## Chapter 6 ANIMALS[[1]](#footnote-1)

### ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

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

*Animal* means and includes all animals customarily vaccinated against the disease of rabies. This shall include but not be limited to dogs and cats.

*At large* means off the premises of the owner and not under restraint.

*Court* means the magistrate's court of Wayne County.

*Humane manner* means care of an animal to include protection from injury, adequate coolness and heat, ventilation, sanitary shelter, and wholesome food and water which are consistent with the normal requirements and breeding habits of the animal's size, species, and breed.

*Kennel* means an establishment kept for the purpose of breeding, selling, or boarding animals or those engaged in training animals.

*Licensing authority* means the county board of commissioners or any designated representative thereof that has been charged with administering the issuance and/or revocation of the permits and licenses under the provisions of this chapter.

*Nuisance* means an animal shall be considered a nuisance if it: damages, defiles, or defecates on private property, on public walks and recreational areas (unless such waste is immediately removed and properly disposed of by the animal's owner) or causes an unsanitary, dangerous, or offensive condition, is repeatedly at large, or causes a disturbance by excessive barking or other noisemaking, or chases vehicles or molests, attacks or interferes with persons or other domestic animals on public property.

*Owner, caretaker,* or *possessor* means any person having a right of property of an animal, or who keeps or harbors an animal or who has it in his care, or acts as its custodian or who permits an animal to remain on or about his premises.

*Under restraint* means secured by a leash or lead held by an able-bodied person.

*Vicious animal* means one that constitutes a physical threat to humans or other domestic animals.

*Feral:* any animal not registered or chipped to an owner and/or whose life cycle has been that of wild animal with no identifiable ownership. This includes any animal that under normal circumstances might otherwise be classified as domestic.

( Ord. of 7-11-2022(1) )

Sec. 6-2. Livestock on public ways.

It shall be unlawful for any person to allow or permit any horses, cattle, sheep, goats, fowl, or other livestock to run at large on the streets or to be staked so that they can go upon the streets; or to drive or lead any such animal along or on the sidewalks unless fastened to a rope, chain or other substantial leading device, which rope, chain or other substantial leading device is securely held by a responsible person during all the time that such animals are being led or driven along and over the streets.

( Ord. of 7-11-2022(1) )

Sec. 6-3. Cruelty to animals and fowl.

(a) No person shall perform a cruel act on any animal, nor maim or kill any domestic animal or attempt to do so EXCEPT in defense of one’s self, another party, ones pets, ones livestock, ones fowl, and/or ones property from injurious harm or damage IAW O.C.G.A. 4-8-5.

(b) Fresh food and fresh water, according to the size and weight of the animal, must be provided as appropriate. Physical shelters if used, to include crates of any type, must be large enough for the animal to freely move about. Smaller crates used for short term purposes such as transport within a vehicle may be of smaller dimensions when used only for the purpose of transport. The sheltered area must be kept in a clean, sanitary condition free of excrement and unreasonable objectionable odors. All animals must be provided shelter from adverse weather as needed, understanding that not all animal types or breeds with take advantage of such shelter when given the opportunity. Animal owners are required to provide the needed medical care, to include vaccinations mandatory by law.

(c) When harnessed or leashed, all animals and fowl shall be harnessed, leashed, or housed in such a manner that will not cause injury to the animal and the animal shall be given plenty of room on a harness to exercise.

(d) Female animals in heat shall be confined in a building or securely enclosed in a humane manner that shall not allow contact with a male animal except for planned breeding.

(Ord. of 7-11-2022(1)

Sec. 6-4. Poisoning animals.

It shall be unlawful for any person to put out or cause to be put out any poison within the county for the killing of any dog or other domestic animal.

( Ord. of 7-11-2022(1) )

Sec. 6-5. Removal of dead animals.

(a) *From public ways.* The owner of a dead animal upon the public streets and ways shall remove the same so as not to constitute a nuisance. If the owner fails to do so, the county roads department shall remove and dispose of such carcass, and charge the cost of such removal and disposal to the owner of the carcass, if known.

(b) *From private property.* When any animal is found on private property, the owner of the dead animal or the owner of the premises upon which such animal is located shall remove the same immediately at his own cost. Upon failure to do so within a reasonable time, the county roads department shall remove the same, the cost to be collected from the owner of the dead animal and/or the property.

(Ord. of 7-11-2022(1)

Sec. 6-6. Mobile home parks, apartments and condominiums or townhouses.

(a) The allowance of animals inside mobile home parks, apartments, and condominiums or townhouses is discouraged by this chapter. In all subdivisions and trailer parks, all pets are to be confined to the owner's property or:

(1) On a leash which is being held by a person of sufficient size, age, and maturity to restrain the animal;

(2) On or within a vehicle which is being driven or is parked and restrained in such manner as to prevent the animal's freedom to egress from the vehicle; or

(3) Within the property of its owner or custodian or upon the premises of another person with the consent of such other person.

(b) Where those property owners have not taken action to implement controls upon tenants with regards to pet ownership, the county with determine if such lack of controls has resulted in unsafe and/or unhealthy conditions that require excess attention and response by county resources. If such conditions are found to exist, the county may require property owners on a case by case basis to implement controls which provide a safe and healthy environment by which residents may live and prosper without undue risk of animal attacks, damage to property by pets at large, or unsanitary conditions created by pet refuse and waste.

(c) Property manager/owners/companies will be fined and charged boarding fees for the duration of an animal’s hold state where it is found that an eviction was not supervised by responsible individuals whose job it is to manage and/or supervise said property. The excuse of “I did not know they had animals and/or pets” is not sufficient to negate responsibility under this ordinance. It is the responsibility of property management to supervise properties, or ensure that supervision exists as needed, such that conditions are not created that place unwarranted burdens upon the county’s ability to provide needed services to the populace as a whole.

(Ord. of 7-11-2022(1)

Sec. 6-7. Prohibited conditions.

(a) It shall be unlawful for any person to keep or maintain any animal or fowl in the county in such manner as to create an unsanitary or obnoxious condition, or to become noisy, offensive or a nuisance to the neighbors or citizens of the county, or to disturb the peace of the county.

(b) Should a complaint arise from the causes referred to in subsection (a) of this section, the person involved will be fined, or properly notified of a hearing to be held on said complaint before the magistrate's court.

(c) It shall be unlawful for any person to keep or maintain any pen, coop or enclosure for animals or fowl, or to permit any animal or fowl to be kept, maintained or grazed, within 300 feet of any neighboring house or adjacent property. This subsection shall not apply to household pets such as dogs and cats, but it shall apply to dog kennels, where more than one dog is kept.

(d) The term "tethered" means an animal attached to a stationary object by a chain, cable or similar device commonly used for the size and type of animal involved. An animal is not considered tethered when the animal is attached to a stationary object, as long as the owner or custodian is physically within reach of the animal. Any tethering device used to tether an animal must be at least ten feet in length within the limits of available property.

(1) Tethering of an animal is prohibited except as a temporary measure, in the presence of the owner at all times.

(2) As a secondary means of restraint to a proper enclosure, an animal may be attached to a running cable line or trolley system, providing that:

a. Only one animal may be attached to each running cable line or trolley system.

b. A running cable line or trolley system must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal.

c. The running cable line or trolley system must be at least ten feet in length and mounted at least four feet and no more than seven feet above ground level.

d. The length of the tether from the running cable line or trolley system to the animal's collar should allow access to the maximum available exercise area and allow the animal free access to food, water, and shelter.

e. The animal is attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification, and with enough room between the collar and the dog's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal to a running cable line or trolley system.

f. The animal is tethered at sufficient distance from any other objects to prevent the tangling of the cable by extending over an object or an edge that could result in injury or strangulation of the animal, and be of sufficient distance from any fence so as to prohibit the animal access to the fence.

g. The animal has proper food, water, and shelter. Refer to section 6-4.

(3) Secondary means of restraint such as proper enclosures may also be engaged, such as a properly installed fence or kennel.

(e) Is shall be a violation of this ordinance to possess more than 5 pets total, a maximum of which 3 may be canines, on any property in Wayne County. Exceptions to this include hunting dogs registered through the Georgia Department of Natural Resources, Breeding Kennels licensed under the Georgia Department of Agriculture, registered 501 (3)c agencies engaged in rescue operations with animals, and/or farms over 5 acres in which working dogs are used to manage livestock, equines, and/or fowl. Exceptions will also be made for unlicensed persons meeting the 1 (one) litter per year policy under the Department of Agriculture provided all excess animal are sold and or adopted within 6 (six) months of birth.

(f) It shall be a violation to sell dogs or cats by an unlicensed individual, except on the owner’s private property. The selling of dogs or cats off the owner’s private property, such as any business parking lot, requires a temporary sell permit issued by the Wayne County Commissioner’s Office good for 48 hours beginning at midnight of the date requested and ending at midnight two days hence. The fee for such permits may change from time to time, and a fine will be charged for violations of this paragraph in accordance with the fees and fines associated with this ordinance.

(Ord. of 7-11-2022(1)

Sec. 6-8. Nuisances.

(a) No person shall allow any animal or fowl over which he has custody or control to remain on his property or premises if the same shall constitute a nuisance as the term is defined in section 6-1. For purposes of this section it shall constitute a nuisance for an animal or fowl to bark, howl, whine, or emit any noises whatsoever in a continuous manner so as to disturb any occupant of any adjoining or adjacent property within hearing distance of such property, or for a condition to result from the keeping of such animal or fowl whereby an obnoxious odor emits there from, detectable beyond the limits of the property of such owner or keeper.

(b) If an animal or fowl is identified by animal management officials for repeated nuisance problems, a decision may be made by the probate court to declare the animal a nuisance and be confiscated by the county animal management, to be rehomed or euthanized as appropriate. If the owner petitions to keep the animal, said animal may no longer reside in the county and the owner will be fined in accordance with current fines.

(Ord. of 7-11-2022(1)

Sec. 6-9. Animals running at large—Impoundment.

(a) Any designated officer or official of Wayne County may apprehend any animal found running at large contrary to the provisions of this article and to impound such animal in the animal shelter.

(b) The owner of an impounded registered animal, shall be notified to appear within ten days from the date of the notice to the owner to redeem the animal by payment of the required fees. Unregistered animals shall be held for a period of five working days. The term "days" is defined as days the animal shelter is open.

(c) Any animal not claimed within the times provided may be either destroyed or offered for adoption.

(d) In addition to, or in lieu of, apprehending and impounding an animal found at large, the animal control officer, upon determining the owner, may return the animal to the owner and issue a summons requiring the owner to appear in the magistrate's court for determination of whether there has been a violation within the meaning of this chapter.

(e) Failure by an owner, as defined by state law, to retrieve an animal impounded as a result of enforcement of the county animal ordinance shall result in a fine in accordance with the fines and fees schedule.

(f) It shall be unlawful for any person to knowingly and intentionally abandon any domesticated animal upon any public or private property or public right of way. Any animal found to be abandoned may be impounded or fostered if the owner is unknown or cannot be found. Known owners will be sent a notice to retrieve animals within 5 working days, and pay any associated boarding fees. If animals are not retrieved within 5 working days, the may be disposed of by the county through sale, auction, adoption, or euthanization. If an owner is not known animals will be held 10 working days after which they may be disposed of as stated above. This may include any animal left in the care of a friend or family member whose owner has failed to retrieve or the owner has absconded without contact. A statement describing such will be written by the individual in control of the animal and provided to Animal Management Officers and impoundment is at the discretion of Animal Management and dictated by existing circumstances. Entering into a voluntary boarding agreement with friend or family member is a civil issue and not normally the responsibility of Wayne County to address and will be evaluated on a case by case basis.

(g) Feral animals are not the responsibility of Wayne County Animal Management to capture or control. Property owners should use the authority granted them by the State of Georgia under O.C.G.A. 4-8-5 to deal with ferals when able. Feral animals may include any species of animal to include domestic categories that meet the definition of feral, such as cats and dogs that have been living in the wild. Due care should be used when dealing with any feral animal to avoid risk of harm or disease.

(h) Any animal found at large may be terminated on sight by a designated officer or official of the county if determined that it poses a risk to public safety, and attempts to subdue the animal by lesser means are not a viable option while exigent circumstances exist. If an animal is terminated under such conditions the county shall not be held liable should an owner come forward claiming ownership, while the animal’s actions in are in violation of this ordinance at the time of termination.

(i) Except for hunting dogs that are in designated hunting areas and with licensed hunters for the specific prey sought, any person owning or having custody of a dog within the county shall confine such dog on the premises of the owner of the dog, or on the premises of some responsible person authorized by the owner. Dogs shall not be permitted to run at large on any streets, alleys, or any other place in the county other than the premises of the guardian or owner of the dog, except on a leash not more than six feet in length or in the care of a competent person to whom the dog will respond through voice command.

(Ord. of 7-11-2022(1)

Sec. 6-10. Same—Authority to kill/tranquilize/taser in lieu of seizure.

(a) Notwithstanding any other provision, any citizen, law enforcement officer, any employee of the board of health, any public health official and any other government official or employee acting within the scope of his authority is authorized to shoot any animal which has bitten a human, which is suspected of being rabid or which is suspected of having been exposed to rabies, when justified based upon surrounding circumstances in which the shooting can be accomplished without endangering persons or other animals. The county animal control should be notified immediately for pick-up and testing.

(b) Notwithstanding any other provision, if any animal subject to seizure pursuant to the provisions of this chapter cannot be seized without serious danger to those attempting seizure of such animal, then any law enforcement or animal control officer, any employee of the board of health, any public health official and any other government official or employee acting within the scope of their authority is authorized to use tranquilization or taser to facilitate seizure; or if necessary, to neutralize the animal when the destruction can be accomplished without endangering persons or other animals.

(Ord. of 7-11-2022(1) )

Sec. 6-11. Impounding and other fees in connection with animal shelter.

(a) The county animal management supervisors directed to establish fees for the apprehension of or the impoundment of animals at the county animal shelter, for the redemption of animals impounded under the provisions of this chapter, and for the disposal of animals which are to be adopted by new owners. Said fees and fines will be approved by the county administrator and reviewed annually for content, relevance, and accuracy. Different fees may be set for different sizes, sexes and kinds of animals and different fees for registered and unregistered animals. Such fees, in all events, shall be sufficient for the county to recover its costs incurred in the administration of this chapter.

(b) Any individual wishing to voluntarily surrender a pet to the animal management officer shall be charged a surrender fee to be determined by the animal management supervisor in accordance with 6-11(a). Such fee shall be used to offset the costs of care until the animal can be fostered or adopted through an authorized animal rescue agency. Said fee will be paid to the county clerk and receipt of payment shown as proof of payment upon surrender. Such a surrender is at the discretion of the Animal Management Officer and dictated by space available and the willingness of a rescue to take the animal.

(c) Before any fee authorized by this section shall be levied or amended, it must be published in a local newspaper of general circulation at least five days before it shall become effective.

(d) It is illegal to provide false information for the purposes of surrendering an animal or fowl, initiating action against an animal or persons that is otherwise unwarranted by ordinance or law, or to relieve oneself or accountability or culpability due to the enforcement of this chapter. Such action will be considered a violation of this chapter and O.C.G.A. § l0-6-20. If suspected of violating this paragraph, individuals will be issued a summons to the magistrate court for disposition.

(Ord. of 7-11-2022(1)

Sec. 6-12. Enforcement.

(a) *Violation.* It shall be unlawful for any person to fail to comply with the requirements of this chapter, and any person who violates the provisions contained herein shall be guilty of a misdemeanor and, upon conviction thereof, shall, unless otherwise specifically provided herein, be punished by a fine of not less than $100.00 nor more than $1,000.00 or possible jail time not longer than three days.

(b) *Enforcement.* The magistrate court of the county shall have jurisdiction over violations of this chapter and all procedures for enforcement hereof shall be as provided in O.C.G.A. title 15, chapter 10, article 4 (O.C.G.A. § 15-10-60 et seq.), as amended. Complaints of violations of any provision contained herein shall be brought before the magistrate's court on a citation issued by the:

(1) County administrator (or his designee);

(2) Any animal control officer or law enforcement officer within the county;

(3) The chief magistrate of the county; or

(4) Any other person specifically authorized by law, and shall be prosecuted through that court.

Violations of this article will be tried upon citations, either with or without a prosecuting attorney as determined by the said county administrator (or his designee). Service of citation shall be performed by any animal control officer or law enforcement within the county. Citations shall meet all the official requirements as specified in the O.C.G.A. § 15-10-63, as amended

( Ord. of 7-11-2022(1) )

Sec. 6-13. Certain animals prohibited from entering county recreational land or facilities.

(a) No person shall cause or permit a dog or other domestic animal, except service animals that are required because of a person's disability, service animals that are trained to mitigate a person's disability, and other animals participating in county-approved recreational events (e.g., dog shows, fairs, etc.) or engaged in law enforcement duties, to enter any land or facility owned, operated, or controlled by the county for public recreational purposes unless the area is specifically designated by county commissioners as pet friendly. For purposes of this ordinance, Emotional Support Dogs are not recognized as a legitimized service dog as described above.

(b) Any person who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than $100.00 nor more than $1,000.00 or possible jail time not longer than three days.

(c) The magistrate's court of the county shall have jurisdiction over violations of this section and all procedures for enforcement of this section shall be as provided in O.C.G.A. title 15, chapter 10, article 4 (O.C.G.A. § 15-10-60 et seq.). Complaints of violations of any provision contained herein shall be brought before the magistrate's court on a citation issued by the animal control officer of the county or the chief magistrate of the county and shall be prosecuted through that court. Violations of this section will be tried upon citations either with or without a prosecuting attorney as determined by the animal control officer of the county. Service of citation shall be performed by any animal control officer or law enforcement within the county. Citations shall meet all the official requirements as specified in O.C.G.A. § 15-10-63, as amended.

(Ord. of 7-11-2022(1)

Secs. 6-14 Severability and Compliance.

Should any phrase, clause, sentence, or paragraph of this Ordinance be held invalid or unconstitutional, the remainder of the Ordinance shall remain in full force and effect as if such invalid or unconstitutional provision were not contained in the Ordinance.

This Ordinance nor any part hereof is meant to be in conflict with or to supersede any State or Federal regulation, rule, or law including but not limited OCGA 41-1-7.

Secs. 6-15—6-33. Reserved.

### ARTICLE II. RABIES CONTROL

Sec. 6-34. Vaccination of animals.

It shall be unlawful for any person to own, keep or harbor any animal which has not been vaccinated against rabies as required by the rules and regulations established in accordance with O.C.G.A. § 31-19-5. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be revaccinated, description, name, age and sex of the animal vaccinated, type and lot number of the vaccine administered and the signature of the person administering the vaccine. The certificate shall be prepared in triplicate, the original to be given to the owner, the first copy filed in the office of the county board of health, and the second copy retained by the person administering the vaccine. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the state board of veterinary medical examiners to practice veterinary medicine in the state or by other persons qualified under state law for that purpose.

( Ord. of 7-11-2022(1) )

Sec. 6-35. Quarantine of animal inflicting bite, suspected of biting, or suspected of being rabid.

When any warm-blooded animal capable of being infected with rabies has bitten any person, or is suspected of having bitten any person, or is suspected of being infected with rabies, the county board of health shall cause such animal to be quarantined for such time as may be deemed necessary, but not less than ten days from the day the person was bitten. No such animal shall be killed or destroyed or removed from the county, except upon authorization of the county board of health or its duly authorized representative. Only dogs and other animals which appear well shall be released from quarantine or impoundment. No person shall hide, kill, conceal or aid or assist in hiding, killing or concealing any such animal defined in this section or shall conceal or permit the same to be removed from the county for the purpose of preventing its quarantine as provided herein.

( Ord. of 7-11-2022(1) )

Sec. 6-36. Destruction or quarantine of animals in contact with a rabid animal.

(a) All warm-blooded animals capable of being infected with rabies that have come in contact with a rabid animal shall be destroyed by a humane method or shall be quarantined and/or vaccinated as follows:

(1) If no vaccination has been given within the previous period of 12 months, the dog or other domestic animal may be vaccinated and then quarantined for 90 days.

(2) If vaccinated within the previous 12 months, the dog or other domestic animal shall be revaccinated and then quarantined for 30 days.

(b) There shall be placed in a conspicuous place in plain view of all entrances to the place of quarantine under this section a placard on which shall be printed, in letters not less than two inches high, the words "Rabies-Quarantine." Such quarantine shall be at the expense of the owner. The place of quarantine shall be cleaned and disinfected to the satisfaction of the animal control officer.

( Ord. of 7-11-2022(1) )

Sec. 6-37. Report required when any person is bitten by an animal.

Whenever a person is bitten by a dog or other animal capable of being infected with rabies, prompt report of such bite shall be made to the appropriate law enforcement agency. Such report shall be made by any physician attending the person bitten or, if such person is received at a hospital or dispensary for treatment, the report shall be made by the person in charge of the hospital or dispensary. The report shall contain information required by the county board of health. When a physician was not consulted or the person was not taken to a hospital or dispensary, the report shall be made by the person bitten or any other person who has knowledge of the facts.

( Ord. of 7-11-2022(1) )

Sec. 6-38. Veterinarians to report results of examination of animal which has bitten a person.

Whenever a veterinarian is called upon to examine a dog or other animal capable of transmitting rabies and that has bitten a person, he shall promptly report the results of his examination to the county board of health.

( Ord. of 7-11-2022(1) )

Sec. 6-39. Forwarding head of rabid or suspected rabid animal to state-approved laboratory.

When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under quarantine, the county board of health shall send the head of such animal to the state-approved laboratory for pathological examination.

( Ord. of 7-11-2022(1) )

Sec. 6-40. Surrender and examination of carcasses of animals.

The carcass of any dead animal found within the county shall, upon demand, be surrendered to the county board of health for examination if, in the opinion of the county board of health, such examination is necessary or advisable.

( Ord. of 7-11-2022(1) )

Sec. 6-41. Reporting violations and giving testimony in court.

Any person who has personal knowledge of the violation of any portion of this regulation shall notify the police department and shall also make known his willingness to appear and give testimony concerning any such violation in the magistrate's court upon being summoned thereto, at the time and place specified in such summons.

( Ord. of 7-11-2022(1) )

### ARTICLE III. DANGEROUS DOG CONTROL

Sec. 6-42. Definitions.

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

*Classified dog* means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this article.

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

(1) 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 subsection;

(2) 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 subsection; or

(3) While off the owner's property, kills a pet animal; provided, however, that this subsection 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.

*Animal management officer* means an individual selected by a local government pursuant to the provisions of section 6-65 to aid in the administration and enforcement of the provisions of this article.

*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 dangerous dog or potentially dangerous dog.

*Potentially dangerous dog* means any dog that without provocation bites a human being on public or private property at any time.

*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, 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.

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

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

(1) 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 duties shall not be a dangerous dog or potentially dangerous dog within the meaning of this article.

(2) 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 a 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.

*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. 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 under O.C.G.A. title 16, chapter 5 (O.C.G.A. § 16-5-1 et seq., Crimes Against the Person).

( Ord. of 7-11-2022(1) )

Sec. 6-43. Animal management officer.

The animal management officer shall be designated, with the approval of the board of commissioners, as the animal management officer of the county. Upon receiving a report of a dangerous dog or potentially dangerous dog within the unincorporated areas of the county from a law enforcement agency, animal control agency, rabies control officer, or county board of health, the animal management officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this chapter.

( Ord. of 7-11-2022(1) )

Sec. 6-44. Classifying dangerous dogs and potentially dangerous dogs.

(a) *Procedure for classification.* When a dog control officer classifies a dog as a dangerous dog, a vicious dog, or reclassifies a potentially dangerous dog as a dangerous dog or a vicious dog, the dog 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.

(b) *Notice.* When a dangerous dog, a vicious dog, or a potentially dangerous dog is classified as such, the dog control officer shall notify the dog's owner of such classification. The notice to the owner shall meet the following requirements:

(1) The notice shall be in writing and mailed by certified mail to the owner's last known address within 72 hours of the determination.

(2) The notice shall include a summary of the dog control officer's findings that formed the basis for the dog's classification as a dangerous, a vicious, or potentially dangerous dog.

(3) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has a right to request a hearing on the dog control officer's determination that the dog is a dangerous dog, a vicious dog, or a potentially dangerous dog.

(4) The notice shall state that the hearing, if requested, shall be before the probate court or such board so designated by the county board of commissioners.

(5) The notice shall state that if a hearing is not requested, the dog control officer's determination that the dog is a dangerous dog or a vicious dog will become effective for all purposes under the law on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing.

(6) The notice shall include a form to request a hearing before the probate court and shall provide specific instructions on mailing or delivering such request.

(c) *Hearing.*

(1) When the probate court receives a request for a hearing as provided in this section, it shall schedule such hearing within 30 days after receiving the request. The probate court 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 court shall receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination either to sustain, modify, or overrule the dog control officer's classification of the dog.

(2) Within ten days after the date of the hearing, the probate court 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 a vicious dog, the notice shall specify the date upon which that determination is effective. If the determination is that the dog is to be euthanized pursuant to this chapter and O.C.G.A. § 4-8-26, the notice shall specify the date by which the euthanasia shall occur.

( Ord. of 7-11-2022(1) )

Sec. 6-45. Registration of dangerous dogs or potentially dangerous dogs.

(a) It is unlawful and a violation of this chapter for an owner to have or possess within the unincorporated areas of the county a dangerous dog, a vicious dog, or potentially dangerous dog without a certificate of registration issued by the dog control officer.

(b) Unless doing so would violate another provision of this chapter, the dog control officer shall issue a nontransferable certificate of registration to the owner of a dangerous dog, a vicious dog, or a potentially dangerous dog if the owner presents to the dog control officer or the dog control officer otherwise finds sufficient evidence of:

(1) A proper enclosure designed to confine securely the dangerous dog, a vicious dog, or potentially dangerous dog on the owner's property, indoors, in a securely locked and enclosed pen, fence or structure to prevent the dog from leaving the property.

(2) The posting of the premises where the dangerous dog, a vicious dog, or potentially dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the property. Said sign shall be maintained continuously on the premises.

a. The dangerous dog warning sign shall conform to design provided by the state department of natural resources, and shall be furnished by the county to the owner or possessor of a dangerous dog or potentially dangerous dog, with the initial cost of such sign to be included in the registration fee as required herein.

b. Should the original dangerous dog warning sign issued to the owner or possessor of a dangerous dog, a vicious dog, or potentially dangerous dog be lost, stolen, destroyed, or damaged, said owner or possessor shall report same immediately to the dog control officer and shall secure a replacement sign from the animal control department. The owner or possessor shall be required to pay the then-current full cost for such replacement sign.

(3) A microchip containing an identification number, capable of being scanned has been injected under the skin between the shoulder blades of the dog.

(4) 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; or

(5) A surety bond In the amount of $25,000.00 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.

( Ord. of 7-11-2022(1) )

Sec. 6-46. Additional requirements.

(a) A certificate of registration may only be issued to an individual 18 years of age or older.

(b) The owner of a dangerous dog, vicious dog, or potentially dangerous dog shall notify the dog control officer within 24 hours if the dog is on the loose, is unconfined, has attacked a human or has died.

(c) The owner of a dangerous dog, vicious dog, or potentially dangerous dog shall notify the dog control officer if the owner is moving from the unincorporated areas of the county. The owner of a dangerous dog, vicious dog, or potentially dangerous dog who is a new resident of the unincorporated areas of the county shall register the dog as required herein within 30 calendar days after becoming a resident. The owner of a dangerous, vicious, or potentially dangerous dog who moves from one address to another within the unincorporated areas of the county shall notify the dog control officer of the new address within ten calendar days after moving to the new address.

(d) Issuance of a certificate of registration or the renewal of a certificate of registration by the dog control officer does not warrant or guarantee that the requirements for obtaining a certificate of registration, as specified in this section, are maintained by the owner of a dangerous dog, vicious 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.

(e) The animal management officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.

(f) Only one certificate of registration is permitted per household.

(g) No person shall be the owner of more than one vicious dog.

(h) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of the following crimes; from the time of conviction until two years after completion of his sentence, nor to any person residing with such person:

(1) A serious violent felony as defined in O.C.G.A. § 17-10-6.1;

(2) The felony of dog fighting as provided for in O.C.G.A. § 16-12-37, or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or

(3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. §§ 16-13-31 and 16-13-31.1.

(i) 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.

(j) Under no circumstances shall an employee or official of the county 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.

( Ord. of 7-11-2022(1) )

Sec. 6-47. Registration fee.

(a) In addition to regular licensing and tag fees, an annual fee as may from time to time be prescribed by the animal management supervisor, through the county administrator, payable at the time of registration and on or before April 1 of each succeeding year, shall be paid by the owner of a dangerous dog, vicious dog, or a potentially dangerous dog.

(b) Certificates of registration shall be renewed on an annual basis, not later than April 1 of each year. At the time of the annual renewal of a certificate of registration, the dog control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dog owner is continuing to comply with the provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification shall constitute a violation of this article.

( Ord. of 7-11-2022(1) )

Sec. 6-48. Confinement of dangerous dogs and potentially dangerous dogs.

(a) It is unlawful and a violation of this article for an owner of a dangerous dog or vicious dog to permit the dog to be outside of the owner's property unless:

(1) The dog is muzzled and restrained by a chain or leash not to exceed six feet in length and is under the physical restraint of a responsible person capable of preventing the dog from engaging any other human or animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person;

(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 outside an enclosure designed to securely confine the vicious dog while on the owner's property unless:

(1) The dog is muzzled and restrained by a chain or leash not to exceed six feet in length and is under the physical restraint of a responsible person capable of preventing the dog from engaging any other human or animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person; or

(2) The dog is contained in a closed and locked cage or crate.

(c) It shall be unlawful for an owner of a vicious dog to permit the dog to be unattended with minors.

( Ord. of 7-11-2022(1) )

Sec. 6-49. Confiscation of dangerous dogs or potentially dangerous dogs.

(a) *Confiscation.* A dangerous dog or vicious dog shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer if the:

(1) Owner of the dog does not secure the liability insurance or bond required herein;

(2) Dog is not validly registered as required herein;

(3) Dog is not maintained in a proper enclosure;

(4) Dog is outside a proper enclosure in violation of this section; or

(5) The officer believes that the dog poses a threat to public safety.

(b) *Grounds.* 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 herein;

(2) Not maintained in a proper enclosure; or

(3) Outside a proper enclosure in violation of this article.

(c) *Disposition of confiscated dogs.* Any dangerous dog, vicious dog, or potentially dangerous 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 reclaim and boarding fees as set out in this article. In the event the owner has not complied with the provisions of this section within 20 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.

(d) *Refusal to suffender.* A refusal to surrender a dog subject to confiscation shall be a violation of this article.

( Ord. of 7-11-2022(1) )

Sec. 6-50. Euthanasia.

(a) A probate court judge may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided under this chapter and state law:

(1) The dog has seriously injured a human or presents a danger to humans not suitable for control under this article;

(2) The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or

(3) Any local governmental authority of the county has filed with the court a civil action requesting the euthanasia of the dog.

(b) A dog that is found, after notice and opportunity for hearing as provided under this article and state law, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this subsection.

(c) Any animal that has exceeded the listed hold times of 10 (ten) or 5 (five) days as applicable, or as otherwise stated in this ordinance, may be euthanized as required to allow continuance of operations. All efforts to find a suitable alternative will be made but such efforts will not impede the ability to provide Animal Management services throughout the county.

( Ord. of 7-11-2022(1) )

Sec. 6-51. Civil liability.

(a) The owner or, if no owner can be found, the custodian exercising care and control over any dog which while off the owner's or custodian's property causes injury, death, or damage directly or indirectly to any livestock, poultry, or pet animal shall be civilly liable to the owner of the livestock, poultry, or pet animal for the injury, death, or damage caused by the dog. The owner or, if no owner can be found, the custodian exercising care and control over any dog shall be liable for any damage caused by such dog to public or private property. The liability of the owner or custodian of the dog shall include consequential damages.

(b) This section is considered cumulative of other remedies provided by law. There is no intent to eliminate or limit other causes of action which might inure to the owner of any livestock, poultry or pet animal.

( Ord. of 7-11-2022(1) )

Sec. 6-52. Criminal liability.

(a) Except as otherwise specified in this chapter, any person who violates any provision of this article shall be guilty of a misdemeanor;

(b) A person who violates section 6-70(b) or (c) shall be guilty of a misdemeanor of a high and aggravated nature.

(c) An owner with a previous conviction for a violation of this chapter whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be guilty of 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.

(d) 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.

( Ord. of 7-11-2022(1) )

Secs. 6-53—6-64. Reserved.

### ARTICLE IV. POULTRY REGULATION

Sec. 6-65. Housing and processing poultry.

(a) It shall be unlawful to construct, maintain or utilize in the county any building, animal yard, or other real property for the purpose of housing, raising, producing, processing, or selling poultry within the city limits of the cities of Jesup, Screven and Odum, or within one-quarter of a mile (1,320 feet) of any city limits line of the cities of Jesup, Screven and Odum, or within 300 feet of any building used for residential commercial purposes by anyone other than the one maintaining such poultry house, yard, or processing plant, or within 300 feet of any school, church, or other public buildings.

(b) For purposes of this section, the term "poultry building or yard" shall include every enclosure, shed, or structure used to house chickens, turkeys, and other fowl used for commercial purposes.

( Ord. of 7-11-2022(1) )

Sec. 6-66. Sanitary conditions.

Every person maintaining a poultry house, yard, processing plant, or other building used for commercial purposes, shall keep such facility in a manner such as not to create a public health or environmental nuisance.

( Ord. of 7-11-2022(1) )

1. Ord. of 7-11-2022(1) , amended ch. 6 in its entirety to read as herein set out. Former ch. 6, §§ 6-20-6-38 and 6-65 through 6-66, pertained to similar subject matter and derived from the 1992 Code; Ord. of 6-4-1989, art. II, § 1, art. II, § 2, art. II, § 4; Ord. of 2-3-1997, § 2; Ord. of 8-4-1997, § 1; Ord. of 5-4-1998, § 1; Ord. of 3-6-2017(1); Ord. of 7-9-2018, §§ 6-31, 6-38. Ord. of 7-11-2022 set out provisions intended for use as art. II entitled "In general" §§ 6-20-6-32. Inasmuch as there were already provisions so designated, said sections has been codified herein as art. I, §§ 6-1-6-13 at the discretion of the editor. [↑](#footnote-ref-1)