

## **Chapter 5 ANIMALS\***

- Art. I. In General**
- Art. II. Care and Control**
  - Div. 1. Generally
  - Div. 2. Rabies Control
- Art. III. Dangerous and Vicious Dogs**
- Art. IV. Swine**

\*State law reference-Authority to exercise animal control, Ga. Const. art. 9, sec. 2, par. 3(a) (3); livestock running at large or straying, O.C.G.A. § 4-3-1 et seq.; permitting dogs in heat to roam or run free, O.C.G.A. § 4-8-6; Responsible Dog Ownership Law, O.C.G.A. § 4-8-20 et seq.; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; control of rabies, O.C.G.A. § 31-19-1 et seq.; cruelty to animals, O.C.G.A. § 16-12-4; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-7.

### **ARTICLE I. IN GENERAL**

#### **Sec. 5-1. 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:

*At large* means off the premises of owner or premises owner has permission to be on, or not under control of owner by leash, at heel or beside of, or in control of a competent person and is not obedient to that person's commands.

*Hearing Officer* means the Hearing officer designated by the governing authority.

*City governing authority* means the East Dublin Mayor and Council.

*County governing authority* means the county board of commissioners.

*Dog control officer* means an individual selected by the county governing authority, pursuant to the provisions of O.C.G.A. § 4-8-22, to aid in the administration and enforcement of the provisions of this article.

*Domesticated* means an animal raised so as to live in close proximity to man. Such animals shall include dogs and cats, as well as, varieties of poultry, livestock or reptiles.

*Inoculated and vaccinated* means an animal that has been administered an antibiotic vaccine to provide immunity from rabies for a minimum of one year.

***Kennel*** means a type of pen or cage for boarding or holding animals.

***Kennel operator*** means a person engaged in the commercial business of buying, selling or boarding animals.

8 Conformed to O.C.G.A. § 4-8-21(a)(2).

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

***Owner*** means any natural person or legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of a dog, dangerous dog, vicious dog or other animal within this county or city. 10 In case of a dog or animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. A person who permits an animal to remain on or about his premises for more than five days shall be deemed an owner.

***Proper enclosure*** means an enclosure for keeping a dangerous dog, or vicious 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.

***Public nuisance animal*** is any animal that unreasonably annoys humankind, endangers the life or health of people or substantially interferes with the rights of citizens (other than their owners) enjoyment of life or property, and includes, but is not limited to any animal that:

1. Is found at large.
2. Damages or abuses property other than that of the owner or keeper.
3. Disturbs persons by barking, biting, or chasing vehicles or persons.
4. Attacks other animals.
5. Attacks pedestrians (except dogs trained for this purpose and under control of owner or keeper).
6. Barks, whines, honks, brays , cries or makes excessive noises
7. Defecates upon any public place or premises not owned or controlled by the owner or keeper unless waste is promptly removed by the animal owner or keeper.
8. Has been found by Animal Control Officer to be a menace to public health, welfare, or safety.

***Records of an appropriate authority*** means any 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 a dog control officer, or animal control officer as provided in this article and by the laws of the state.

**State law reference-** Similar definitions, O.C.G.A. § 4-8-21.

9 O.C.G.A. § 4-8-23(a)(3).

10 Conformed to O.C.G.A. § 4-8-21(a)(4).

11 Potentially dangerous dogs are no longer recognized under state law.

12 O.C.G.A. § 4-8-21(a)(S).

13 O.C.G.A. § 4-8-21(a)(6).

**Section 5-2. Office of Animal Control:**

- A. There is hereby created the office of Animal Control, which the animal control officer shall enforce the provisions of this article.
- B. The Animal Control Officer is authorized to issue citations to persons violating this article, for trial in the Magistrate Court of Laurens County.
- C. The Animal Control Officer, as well as employees and agents of the Animal Control Office and persons under his control and supervision, are empowered to seize animals as required by this article so long as the animals are within the county. These employees and agents of the office of Animal Control shall have the right to go on private property within the county for the purposes of enforcing the provisions of this article, provided it is necessary for such purpose. The Animal Control Officer shall have the authority to issue citations and subpoenas to witnesses and require their appearance in the Magistrate Court of Laurens County on any matter relating to the enforcement of any of the provisions contained herein.
- D. Citations may be issued in person or sent by mail for enforcement of any of the provisions contained herein.

**Sec. 5-3. Dog control officer; appointment; compensation.**

The county governing authority shall appoint a dog control officer who shall serve at the pleasure of the governing authority. The dog control officer's compensation shall be established from time to time by the governing authority.

**State law reference** - Dog control officer for dangerous and vicious dog purposes, O.C.G.A. § 4-8-22.

**Sec. 5-4. Animal control hearing officer; purpose; terms; vacancy.**

- A. The County Governing Authority shall designate by Resolution or ordinance the Animal Control Hearing Officer.
- B. The purpose of this Animal Control Hearing Officer shall be to conduct the hearings provided for in this code of ordinances and pursuant to Section 4-8-20 O.C.G.A. et seq. and in regard to the classification of Dangerous and Vicious Dogs.
- C. The County Governing Authority shall appoint the Hearing Officer for a term in said resolution or ordinance.

- D. In the event of a vacancy during the term of the Animal Control Hearing Officer by reason of death, resignation, or otherwise, the appointment of a successor by the county governing authority shall be for the remainder of the unexpired term.

### **Section 5-5. Interference with Officer**

It is unlawful for any person to resist, attack, verbally threaten, interfere with or hinder any law enforcement officer, the animal control officer, the health officer, or their designees or agents in the performance of the duties imposed upon them by this code of ordinances or by state law. It is also unlawful to tamper with or remove traps set by the animal control officer or his agents in the performance of his duties.

## **ARTICLE II. CARE AND CONTROL**

### **DIVISION 1: GENERALLY**

### **Section 5-6. Vaccinations and identification tag or marking required**

- A. The owners and keepers of all dogs, cats, and domestic wildlife, unless permitted by the wildlife resource division, are hereby required to have such vaccinated against rabies. No person shall own, keep or harbor any of these animals over six months of age unless such animal is vaccinated. Owner of each animal vaccinated shall keep a certificate of vaccination.
- B. The owner and keeper of all dogs and cats are hereby required to have identification on such animal. An identification tag must be on such animal at all times. Tag must contain information that will allow the animal control officer to contact the owner or keeper of such animal.

### **Section 5-7. Confinement**

It is unlawful for any owner of a dog or cat to allow the animals to run at large, or not be under the immediate control of the owner, on any vacant lot or private property without the consent of the property owner. All animals on public property must be under restraint, control or on a leash no longer than six feet in length.

### **Section 5-8. In-humane treatment**

- A. It shall be unlawful for any owner to secure an animal by a tether less than ten feet in length and not tangle resistance.
- B. It shall be unlawful for any owner of any animal not to furnish such animal adequate food, water, shelter and protection from the elements.
- C. It shall be unlawful for any owner to own any animal, which is seriously sick or injured and not provide proper care for such animal. This section shall not be construed to include animals under active veterinary care.

### **Section 5-9. Dogs and cats that attack**

It shall be unlawful for any owner of a dog or cat to allow said animal to bite, scratch, chase, snap or attack pedestrians, bicyclists, vehicles; or allow said animal to be a nuisance with the exception of said animal being in defense of property or person.

### **Section 5-10. Female dogs and cats in heat**

It shall be unlawful for an owner of a female cat or dog while such animal is in heat or in season, to allow her to run loose. Said animal must be confined in a kennel or in a place of confinement, in such a manner said animal cannot get in or out of said kennel or place of confinement.

### **Section 5-11. Disturbing the Peace**

It shall be unlawful for any owner to allow any animal in his possession or control, to persistently or continuously bark, howl or make noise common to their species or otherwise to disturb the peace and quiet of the surrounding neighborhood. It shall likewise be unlawful to keep or maintain such animals in a manner as to produce noxious or offensive odors, or to otherwise endanger the health and welfare of surrounding inhabitants.

### **Section 5-12. Destruction of Property**

It shall be unlawful for any owner to allow any animal in his or her possession or control; to destroy and/or disturb any property of another.

### **Section 5-13. Abandonment**

It shall be unlawful for any owner to abandon any dog, cat, or animal; or to release it upon public or private property with the intention of abandoning said animal.

### **Section 5-14. Livestock at large**

It shall be unlawful for the owner of any hogs, cattle, mules, goats, sheep, horses, poultry or any other livestock to allow the same to run loose or be at large. All livestock found loose or at large will be in violation and shall be impounded by animal control or any deputy or police officer and shall be disposed of in the manner provided by law. The owner of such livestock will be responsible for any contract removal, storage, hauling, or medical care of any such livestock impounded. The office of animal control will dispose of said livestock pursuant to state law, Section 4-3-1 O.C.G.A et seq.

### **Section 5-15. Hoarders**

It shall be unlawful for any person to collect animals and fail to provide them with humane or adequate care; collect dead animals that are not properly disposed of as required by this article, or collect, house, or harbor animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

### **Section 5-16. Putting out poison**

It shall be unlawful for any person to scatter or intentionally put out poison or otherwise distribute on any premises within the county or city any poison in any form or manner whatsoever which is or may likely be sufficiently lethal or of such strength as to cause death to any animal or fowl.

Nothing in this section shall apply to poisons which are made for the sole purpose of killing and destroying insects, pest, rats and other rodents, if such poisons are not dangerous or injurious to human beings.

#### **Section 5-17. Cruel acts**

No person shall perform a cruel act on any animal, nor shall any person harm or maim any animal except to defend his person or property or the person or property of another from injury or damage being caused by said animal or as specifically permitted by the state department of natural resources. In addition, said animal causing injury or damage to any livestock or poultry may be euthanized.

#### **Section 5-18. Threats involving animals**

It shall be unlawful for anyone to verbally threaten to kill, maim, poison or harm in anyway any animal.

#### **Section 5-19. Duty to report accidents involving dogs and cats**

It shall be unlawful for any person to knowingly injure a dog or cat by running over, or into same, or contacting same with an automobile, motorcycle, bicycle or other vehicle. It shall also be unlawful to fail to immediately notify the owner of the dog or cat if the animal has an identification tag or tattoo.

#### **Section 5-20. Backyard breeders**

It shall be unlawful for any person who does not hold a license from the Georgia Department of Agriculture pursuant to the Licensees Regulation 40-13-13-.02 as amended, to operate as an animal shelter, kennel, breeding establishment, cattery, grooming shop, pet breeder, or pet dealer.

#### **Section 5-21. Dog fighting**

It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on, train for, attend or own any animal for the participation of any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal with the exception of any activity permitted under state game and fish laws.

#### **Section 5-22. Unlawful interference with animal ownership**

No person shall, without the knowledge of, or consent of owner, hold or possess any animal which he does not own for more than 72 hours without first reporting the possession of such animal to the Office Animal Control.

### **Section 5-23. Failure to surrender animal upon demand**

No person shall fail or refuse to surrender, any animal for quarantine or destruction as required herein when demand is made therefore by the animal control officer or his agents.

### **Section 5-24. Redemption of impounded animals**

Owners of animals picked up by the Office Animal Control have the right to redeem the same upon payment of any and all fees which may be due and payable for the impoundment of such animals; provided however, the payment of such impoundment fees shall not bar the imposition of any fine or punishment which may be imposed, by the Magistrate Court of Laurens County.

Impounded dogs and cats will be held at the County Animal Shelter or other designated shelter for a period of five days except for animals collared and tagged with proper identification which shall be held for ten days. Any such animal not redeemed within said time may be rescued, transferred to another agency, or disposed of in the most humane manner. The fees for these services shall be recommended by the Office of Animal Control to be set by the Laurens County Board of Commissioners. There may also be additional charges for feeding, boarding and caring for such animals.

## **DIVISION 2. RABIES CONTROL**

### **Section 5-25. Report and quarantine**

Any animal which bites or scratches a person or another animal or which otherwise gives symptoms of having rabies shall be immediately reported to the office of animal control and shall thereupon be securely quarantined at the direction of the office of animal control for a period of ten days. At the discretion of the animal control officer, such quarantine may be on the premises of the owner, if the vaccinations are current, or at the county animal control facility, designated shelter, or at the veterinarian of the owner's choice and at the owner's expense.

### **Section 5-26. Disposition of dead rabid animals**

If rabies has been diagnosed in an animal under quarantine or a wild animal that has bitten or scratched another, the animal's carcass shall be turned over to the state health department for testing.

### **Section 5-27. Area-wide quarantine**

When the report indicates a positive diagnosis of rabies, the animal control officer may order an area wide quarantine for a period of 60 days, in which all animals in the area will be confined and no animals moved in or out of such area.

### **Section 5-28. Destruction and isolation of bitten animals**

Animals bitten by a known rabid animal shall be immediately euthanized. If the owner is unwilling to have this done, the animal should be placed in strict isolation for 6 months, by a kennel designated by

the health department, and vaccinated either upon entry to isolation or 1 month before being released.

### **Section 5-29. Surrender of Carcass**

Carcass of any dead animal exposed to rabies shall upon demand be surrendered to the county health department or the office of animal control.

### **Section 5-30. Exceptions**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except where expressly stated.

### **Section 5-31. Magistrate Jurisdiction**

The Magistrate Court of Laurens County shall have jurisdiction over all violations of any portion of this article, and shall have all powers granted to it which are necessary and incident to the hearing and disposition of matters brought before the court as defined by this Code of ordinances and state law. The following persons have standing to file complaints for violations:

1. Animal control officer or his agents
2. Dog control officer or his agents
3. Other law enforcement officers
4. Public health officials or officers
5. Individuals with personal knowledge of a violation upon filing a sworn affidavit with the Magistrate Court

## **ARTICLE III. DANGEROUS AND VICIOUS DOGS**

### **Section 5-32 (§ 4-8-21 O.C.G.A.) Definitions**

As used in this article, the term:

(1) "Classified dog" means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this article.

(2) "Dangerous dog" means any dog that:

- (A) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;
- (B) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or



- (C) While off the owner's property, kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

(3) "Local government" means any county or municipality of this state.

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

(5) "Serious injury" means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

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

- (b) No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person, who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense of assault or battery.

### **Section 5-33 (4-8-22 O.C.G.A.) Jurisdiction for enforcement; designation and duties of dog control officer; agreements for dog control services**

**Dangerous dog control law** Laurens County Office of Animal Control shall be charged with the responsibility of enforcing the "Responsible Dog Ownership Law," (O.C.G.A. § 4-8-20 et seq., as amended).

#### **Dog Control Officer and Hearing Officer** (O-2013-07/100313)

The Laurens County Board of Commissioners hereby designates the Laurens County Office of Animal Control Director as the "Dog Control Officer" to perform the duties and exercise the powers assigned to that position by the "Responsible Dog Ownership Law," O.C.G.A. § 4-8-20 et seq., as amended. b. The Laurens County Board of Commissioners, pursuant to O.C.G.A. § 4-8-23 et seq, hereby creates The Dangerous or Vicious Dog Hearing Officer as the Chief Magistrate Judge of Laurens County. The Chief Magistrate Judge shall perform the functions of an "Authority" as that term is used in O.C.G.A. § 4-8-20 et seq., as amended.

### **Section 5-34 (§ 4-8-23 O.C.G.A.) Investigations by dog control officer; notice to owner; hearings; determinations by hearing authority; judicial review**

For purposes of this Code section, the term:

- (1) "Animal shelter" shall have the same meaning as set forth in Code Section 4-14-2 O.C.G.A.
- (2) "Authority" shall mean the Chief Magistrate Judge of Laurens County.
- (3) "Mail" means to send by certified mail or statutory overnight delivery to the recipient's last known address.
  - (b) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
  - (c) When a dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's owner within 72 hours. 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 dog control officer's determination shall become effective for all purposes under this article. If an owner cannot be located within ten days of a dog control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the dog control officer.
  - (d) When a hearing is requested by a dog owner in accordance with subsection (c) of this Code section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the authority for good cause shown. At least ten days prior to the hearing, the authority conducting the hearing shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the authority or probate court conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination.
  - (e) Within ten days after the hearing, the authority shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to Code Section 4-8-26, the notice shall specify the date by which the euthanasia shall occur.
  - (f) Judicial review of the authority's final decision may be had in accordance with Code Section 15-9-30.9.

### **Section 5-35 (§ 4-8-24 O.C.G.A.) Impoundment**

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

**Section 5-36 (§ 4-8-27 O.C.G.A.) Certificates of registration; requirements for issuance of certificate; individuals excluded from receiving registration; limitation of ownership; annual renewal**

- (a) It shall be unlawful for an owner to have or possess within this state a classified dog 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 Code section, a certificate of registration for a dangerous dog shall be issued if the dog control officer determines that the following requirements have been met:
  - (1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and
  - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides.
- (c) Except as provided in subsections (e) and (f) of this Code section, a certificate of registration for a vicious dog shall be issued if the dog control officer determines that the following requirements have been met:
  - (1) The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property;
  - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
  - (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
  - (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog.
- (d) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
- (e) No person shall be the owner of more than one vicious dog.
- (f) No certificate of registration for a vicious dog 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 O.C.G.A.;
- (2) The felony of dogfighting as provided for in Code Section 16-12-37 O.C.G.A. or the felony of aggravated cruelty to animals as provided for in Code Section 16-12-40 O.C.G.A.; or
- (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in Code Sections 16-13-31 O.C.G.A. and 16-13-31.1 O.C.G.A.

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

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

**Section 5-37 (§ 4-8-28 O.C.G.A.) Notifications by owner; change in ownership of dog; changes in residence**

- (a) The owner of a classified dog shall notify the dog control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the dog control officer within 24 hours if the dog has died or has been euthanized.
- (b) A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.
- (c) The owner of a classified dog who moves from one jurisdiction to another within the State of Georgia shall register the classified dog in the new jurisdiction within ten days of becoming a resident and notify the dog control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into this state shall register the dog as required in Code Section 4-8-27 O.C.G.A. within 30 days of becoming a resident.

**Section 5-38 (§ 4-8-29 O.C.G.A.) Limitations on dog's presence off of owner's premises; penalty for violation; defense**

- (a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:
  - (1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;

- (2) The dog is contained in a closed and locked cage or crate; or
  - (3) The dog is working or training as a hunting dog, herding dog, or predator control dog.
- (b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:
- (1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:
    - (A) The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
    - (B) The dog is contained in a closed and locked cage or crate; or
      - (2) Unattended with minors.
- (c) A person who violates subsection (b) of this Code section shall be guilty of a county ordinance as defined in this article and this code of ordinances.
- (d) An owner with a previous conviction for a violation of this article whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be tried in Superior Court of Laurens County for a felony and upon conviction thereof shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than \$5,000.00 nor more than \$10,000.00, or both. In addition, the classified dog shall be euthanized at the cost of the owner.
- (e) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.

**Section 5-39 (§ 4-8-30 O.C.G.A.) Confiscation by dog control officer; payment of costs for recovery; euthanasia**

- (a) A dangerous dog or vicious dog shall be immediately confiscated by any dog control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.
- (b) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with provisions of this article, unless such confiscation is deemed to be in error by a dog control officer, an animal control hearing officer, as defined in Section 10-33, or a probate court. All fines and all charges for services performed by a law enforcement or dog control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner

recovery or euthanasia of the dog.

- (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 dog shall be released to an animal shelter, as such term is defined in Code Section 4-14-2 O.C.G.A., or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

#### **Section 5-40 (§ 4-8-31.) Governmental liability for enforcement**

Under no circumstances shall a local government or any employee or official of a local government be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

#### **Section 5-41 (§ 4-8-32.) Penalty for violation of this article**

Unless otherwise specified in these articles, the following penalties shall apply, any person violating these articles may be deemed guilty of violating a county ordinance and may be punished by a fine not to exceed \$1,000.00 and by imprisonment in the common jail of the county not to exceed sixty days, or both fine and imprisonment. Each act or omission in violation of these articles shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. In addition to any other penalties allowed by law, the court, as part of the sentence may prohibit the offender from owning, possessing, or having on the offender's premises in Laurens County any animal during the term of the sentence, may order for the animal to be removed from the county or humanely euthanized, and may order restitution.

#### **Section 5-42 Adoption of article by municipalities within county boundaries**

In accordance with state law, Laurens County may enter into agreements with the municipalities located within the territorial limits of Laurens County to provide animal control services within the corporate limits of each such municipality. Pursuant to such agreement, any municipality in the county may adopt this article. Any municipality adopting this ordinance must authorize the enforcement of the municipal ordinance by the Laurens County Office of Animal Control. The Municipal ordinance must provide that the incorporated areas shall be subject to the fees charged by the office of animal control and that all fees charge by the Laurens County Office of Animal Control shall be retained by the county to defray the cost of operation of the animal control unit.

Said adopting municipal ordinance shall also provide for the said animal control municipal ordinance to be tried in the Magistrate Court of Laurens County as a Municipal Ordinance as contemplated in Section 15-10-150 O.C.G.A et. Seq.as amended.

### **ADDENDUM**

#### **40-13-13-.02 Licenses**

- (1) The Commissioner shall license animal shelter, pet dealer, kennel, and stable operators under the applicable provision of Chapter 5 of Title 2, "Department of Agriculture Registration, License, and Permit Act" on a form obtained from the Georgia Department of Agriculture.

(2) The license shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. The license is issued for the person and premise stated on the license and is not transferable.

(17) “Kennel” means any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation. Similar purposes include, but are not limited to, activities of a breeding establishment, cattery, or grooming shop.

(a) “Breeding Establishment” means any establishment where pets are bred and a fee or compensation is received for the breeding and maintenance of such pets, such as stud service.

(b) “Cattery” means any establishment where a cat is maintained for breeding, boarding, training, holding, or similar purposes for a fee or compensation.

(c) “Grooming Shop” means any establishment, other than an animal shelter, where a person maintains a dog or cat for bathing, dipping, clipping, trimming, brushing, or similar care of the appearance for a fee or compensation. Authority Ga. L. Sec. 4-11-1 et seq.

(24) “Pet breeder” means a pet dealer who sells, offers to sell, exchanges, or offers for adoption only pets they have produced, except equine. This includes those produced for hobby, show purposes, breed improvement, or stock replacement.

(25) “Pet dealer” means a person who sells, offers to sell, exchanges, or offers for adoption pets they have produced, bought, or otherwise obtained, except equine. Equine dealers require a livestock dealers license from the Georgia Department of Agriculture.

#### **40-13-13-.09 Violations.**

(1) It is unlawful for any person to act as a pet dealer or operate an animal shelter, kennel, or stable unless such person has a valid license issued by the Commissioner of Agriculture. Any person acting without a license in violation of this subsection.

(2) It is unlawful for any person to sell, use, or move any animals in violation of any quarantine, stop sale, stop use, or stop movement order issued under this chapter.

## **ARTICLE IV**

### **SWINE**

#### **Section 5-43. Definitions**

For the purpose of this article, the word “penned” shall mean any enclosure, including a farm fence. (Ord. of 7-17-67, (1))

#### **Section 5-44. Keeping generally**

It shall hereafter be, and it is hereby declared to be, unlawful for any person to keep any swine penned within the corporate limits of the city, except on a temporary basis, and except under the conditions provided in this article. (Ord. of 7-17-67, (1))

**Section 5-45. Livestock dealers**

This article shall not apply to any licensed livestock dealer. (Ord. of 7-17-67, (1))

**Section 2.** That this Ordinance shall be in full force and effect from the date of its passage.

**SO ORDAINED** by the Mayor and Council of the City of East Dublin, this 12<sup>TH</sup> day of OCTOBER, 2015, by a vote of 5 FOR and 0 AGAINST.