or other animals.

Sec. 14-6. Abandonment of animals.

- (a) It shall be unlawful for a person to abandon any domestic animal owned by him. No person shall put out or abandon any dog, cat or other domestic animal on public or private property. It shall be unlawful for anyone to knowingly abandon any domesticated animal within the county. Each person who does abandon, knowingly or willingly permits such abandonment, or aids in the abandonment of any domesticated animal shall be in violation of the law and shall be punished as provided in this article.
- (b) Each offense shall be punished with a fine of the maximum amount allowable by law.
- (c) If the owner, possessor or custodian of an animal is not known, and the animal is upon the public streets, alleys, sidewalks, school grounds or other public places or premises, or property of another, without the property owner's permission, as prohibited by this section, any law enforcement officer or agent or employee duly authorized by the county shall be authorized to immediately take possession of such animal and impound it in accordance with the rules and regulations provided by law or by ordinance of the county for the detention, control and disposition of animals.
- (d) The impoundment of an animal shall be accomplished without a breach of the peace. Once impounded, an animal shall be kept for a period of time as outlined in this article, and, thereafter, if the animal is not claimed by anyone after a reasonable effort has been made to locate the owner, possessor or custodian of the animal as provided in this article, the animal may be disposed of in a humane fashion or in accordance with the rules and regulations of the state.

Sec. 14-7. Cruelty to animals; fighting animals..

No person shall, by act, omission or neglect, cause unjustifiable physical pain, suffering or death to any animal. This section shall not apply to the killing of animals raised for the purpose of providing food, nor does it apply to any person who shall hunt wild animals in compliance with the game and fish laws of the State of Georgia. Furthermore, this section shall not apply to the killing or injuring of animals for humane purposes or in the furtherance of medical or scientific research or in the necessary defense of one's person or personal property.

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- (a) Whoever willfully or maliciously kills, abuses, maims or disfigures any animal or willfully or maliciously administers poison to an animal or exposes any poisonous substance with intent that the substance shall be taken and swallowed by an animal shall be in violation of this article.
- (b) Whoever overloads, overdrives, tortures, torments or deprives an animal of its necessary sustenance or shelter or beats, mutilates or kills any animal or causes such acts to be done, or carries in or upon a vehicle or otherwise any animal in a cruel or inhumane manner, shall be deemed in violation of this article.
- (c) Whoever confines an animal and fails to supply sufficient quantities of wholesome food and water, or keeps any animal in any enclosure without wholesome exercise and change of air, or abandons any animal to die, shall be deemed in violation of this article.
- (d) No person shall:
 - (1) Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting.
 - (2) Build, make, maintain or keep a pit on premises owned by him or occupied by him, or allow a pit to be built, made, maintained or kept on such premises, for the purpose of an exhibition of animal fighting.
 - (3) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting.
 - (4) Charge admission to, be an assistant, umpire or participant at or be present as a spectator to any exhibition of animal fighting.
- (e) Any animal control officer shall impound any animal found to be treated in a cruel manner.

Sec. 14-8. Animals creating nuisance.

- (a) The owner of any animal which habitually barks, whines, howls or causes other objectionable noise, or which is at large or chases or runs after persons or vehicles, or which destroys or damages any property of another person, or which causes serious annoyance to a neighboring resident and interferes with reasonable use and enjoyment of his property, or which is otherwise offensive so as to create a nuisance, shall be deemed to be committing an act in violation of this section.
- (b) Any person that knowingly keeps, owns, harbors, has custody or control of, or acts as custodian of an animal constituting a nuisance shall be guilty of an unlawful act and shall be punished as provided in this chapter.

Sec. 14-9. Enforcement.

- (a) Responsibility. The primary responsibility for the enforcement of this article shall be vested in the animal control officer. He may, in the exercise of his authority as the animal control officer for the county, delegate the enforcement responsibilities of this section to such county employees under his direct supervision as he may select. By joint agreement of the participating municipalities with the county board of commissioners, enforcement of this chapter shall be by the county board of commissioners.

Sec. 14-10. Commercial guard/security dogs.

- (a) It shall be the duty of all persons who keep, use or maintain any guard/security dog to have signs conspicuously posted on the premises where the guard/security dog is located to warn of the presence of the dog. This warning shall consist of a warning sign placed at each entrance and exit to the premises and in a position to be legible from the sidewalk or ground level adjacent to the sign (eye level). If the premises are not enclosed by a wall or fence, a sign shall be placed at every entrance and exit to each structure on the premises in which a guard/security dog is located. Each sign shall measure at least ten inches by 14 inches and shall contain block lettering stating "Warning, Guard Dog on Duty." In addition, for dogs rented or leased, the sign shall set forth the name, address and phone number of the responsible person to be notified during any hour of the day or night.
- (b) It shall be the duty of all persons who keep, use or maintain a guard/security dog to ensure the dog is vaccinated against rabies and licensed as required by state and county laws and ordinances. The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by state and county laws and ordinances.
- (c) It shall be the duty of any person who sells, leases, and/or rents any guard/security dog to be used within the county to notify the County Animal Control of the location and number of guard/security dogs in use, kept, or maintained at a particular location. The animal control office shall maintain a record of the location, number of guard/security dogs, and current rabies vaccination and licensure of all guard/security dogs utilized within the county. The person who sells, leases, and/or rents a guard/security dog to be used in the county shall furnish the following information to the county animal control office :
 - (1) Name, address and telephone number of the location where a guard dog is located.
 - (2) Name, breed, sex, current license tag information of each guard dog at any location in the county or the city..

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- (d) It shall be unlawful to transport any guard/security dog in an open bed truck, and the vehicle transporting guard dogs shall be identified as to the business owner. It shall be unlawful to transport any guard dog in the county or the city except under the following conditions:
 - (1) Each dog shall be placed in separate holding bins.
 - (2) Each holding bin shall be enclosed and measure 48 inches long by 18 inches wide by 30 inches high.
 - (3) Each holding bin will be adequately ventilated.
- (e) No guard/security dog shall be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure.
- (f) A guard/security dog shall be confined by the owner/custodian/harbinger within a building or secure enclosure out of which it cannot climb, dig, jump or otherwise escape of its own volition.

Sec. 14-11. Vicious animals - Precautions to be taken by owners.

- (a) Vicious animal.
 - (1) The words "vicious animal" shall mean any animal which attacks, bites or injures humans, other animal without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation; or any animal which constitutes a physical threat to human beings or domesticated animals by one or more attacks without provocation of such severity to cause physical injury.
 - (2) Exception: An animal is not considered vicious if it attacks, bites or menaces:
 - a. Anyone attacking the owner;
 - b. Unlawful trespassers on the property of the owner;
 - c. Any person or animal that has tormented or abused it;
 - d. if it is defending it's young or other animal.
- (c) No person owning or having custody or control of any dog or other animal known to be vicious shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.
- (c) For owners of vicious animals who maintain their animal out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence the vicious animal must be humanely confined inside a house, building, pen or kennel of adequate size. The pen or kennel shall not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides, with a secure top attached to all sides, and the sides must be securely set into the ground or onto a concrete pad or securely attached to a wire bottom, out of which it cannot climb, dig, jump or otherwise escape on its own volition. The gate must be securely locked.
- (d) A warning sign (e.g., BEWARE OF DOG) shall be conspicuously posted denoting a vicious animal is on the premises and if said vicious animal is kept in a secure enclosure such signs will be posted on all 4 sides of said enclosure. It is the intention of this article to make all persons who have legitimate business at the place where a vicious animal is kept to be fully warned that such vicious animal is present.
- (e) No vicious animal shall be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure.
- (f) Whenever outside of its enclosure, but on the owner's property, a vicious animal must be attended by the owner and restrained by a secure collar and leash of not more than six feet in length and of sufficient strength to prevent escape.
- (g) It shall be unlawful for any person to cause, permit, accompany or be responsible for any vicious animal on the streets or in any other public place, at any time, unless, in addition to the other requirements of this article, such animal is humanely and securely muzzled and in charge of a competent person to effectively prevent it from biting any person or other animal.
- (h) The owner of any vicious animal which is not confined in a building or secure enclosure, or any person who shall release, either willfully or through a failure to exercise due care or control, or take such animal out of such building or secure enclosure in a manner which is likely to cause injury to another person or damage to the property of another person, shall be in violation of this article, and such animal shall be permanently confined or humanely destroyed.
- (j) Nothing in this article shall prevent separate enforcement concerning dangerous dogs and potentially dangerous dogs under this article.

Sec. 14-12. Penalties for violation (of vicious animal).

- (a) Any person who violates any provision of this article shall be guilty of a misdemeanor and subject to a fine of up to \$1000.00 and/or imprisonment in jail for a period not to exceed 60 days or both.
- (b) Any vicious animal shall be deemed to be a nuisance and may be abated as a nuisance upon the conviction thereafter of its owner in accordance with the laws of the State of Georgia.

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Sec. 14-13. Applicability of article.

This article shall apply to all animals, except Article IV, pertaining to dangerous dogs and potentially dangerous dogs, shall apply to the animals defined in that division.

Sec. 14-14. Penalty for violation of article.

- (a) Unless otherwise provided, any violation of this article shall be punished as for a misdemeanor under the laws of this state. Each and every violation and each days continuing violation shall be treated as a separate offense.
- (b) Unless otherwise provided, any person violating the terms of this article or rules and regulations promulgated pursuant to this article shall be punished by fines and/or imprisonment in the county jail as set forth by the magistrate court judge pursuant to law.
- (c) Unless otherwise provided, the county shall have jurisdiction of all cases arising from violation of this article.

Sec. 14-15--14-37. Reserved.

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ARTICLE II. ANIMAL CONTROL; IMPOUNDMENT

Sec. 14-38. Powers and duties of animal control officer

The animal control officer shall be primarily responsible, with support from the county health department, for the enforcement of this article, and his duties shall include but not be limited to the following:

- (1) Cooperation with the county board of health in the enforcement of rabies control regulations and of animal control directives.
- (2) Cooperation with the county Humane Society, through the board of commissioners, in the promotion of animal control and welfare.
- (3) Taking up and impounding animals that are in violation of this article, using any and all means available which are humane in nature.
- (4) Keeping a record of the number, description and disposition of all animals impounded or otherwise taken into custody, showing in detail in the case of each animal a general description by sex, breed and approximate age, together with any identification tag, vaccination tag or other marking and the date of receipt.

Sec. 14-39. Interference with animal control officer.

It shall be unlawful to take or attempt to take any animal from any vehicle used to transport such animal, or to take or attempt to take any animal from the animal control impounding areas. It shall also be unlawful for any person to remove or attempt to remove any animal from any trap set by the animal control division or to disturb, molest or damage any trap set by the animal control officer.

Sec. 14-40. Notice to owners of impounded animals; redemption by owner.

- (a) Any animal seized or impounded under any provision of this article shall be detained in the animal control shelter or any other such facility that the county may so designate.
- (b) Upon receipt of any impounded animal wearing a tag, the animal control officer shall immediately make diligent efforts to ascertain the identity of the animal's owner and shall, within 24 hours of receipt, telephone the owner to give notice of the impoundment. If the animal control officer is unsuccessful in reaching the owner by telephone, he shall send notice of the impoundment to the owner by certified mail or by personal service.
- (c) The owner of the impounded animal may after receiving such notice, regain possession of the animal upon payment of all applicable fees specified in this section. Such redemption shall not affect any criminal liability of the owner, which may exist with respect to any violation of this article, and shall not preclude proceedings against the owner for the purpose of pursuing sanctions under this article.

Sec. 14-41. Commencement of period of impoundment.

All periods of impoundment specified in this article shall be deemed to commence at 12:01 a.m. of the day following the date of confinement.

Sec. 14-42. Fees and Requirements for Violations and Impounds.

- (a) The fees with respect to services performed, in connection with the enforcement of this article shall be set by the Board of Commissioners from time to time. A copy of such fee schedule shall be posted at the headquarters of the animal control officer. Such fees may be changed at any time and from time to time as determined by the Board of Commissioners.
- (b) The fees established and collected under this article are not penalties, but are imposed for the sole purpose of defraying expenses borne by the county for animal control and welfare under this article. Such fees are subject to change at any time. Such fees shall include but not be limited to the following:
 - (1) An impounding fee.
 - (2) A boarding fee on a per-day basis.
 - (3) A rabies inoculation fee if needed.
- (c) In no event shall any animal be redeemed by its lawful possessor, owner or custodian unless those fees established for boarding the animal, as provided for in section 14-40 are paid.

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Sec. 14-43. Consequences of impounded and not claimed.

If for any reason an animal is impounded and not claimed by the owner after proper notification is made the animal shall be considered abandoned and the following subsections shall apply.

- (a) If the animal is not claimed by the owner within three (3) days of the receipt of the certified letter giving notice of impoundment or if the letter is returned by the post office or if within ten (10) days of impoundment the owner cannot be located, the animal shall be deemed abandoned and the animal control shelter may at their discretion adopt said animal or dispose of said animal in accordance with state law.
- (b) The owner shall have conclusively presumed to give his consent to the adoption of the impounded animal or to give his consent to the disposal of the animal in a humane fashion in accordance with O.C.G.A. 4-11-5.1. All rights of ownership in said animal will immediately cease and the owner shall have no further claims to such animal.
- (c) In the event an animal is impounded, and through its appearance seems to have been abandoned or is stray, said animal will be kept for a period of 3 days before it will be considered for adoption or destroyed. The appearance of being abandoned or stray would include, but not be limited to the following: no collar, tag, brand, or other identifiable marks, an appearance of being malnourished, excessively dirty or mangle like fur coat, or any other condition that would lead the animal control officer to conclude that said animal is a stray.

Sec. 14-44. Authority to destroy injured or diseased animals.

Any dog, cat or other domestic animal injured upon the public right-of-way is subject to destruction by a competent licensed veterinary authority or an animal control officer certified to administer euthanasia on lower class animals, in that person's discretion, depending upon the extent of injury to or disease of such animal, or, in the alternative, if such animal is not claimed by the owner thereof within a reasonable time, in the interest of humane treatment.

Sec. 14-45. Fees.

Where not otherwise specified, fees and costs referred to in this chapter shall be established from time to time by the Board of Commissioners and posted publicly at the county animal shelter. Any such moneys received in connection with the enforcement of this chapter shall be paid to Dawson County.

Sec. 14-46. County Board of Health. Enforcement of division; animal control officer.

- (a) Enforcement generally. Enforcement of this division shall be by the county board of commissioners. All fines, fees, penalties or other funds received in connection with the enforcement of this division shall be paid to Dawson County.
- (b) Hearings. Hearings concerning dangerous or potentially dangerous dogs shall be carried out by the county board of health as set forth by O.C.G.A. 31-5-2.
- (c) Animal control officer. The position of animal control officer will fall under the Office of the Sheriff and the individual holding said position will be a duly sworn peace officer with the powers of arrest as granted by state law. Said position will be filled by the sheriff or his authorized representative according to sheriff's office policy and procedure. The animal control officer will report to the sheriff or other member of the sheriff's office as directed by the sheriff.
- (d) Powers and duties of the county board of health. The county board of health is designated to conduct hearings and determine matters as required in this article.
- (e) Appeals from decisions of the county board of health. Appeals from decisions of the county board of health shall be on the record and to the superior court for the county. It is the responsibility of the county board of health to certify the public record to the superior court.

Secs. 14-47--14-59. Reserved.

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ARTICLE III. RABIES CONTROL

Sec. 14-60. Definitions.

Definitions as used in Article III are as follows:

Board means Dawson County Board of Health, State of Georgia.

Certificate shall mean a certificate of vaccination on a form furnished or approved by the Georgia Department of Human Resources.

Department means the department of human resources, State of Georgia.

Director means the chief executive of the county board as defined in O.C.G.A. § 31-3-11 or in his absence, subject to approval of the board, a member of said board appointed by the chairman for the purposes enumerated herein.

Dog shall mean a dog, of either sex, vaccinated or not vaccinated against rabies.

Health department means the Dawson County Health Department or in the absence of a functioning health department, the Dawson County Board of Health.

Owner shall mean any person having a right of property in a dog, or any person who permits a dog to remain on his premises.

Person shall mean any individual, firm, corporation, partnership, municipality, county, society, or association.

Rabies control fee shall mean that surcharge (fee) authorized by the State Health Code and levied by the county of residence at the time of rabies immunization of a pet animal in a private or public clinic. This fee is to be collected by the veterinarian and forwarded to the treasurer of the county of the animal owner's residence. The "rabies control fee" is not to be confused with any fees associated with licensing or registering pet animals, or the fee that shall be charged by the veterinarian for performing the vaccination.

Rabies vaccination tag shall mean a tag furnished or approved by the Georgia Department of Human Resources and which tag shall be worn by the vaccinated dog.

Vaccinate, inoculate shall mean the injection of a specified dose of antirabies vaccine by a veterinarian into the proper site of an animal, such vaccine having the U.S. Department of Agriculture Veterinary Biologics Control Section license number approval stamped on the label of the container and having been approved by the Georgia Department of Human Resources.

Vaccine means an injectable material containing killed or attenuated rabies virus, licensed by the United States Department of Agriculture, Veterinary Biologics Section, and approved by the Georgia Department of Human Resources. Vaccine used for the purpose of this rule shall be stored at the temperature prescribed on the purchase label. Outdated vaccine shall not be used.

Veterinarian shall mean any person who holds a degree of Doctor of Veterinary Medicine (DVM).

Sec. 14-61. Legal authority.

Pursuant to the authority vested in the Dawson County Board of Health under O.C.G.A. § 31-3-2 et seq., the Dawson County Board of Health and the Board of Commissioners of Dawson County adopt the following rules and regulations for the control of rabies within the County of Dawson, and the Board of Commissioners of Dawson County hereby enacts the following rules and regulations as an ordinance of Dawson County.

Sec. 14-62. Purpose.

To prescribe rules for the prevention and control of rabies within Dawson County by providing for the vaccination, tagging, certification of dogs, the confinement of dogs and other animals, to designate Dawson County's rabies control officer, collection of rabies control fees, and for other purposes.

Sec. 14-63. Rabies control officer.

(a) The rabies control officer shall be the animal control officer or the Dawson County Health Department.

(b) Duties of the rabies control officer will include:

- (1) Investigate and maintain a record of animal bites in Dawson County.
- (2) Provide for proper confinement of an animal involved in a bite; or if the animal is dead or killed, preparation and submission of the head for laboratory examination.
- (3) Enforce proper disposition of animals exposed to known rabid animals.
- (4) Provide stray animal pickup service.
- (5) Assist in rabies immunization clinics.
- (6) The duties as stated in the rabies control regulations.

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Sec. 14-64. State Rabies Vaccination Tag; Dawson County license tag required for dogs.

- A. Every dog or cat three months of age or older shall be vaccinated against rabies. Dogs and cats will be revaccinated one year later. When dogs or cats one year of age or older are vaccinated with vaccines accepted by the state, county or department for providing a three-year duration of immunity, boosters will be required every three years.
- B. At the time a dog or cat is vaccinated for rabies a Dawson County license form will be filled out by the veterinarian. This form will contain the name of the owner, address, breed, sex and color of each animal and any other descriptive data. The rabies tag will also serve as the Dawson County license tag. The veterinarian will issue each cat or dog owner a copy of the Dawson County License for their dog or cat.
- C. The license will be initially issued when the animal is vaccinated against rabies and renewed when the animal is re-vaccinated for rabies or receives a booster shot annually thereof.
- D. Each license under this code section shall not be transferable from one animal to another or from one owner to another. It shall be unlawful for any person to attach a license/vaccination tag to an animal for which it was not issued.
- E. In the event that the owner of an animal receives veterinarian care from an office outside of Dawson County, the owner may supply the required information directly to the animal control officer at the Dawson County Sheriff's Office and obtain their Dawson County License, during normal business hours. In the event that an owner does obtain the license at the Sheriff's Office, proof that the animal has been vaccinated against rabies must be shown prior to the license being issued.
- F. The cost of the license if purchased at a veterinarian's office shall be \$ 1.00 above the cost of the rabies vaccination. If the license is obtained at the Sheriff's Office it will be issued at no charge. Each veterinarian's office shall receive \$1.00 from each license sold to defray cost to the veterinarian for providing such service to the county. The cost of the license shall be waived for persons who have seeing-eye dogs or hearing-ear dogs or any other animal used to assist a handicapped person. Any animal used by a Law enforcement agency is also exempt from the cost of the license as is any other animal utilized by a governmental agency.

Sec. 14-65 Dogs to wear collar, Dawson County identification tag and state vaccination tag; Exceptions

- A. The wearing of a vaccination/license tag is not required for show dogs where the wearing of such tag could damage the coat , and except dogs when boarded in kennels or veterinary clinics, or in an area zoned for agricultural purposes where the owner or custodian of the dog in question is using the dog for hunting purposes, and has on his/her person a valid hunting license. In the latter case, the owner, custodian or harbinger shall have the tag or vaccination certificate in his/her possession where it may be shown upon demand by any duly constituted authority.
- B. Any dog being shipped or transported through the county or city, or any dog entering the county or city for the purpose of a temporary stay, when such stay does not exceed 15 days, shall be exempt from the licensing provisions of this article; however' such dogs are subject to the restraint provisions of this article.

Sec. 14-66. Clinics.

- (a) If deemed necessary by the board, the rabies control officer along with the animal control officer may operate or cause to be operated within Dawson County, a county-sponsored clinic for the vaccination of dogs against rabies.
- (b) Vaccinations will be performed by a veterinarian or under his direct supervision. Payment of services shall be derived from vaccination fees.
- (c) The vaccination fee for such clinics, including the administering and cost of the vaccine, the issuance of certificates and tags, and other necessary expense shall be predetermined by the county board of health at least 15 days in advance of the first clinic appearing on the schedule. Such notice shall include the schedule of each clinic including the day, the hour, the place, and the vaccination fee.

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Sec. 14-67. Reporting.

- (a) The owner or custodian of any animal having signs suggestive of rabies shall confine the animal and immediately notify the animal control officer or the Dawson County Health Department reporting any information regarding any persons bitten or attacked by said animal.
- (b) The animal control officer shall report all known cases of rabies in Dawson County to the department.
- (c) The animal control officer shall report accumulated data relating to rabies in Dawson County to the department when, in his opinion, rabies is prevalent or likely to become prevalent to the extent that quarantine procedures are indicated.

Sec. 14-68. Report of animal bites or attacks; confinement of biting animals

- (a) Any person having information that an animal has attacked or bitten a person shall immediately report such to the Dawson County Sheriff's Office or the County Board of Health. Failure to do so constitutes a violation of this article.
- (b) If an animal has bitten a person, such animal shall be immediately confined at a facility so designated by the animal control officer or the county health department. The confinement will commence on the date of the bite and said animal will be segregated in isolation, if available, for a period of 10 days. The animal control officer may allow a vaccinated female which is nursing offspring to remain confined on the premises of the owner provided that the animal control officer is permitted daily inspections of the animal during the 10-day period.

Sec. 14-69. Confinement of dogs or other animals.

- (a) The rabies control officer will maintain enforcement of all regulations pertaining to confinement of dogs or other animals.
- (b) The owner of any dog or other animal as defined in this article shall confine or cause to be confined such dog or animal as herein prescribed:
 - (1) A dog or other animal, whether vaccinated or not, which has bitten a person (or other animal) shall be confined for a period of ten days following the date of the bite.
 - (2) A dog or other animal, whether vaccinated or not, having signs suggestive of rabies shall be confined in isolation until its death or until its freedom from suspicion of having rabies is established and its release is authorized by the director.
 - (3) A dog or other animal not vaccinated and bitten by a known or suspected rabid animal shall be immediately destroyed or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in an approved kennel for six months shall be enforced. One month prior to release, the dog shall be vaccinated according to prescribed methods.
 - (4) Any dog or other animal, the rabies vaccination of which is current as evidenced by the certificate of vaccination and which is bitten by a known or suspected rabid animal, may be revaccinated, confined in an approved manner for 60 days, and then released if no signs of rabies are evident.
 - (5) Every dog, whether vaccinated or not, shall be kept in a quarantined area confined at the owner's or custodian's premises during the entire quarantine period, unless other provisions suitable to the board are made.
 - (6) Any dog less than three months old may be confined to the owner's premises or kept on a leash; provided, such permission is granted by the rabies control office.
 - (7) Any dog brought into Dawson County for a permanent stay from outside the county shall be confined or on leash until vaccinated as provided for by this chapter, when the owner of such dog produces evidence satisfactory to the director that such dog has been vaccinated in a manner and by procedures comparable to the requirements of this article, then a certificate of vaccination and a vaccination tag may be issued for the current vaccination year.
 - (8) Any dog brought into Dawson County on temporary stay not exceeding 14 days shall be confined or on a leash at all times; unless the owner or custodian of such dog submits evidence to the director that such dog has been vaccinated in a manner and by procedures comparable to the requirements of this article.

Sec. 14-70. Confinement area facility.

The area or facility to which any dog or animal is confined in compliance with the provisions of this article shall be subject to the approval of the animal control officer or county board of health. The confinement area or facility may include either a pound, a kennel, an animal hospital, or other place, which provides:

- (1) Construction and management which will keep the animal dry and clean and prevent its escape.
- (2) A method and procedure for the identification of the animal and the recording of the date of its admission to the area or

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facility.

- (3) Assurance that the animal will have safe and adequate water and food.
- (4) Adequate space for the animal's exercise.
- (5) Protection against excessive heat and cold.
- (6) Space, cages, pens, and other necessary equipment to isolate the animal for its protection against injury and infectious disease.

Secs. 14-71--14-99. Reserved.

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ARTICLE IV. DANGEROUS ANIMALS AND POTENTIALLY DANGEROUS ANIMALS

Sec. 14-100. Definitions.

Appropriate authority means Dawson County, the animal control department of Dawson County, the State of Georgia, any city, any county, or any state or subdivision thereof.

Dangerous dog means any dog that, according to the records of an appropriate authority,

- (1) Inflicts a severe injury on a human being without provocation; or
- (2) Bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification;
- (3) But 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 potentially dangerous dog within the meaning of this article. A dog shall not be a dangerous dog or a potentially dangerous 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 willful trespass or other tort or was tormenting, abusing, or assaulting the dog, or had in the past been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

Owner means any person owning, possessing, harboring, keeping or having custody or control of a dangerous dog or potentially dangerous dog within the county or a municipality within the county.

Potentially dangerous dog means any dog that without provocation bites a human being or domestic animal.

Proper enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top, and if the dog 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 dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

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

Sec. 14-101. Violations and penalties.

- (a) The owner of a dangerous dog who violates the applicable provisions of this article or whose dangerous dog is subject to confiscation under this article shall be guilty of a misdemeanor of high and aggravated nature. In addition to any confinement that might be imposed for a conviction under this article, for the second conviction, a fine of not less than \$750.00 shall be imposed and for a third and subsequent conviction, a fine of not less than \$1,000.00 shall be imposed.
- (b) The owner of a potentially dangerous dog who violates the applicable provisions of this article, or whose potentially dangerous dog is subject to confiscation under this article shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this article, for a second conviction, a fine of not less than \$250.00 shall be imposed, and for a third or subsequent conviction, a fine of not less than \$350.00 shall be imposed.
- (c) In addition to the penalties for violation of this article, the dangerous dog involved shall be immediately confiscated by the animal control officer or by a law enforcement officer or another person authorized by the animal control officer and placed in quarantine for the proper length of time as determined by the county board of health and, thereafter, the dangerous dog shall be destroyed in an expeditious and humane manner.
- (d) No owner of a dangerous dog shall be held criminally liable under this article for injuries inflicted by said owner's dog to any human being while on the owner's property so long as all the requirements of the chapter are met.
- (e) Persons violating this division are subject to prosecution under *O.C.G.A. § 4-8-28*.

Sec. 14-102. Liability of county. Liability of owner.

The owner of a dangerous dog or potentially dangerous dog shall be solely liable for any injury to or death of a person caused by such dog. Pursuant to state law, under no circumstances shall the county, a municipality within the county or an employee or official of a local government which enforces or fails to enforce the provisions of this article be held liable for any damages to any person who suffers an injury inflicted by a dog that has been identified as being a dangerous dog or potentially dangerous dog, or by a dog that has been reported to the proper authorities as being a dangerous dog or potentially dangerous dog, or by a dog that a local government has failed to identify as a dangerous dog or potentially dangerous dog, or by a dog that has been identified as

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being a dangerous dog or potentially dangerous dog but has not been kept or restrained in the manner described in this article, or by a dangerous dog or potentially dangerous dog whose owner has not maintained insurance coverage or a surety bond as required in this article.

Sec. 14-103. Investigations by animal control officer.

Upon receiving a report of a dangerous dog or potentially dangerous dog within a dog control officer's jurisdiction from law enforcement agency, an animal control agency, a rabies control officer or the county board of health, the dog control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this article.

Sec. 14-104. Notice of classification as dangerous dog.

When an animal control officer classifies a dog as a dangerous dog, or reclassifies a potentially dangerous dog, the animal control officer shall notify the dog's owner in writing by certified mail to the owner's last known address of such classification or reclassification. Such notice shall be complete upon its mailing.

Sec. 14-105. Procedures for class as dangerous dogs or potentially dangerous dogs.

- (a) **Applicability for enforcement purposes.** As applied to the owners of potentially dangerous dogs, the procedures provided for in this article must be carried out as a necessary condition for the enforcement of the provisions of this article against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this article shall not be an essential element for the enforcement of this article with respect to any crime provided for in this division.
- (b) **Contents of notice of classification.** The notice to the owner shall meet the following requirements:
- (1) The notice shall be in writing and shall be mailed by certified mail to the owner's last known address;
 - (2) The notice shall include a summary of the animal control officer's findings that form the basis for the dog's classification as a dangerous or potentially dangerous dog;
 - (3) The notice shall be, and shall state that the owners, within 15 days after the date shown on the notice have a right to request a hearing on the animal control officer's determination that the dog is a dangerous dog or a potentially dangerous dog;
 - (4) The notice shall state that the hearing, if requested, shall be before the county animal control board;
 - (5) The notice shall state that if a hearing is not requested, the animal control officer's determination that the dog is a dangerous dog or potentially dangerous dog will become effective for all purposes under this article on a date specified in the notice, which shall be on the last day on which the owner has a right to request a hearing; and
 - (6) The notice shall include a form to request a hearing before the applicable agency and shall provide specific instructions on mailing or delivering such a request to the Dawson County Board of Health/Animal Control Board.
- (c) **Hearing.** When the county animal control board receives a request for a hearing as provided in subsection (c) of this section, it shall schedule such hearing within 30 days after receiving the request. The animal control board shall notify the dog owner in writing, by certified mail, of the date, time and place of the hearing, and such notice shall be mailed to the dog owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and in addition thereto the animal control board shall receive such other evidence and hear such other testimony as the board may find reasonably necessary to make a determination to either sustain, modify or overrule the Animal Control Officer's classification of the dog.
- (d) **Notice of determination by animal control board.** Within ten days after the date of the hearing, the animal control board shall notify the dog owner in writing, by certified mail, of its determination on the matter. If such determination is that the dog is a dangerous dog or potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

Sec. 14-106. Requirements for possessing dangerous or potentially dangerous dogs.

- (a) It is unlawful for an owner to have or possess within the county a dangerous dog or potentially dangerous dog without a certificate of registration issued in accordance with the provisions of this section.
- (b) Subject to the additional requirements of this article for dangerous dogs, the animal control officer, where an owner possesses a dangerous dog or potentially dangerous dog, shall issue a certificate of registration to the owner of such dog if the owner presents to the animal control officer or he/she otherwise finds sufficient evidence of:
- (1) Proper enclosure to confine the dangerous dog or potentially dangerous dog; and
 - (2) The posting of the premises where the dangerous dog or potentially dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the property and containing a symbol designed to inform children of the presence of a dangerous dog. The sign shall comply with regulations of the state Department of Natural Resources as required pursuant to *O.C.G.A. § 4-8-25*.

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- (c) In addition to the requirements of subsection (b) of this Code section, the owner of a dangerous dog shall present to the animal control officer evidence of:
- (1) A policy of 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 dog against liability for any personal injuries inflicted by the dangerous dog; or
 - (2) A surety bond in the amount of \$50,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous dog. *(O.C.G.A. 4-8-25 & HB 935 2/14/00)*
- (d) The owner of a dangerous dog or potentially dangerous dog shall notify the animal control officer immediately, if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the animal control officer with the name, address, and telephone number of the new owner of the dog.
- (e) The owner of a dangerous dog or potentially dangerous dog shall notify the animal control officer if the owner is moving out of the county. The owner of a dangerous dog or potentially dangerous dog who is a new resident of the state and the county, or who moves from another jurisdiction to the county, shall register the dog as required in this section within ten days after becoming a resident.
- (f) Issuance of a certificate of registration or renewal of a certificate of registration by the animal control officer in the county does not warrant or guarantee that the requirements specified above are maintained by the owner of a dangerous dog or potentially dangerous 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.
- (g) An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. Pursuant to state law, law enforcement agencies, including those of the county and the municipalities within the county, will cooperate with animal control officers in enforcing the provisions of this chapter ordinance.
- (h) The county will charge an annual fee of \$100.00 in addition to any regular dog licensing fees to register dangerous dogs and potentially dangerous dogs as required in this article. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, a animal control officer shall require evidence from the owner or make such investigation as shall be necessary to verify that the dangerous dog or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this ordinance.

Sec. 14-107. Restrictions on permitting dangerous or potentially dangerous dogs to be outside a proper enclosure.

- (a) It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog and will not interfere with its vision or respiration, but will prevent it from biting any person or animal.
- (b) It is unlawful for the owner of a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and is under the restraint of a responsible person.

Sec. 14-108. Confiscation of dogs.

- (a) A dangerous dog shall be immediately confiscated by a animal control officer or by a law enforcement officer or by another person authorized by the animal control officer if:
- (1) The owner of the dog does not secure liability insurance or bond required by this article;
 - (2) The dog is not validly reregistered as required by this article;
 - (3) The dog is not maintained in a proper enclosure; or
 - (4) The dog is outside a proper enclosure in violation of this article.
- (b) A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog, if the dog is:
- (1) Not validly registered as required by this article;
 - (2) Not maintained in a proper enclosure; or
 - (3) Outside a proper enclosure in violation of this article.
- (a) Any dog that has been confiscated under the provisions of this article shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation and impound costs. Such costs shall be set by the Board of Commissioners based upon a report from the animal control officer on the actual cost of confiscation. In the event the owner has not complied with the provisions of this article within 20 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.