

# Pickens County Animal Control Ordinances

\*\*\*Enforcement is to begin on July 1, 2009\*\*\*

## CHAPTER 14 ANIMALS

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**ARTICLE I**  
**General**

**Sec. 14-1. Definitions.**

As used hereinafter, the following words and terms shall have the meaning set forth unless the context clearly indicates otherwise:

*Abandonment* shall mean the act by an owner of leaving, deserting, rejecting, or renouncing responsibility of or claim to a domesticated animal.

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

*Aggressive* shall be descriptive of any domesticated animal which appears to have a propensity for attacking persons, or which has in fact attacked a person on at least one occasion, or which threatens persons by growling or barking in such a manner that causes persons of reasonable sensibilities to be apprehensive for his or her safety.

*Animal* shall mean all living nonhuman creatures, domestic or wild, including livestock.

*At large* shall mean not under the direct physical or voice restraint of the owner, whether on or off the owner's premises.

*Bite* shall mean any physical contact with human skin or clothing worn by a human with the teeth, nails, or claws of an animal.

*Board of Commissioners* shall refer to the Pickens County Sole Commissioner unless otherwise specified. Synonymous with "governing authority."

*Cat* shall mean the domestic cat, *Felis catus*.

*Citation* shall mean a written notice issued to a person stating that there is probable cause to believe that the person has committed an infraction of this chapter and directing the person to respond to the charge at a certain date and time in the Magistrate Court of Pickens County. *County* shall refer to Pickens County unless otherwise specified. Synonymous with "local government."

*County Animal Control Facility* shall mean any facility designated by the Sheriff for animal control and/or the implementation of the provisions of this chapter.

*Dangerous dog* shall mean any dog which, according to the records of Pickens County:

- (a) Inflicts a severe injury upon a person without provocation on public or private property at any time after March 31, 1989; or
- (b) Aggressively bites, attacks, or endangers the safety of persons without provocation after having been

classified as a potentially dangerous dog and after the owner has been notified of such classification.

*Dangerous dog control officer* shall mean that individual appointed by the Sole Commissioner to aid in the enforcement and administration of the dangerous dog control portion of this chapter by examining and reasonably evaluating whether or not a dog shall be classified as a dangerous dog or as a potentially dangerous dog. Such person shall not be an employee of the county sheriff's department or other law enforcement agency within the county, but may otherwise be employed by the county. Such person may be, but is not required to be, a licensed veterinarian.

*Dog* shall refer to the domestic dog, *Canis familiaris*.

*Domesticated animal* shall be limited to dogs and cats or any animal which bears a physical resemblance to a dog or cat.

*Humane care* shall mean, but not be limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with normal requirements and feeding habits of the animal's size, species, and breed.

*Identification* shall mean identification in the form of an tag worn on a collar, subcutaneous chip, or tattoo placed on the animal for the purposes of identification, which shall, at a minimum, provide sufficient information for the contact of the owner of the animal.

*Owner* shall mean any person possessing, harboring, keeping or having custody or control of any domesticated animal or permitting any domesticated animal to remain on or about his or her premises for a period of at least 15 days.

*Person* shall refer to any individual, firm, corporation, partnership, organization, or association.

*Potentially dangerous dog* shall mean any dog which has, without provocation, bitten any person on public or private property at any time after March 31, 1989.

*Public nuisance* shall mean any domesticated animal which unreasonably annoys persons, endangers the life or health of persons or of other domesticated animals, or substantially interferes with the rights of citizens, other than the owner of such animal, to enjoy life and property. The term shall include, but not be limited to, any domesticated animal which:

- (a) Is found at large;
- (b) Damages the property of anyone other than its owner;
- (c) Chases vehicles;
- (d) Attacks other domesticated animals; or
- (e) Attacks pedestrians or passersby without provocation.
- (f) Persistently or continuously barks, howls, or makes noise common to their species which disturbs the peace and quiet of the surrounding neighborhoods.

*Proper enclosure for a dangerous dog or for a potentially dangerous dog* shall mean 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 children or other animals 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. Any such enclosure shall be locked at all times so as to prevent the unintentional opening of the enclosure. The dog shall not be permitted to come into contact with animals other than those which reside at the owner's residence nor shall the dog be permitted to come into contact with any persons other than the owner and the immediate family.

*Quarantine* shall mean the humane confinement of an animal for observation of symptoms of rabies or other disease in a proper enclosure which prevents the animal from coming into unplanned contact with any other animal or person.

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

*Stray* shall mean any domesticated animal which is at large and whose owner is unknown or not readily identifiable.

*Vaccination* shall mean inoculation with anti-rabies vaccine given by a licensed veterinarian, the dose of which is sufficient to provide immunity against rabies for at least one year.  
(Res. of \_\_\_-\_\_\_-09)

#### **Sec. 14-2. Application of chapter to domesticated animals only.**

Unless this chapter shall specifically state otherwise or unless the context shall clearly provide otherwise, this chapter shall apply only to domesticated animals, as defined hereinabove, and not to all animals. The Georgia Department of Natural Resources, or other appropriate agency, should be consulted regarding non-domesticated animals, including wild animals and migratory birds.

(Res. of \_\_\_\_-\_\_\_\_-09)

#### **Sec. 14-3. Purposes.**

The broad purposes of this chapter shall include, but not be limited to, the following:

- (a) To set forth the minimum standards by which the Pickens County Sheriff or other appropriate law enforcement agency shall operate in its enforcement of all state and county laws, ordinances, and resolutions relating to domesticated animals and the care, custody, and control of such domesticated animals;
- (b) To protect and to promote the health, welfare, and safety of the general public;

- (c) To educate the general public with regard to proper maintenance and care of domesticated animals, including, but not limited to, educating the public as to the benefits of spaying or neutering such domesticated animals to prevent undesired reproduction;
  - (d) To enforce and to promote the public health requirement that all dogs and cats be properly vaccinated against rabies on an annual basis;
  - (e) To enforce and to promote the public safety requirement that all dangerous dogs and all potentially dangerous dogs be properly confined and that necessary measures be taken to protect the public at large from such animals.
- (Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-4. Contract for enforcement with municipalities within the county.**

The Pickens County Sheriff’s jurisdiction for enforcement of this chapter shall be in the unincorporated portion of Pickens County. However, the Sheriff shall be authorized to provide its services within any municipality within the county. A prerequisite for the provision of said services shall be the adoption of the substantive provisions of this chapter by the municipality together with an intergovernmental agreement with the Pickens County Sheriff and the Pickens County Commissioner. Said intergovernmental agreement shall be subject to any state law which may govern.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-5. Jurisdiction of magistrate court.**

Pursuant to the provisions of O.C.G.A. § 15-10-60 *et seq.* and the provisions of Article III of this chapter, the Magistrate Court of Pickens County shall have jurisdiction to hear and to determine all alleged violations of this chapter unless the accused shall demand a jury trial, in which case the prosecution shall be removed to the Pickens County Superior Court for jury trial as a misdemeanor. The Magistrate Court of Pickens County shall have all powers granted to it which are necessary and incident to the hearing and disposition of the matters brought before the Court, including but not limited to the authority to issue citations and summons for witnesses. The following persons have standing to file complaints for violations of this Ordinance:

1. The Pickens County Dangerous Dog Control Officer;
  2. Law enforcement officers;
  3. Public health officials;
  4. Individuals with personal knowledge of the violation upon filing a sworn complaint with the Court.
- (Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-6. Enforcement.**

With the exception of Article III of this chapter, the primary responsibility for the enforcement and execution of this Ordinance shall be vested in the Pickens County Sheriff. The Dangerous Dog Control Officer shall have the primary responsibility for the enforcement and execution of Article III.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

#### **Sec. 14-7. Penalty for violation of chapter.**

Pursuant to the provisions of O.C.G.A. § 36-1-20(b) and § 15-10-60(a), and subject to the provisions of Article III of this chapter, the punishment imposed for any ordinance violation shall not exceed a fine of \$1,000.00 or six months' imprisonment or both, provided the judge shall probate not less than 120 days of any sentence imposed, except as otherwise provided by general law, and shall not exceed the maximum punishment specified by the ordinance. In the event a sentence is revoked, a defendant shall not serve more than 60 days in a county jail. Each act or omission of this Ordinance shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

#### **Sec. 14-8. Impoundment.**

(a) Any animal which is in violation of any portion of this chapter may be impounded. The Pickens County Sheriff's Office or other appropriate law enforcement agency shall use discretion in determining whether impoundment shall be necessary to effectuate the purposes of this chapter.

(b) All impounded animals not bearing identification shall be designated as strays.

(c) All impounded animals shall be provided adequate food and water and shall be provided with humane care while impounded at the owner's expense.

(d) Neither Pickens County nor its agents shall be responsible for any diseases, injuries, or other harm to any impounded animal.

(e) The fees with respect to services performed in connection with the enforcement of this Ordinance shall be set by the Pickens County Sheriff's Office. A copy of said fees shall be available by request from that office. Fees may change from time to time at the discretion of the Pickens County Sheriff. The fees established and collected pursuant to this paragraph are not penalties; they are imposed for the sole purpose of defraying expenses born by Pickens County for animal control and welfare. Fees may change at any time and shall include but not be limited to an impounding fee, a per day boarding fee, and rabies vaccinations, if necessary.

(f) Nothing contained herein shall prevent the killing of an animal when it is determined to be a menace to public safety or a menace to other animals such that it cannot be impounded with reasonable effort.

(g) Nothing contained herein shall prevent the humane killing of an animal which is severely sick or injured.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

#### **Sec. 14-9. Detention periods following impoundment.**

(a) Any stray animal impounded pursuant to this chapter shall be detained for a period of not less than five working days prior to being subject to adoption by a third party or euthanization.

(b) Any animal impounded pursuant to this chapter which is bearing identification shall be detained for a period of not less than ten working days prior to being subject to adoption by a third party or euthanization. During such period, the Pickens County Sheriff's Office shall make reasonable efforts to contact the owner, either in writing or by telephone, or both, utilizing any information provided upon the identification. If the only identification is a rabies tag, then the Pickens County Sheriff's Office shall contact the issuing veterinarian for identification information.

(c) If at any time during the required detention period set forth above, the owner indicates that he or she intends not to reclaim the animal, the balance of the detention period may be waived. In such instance, the owner shall indicate in writing such intention not to reclaim the animal and such writing shall be maintained by the Pickens County Sheriff's Office.

(d) If at any time during the required detention period, examination of the animal indicates that the animal is severely sick or injured, or that such animal is a threat to the health of the other animals detained at the county animal control facility, the balance of the detention period may be waived. In such instance, the person making the determination that the circumstances set forth herein are satisfied shall prepare a written summary to be retained by the Pickens County Sheriff's Office of the conditions which prompted him or her to make such determination.  
(Res. of \_\_\_\_ - \_\_\_\_ -09)

#### **Sec. 14-10. Owner reclaims.**

(a) An owner of an impounded animal may reclaim such animal during normal business hours.

(b) The owner shall identify his or her animal.

(c) The owner shall provide his or her address.

(d) If the animal was not impounded near the address of the person seeking to reclaim the animal, then some further reasonable proof of ownership shall be required.

(e) The owner shall provide proof that any animal to be reclaimed is currently vaccinated. If no proof shall be provided, then the owner shall be cited pursuant to this chapter.

(f) If an owner indicates that an animal to be reclaimed has been stolen, the county animal control facility shall use discretion in determining whether any fees associated with reclaiming the animal shall be waived if the owner produces a copy of a police report filed regarding the disappearance of the animal.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

#### **Sec. 14-11. Interpretation of chapter.**

(a) Nothing herein shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any state or federal law, ordinance, rule, or regulation.

(b) Nothing herein shall be interpreted or applied so as to create any liability upon Pickens County, the Pickens County Sheriff, or any of their employees or agents for the enforcement or failure to enforce any of the provisions contained in this chapter.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

#### **Sec. 14-12. Incorporation of state law; construction.**

This chapter shall be construed to effectuate its purposes and policies and to supplement such existing state laws as may relate to animals.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

#### **Sec. 14-13. Severability.**

If any section, sentence, clause, or phrase of this chapter shall be held by any court of competent jurisdiction to be invalid, unlawful, unconstitutional, or unenforceable, such determination shall not affect the rest and remainder of this chapter.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-14. Duties of animal owners and citizens.**

In addition to the other requirements of this chapter, it shall be the duty of every owner or custodian of an animal within the county to:

- (a) Exercise reasonable care and take all necessary steps and precautions to protect other people and property from injuries and damage which might result from the animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
- (b) Ensure that the animal is restrained or controlled so as to prevent it from chasing vehicles or chasing, menacing, or attacking persons or other animals.
- (c) Ensure that the animal is restrained or controlled so as to prevent it from acting or being aggressive.
- (d) Ensure that the animal is restrained or controlled so as to prevent it from creating a public nuisance.
- (e) Ensure that the animal bears adequate identification in the form of an tag worn on a collar, subcutaneous chip, or tattoo placed on the animal for the purposes of identification, which shall, at a minimum, provide sufficient information for the contact of the owner of the animal.
- (f) Domesticated animals are additionally prohibited in those public areas so designated and posted by the county or other governmental entity or private entity (for example, a homeowner's association) having authority to do so.

Citation under this section shall not replace or be a substitute for enforcement of the section of this ordinance dealing with dangerous or potentially dangerous animals, and an owner may be subject to enforcement under both sections.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Secs. 14-15 - 14-19. Reserved.**

**ARTICLE II.**  
**Rabies and Animal Control**

**Sec. 14-20. Rabies control; vaccination required.**

(a) It shall be unlawful for any person to own any dog or cat over three months of age within the county unless such dog or cat is vaccinated. This provision does not apply to dogs and cats owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter. All dogs and cats shall be vaccinated by a licensed veterinarian in accordance with the latest compendium of animal rabies vaccines and recommendations for immunization published by the National Association of State Public Health Veterinarians. All dogs and cats shall bear a collar with a tag showing compliance with this provision.

(b) No person shall vaccinate dogs or cats against rabies who is not licensed to practice veterinary medicine.

(c) It shall be unlawful for any person not to comply with the regulations concerning rabies vaccinations as promulgated by the Georgia Department of Health and described in O.C.G.A. §§ 31-5-1 and 31-19-1.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-21. Domesticated animals disturbing the peace.**

It shall be unlawful for any person owning or otherwise having a domesticated animal in his or her care, charge, control, custody, or possession to allow any such domesticated animal persistently or continuously to bark, howl, or make noise common to their species or otherwise to disturb the peace and quiet of the surrounding neighborhoods.

Nothing contained herein shall be construed to prohibit a dog who is trained to defend livestock against predators from performing that function.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-22. Cruelty to animals.**

It shall be unlawful for any person to cause the death or unjustifiable physical pain or suffering to any animal, regardless of whether or not said animal is domesticated or not, by an act, an omission, or because of willful neglect. This section shall specifically include, but not be limited to, the following examples of cruelty:

(a) An owner's failure to provide adequate medical care, food, water and/or humane care for any domesticated animal;

(b) The use of caustic, flammable, boiling, or heated substances upon any domesticated animal;

(c) The suffocation or drowning of a domesticated animal;

(d) The torture, maiming, or mutilation of any domesticated animal;

(e) The infliction of burns, cuts, or lacerations upon any domesticated animal.

(f) Leaving an animal unattended in a parked vehicle without proper ventilation.

(g) Over working or over loading an animal beyond humane limits.

Nothing contained herein shall prohibit a person from killing or injuring an animal in the defense of his or her person or property, or the person or property of another, including but not limited to the killing of a domesticated animal causing injury or damage to livestock or poultry. Nothing contained herein shall prohibit a person from humanely killing an animal which is severely sick or injured. The method used for killing or injuring the animal shall be designed to be as humane as is possible under the circumstances. A person who humanely kills or injures an animal under the circumstances described herein shall incur no liability for the death or injury of said animal. (Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-23. Right of entry.**

A law enforcement officer may use any force necessary to remove any animal confined in a closed vehicle when the ambient temperature is 70 degrees Fahrenheit or above outside the vehicle. If the vehicle is damaged during such removal, neither Pickens County, the Pickens County Sheriff, or the law enforcement officer attempting the removal of said animal shall be liable for any damage to the vehicle or its contents. (Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-24. Animals transported in vehicles.**

No animal shall be transported on a public road in an open vehicle including but not limited to an open top vehicle or open truck bed unless said animal is humanely secured so as to prevent the animal from escaping, being thrown from the vehicle, getting tangled, or having the ability to extend over the edge of the vehicle in a manner that could result in an injury or strangulation of the animal. No animal shall be transported in the trunk of a vehicle or under a pickup truck's tonneau cover. (Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-25. Abandonment of domesticated animal.**

It shall be unlawful for any person knowingly and intentionally to abandon any domesticated animal upon any public or private property or public right-of-way. No person shall intentionally abandon a dead domesticated animal on any private property belonging to another unless the person so doing shall have first obtained permission from the owner of the property on which the dead domesticated animal is being left and the provisions of O.C.G.A. §4-5-3 are complied with. It shall be unlawful for any person knowingly and intentionally to abandon any dead domesticated animal upon any public or private property or public right-of-way unless the place in which the domesticated animal is being left is a public dump or other facility designed for receiving such and has been designated by the local governmental authorities as a public facility for receiving trash or refuse and the provisions of O.C.G.A. §4-5-3 are complied with. (Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-26. Animal fighting.**

No person shall own, possess, keep or train any domesticated animal with the intent that such domesticated animal shall be engaged in an exhibition of fighting.

No person shall build, make, maintain or keep any facility used or to be used for the exhibition of any animal fighting, regardless of whether or not the animal is domesticated.

No person shall be a spectator, participant, promoter, judge, umpire or be in the presence of any exhibition of animal fighting.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-27. Clean-up requirement.**

The owner of every domesticated animal shall be responsible for the removal of any excreta deposited by said animal upon public or private property.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-28. Keeping of sick or diseased animals.**

It shall be unlawful for any person to own any domesticated animal which is seriously sick or injured and not provided proper veterinary care. This section shall not be construed to include animals under active veterinary care or veterinary hospitals.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-29. Shelter requirements.**

An owner may confine his or her dog by a chain, cable, or rope which is no less than 12 feet in length and which permits the dog to reach shade, shelter and adequate food and water. The chain, cable, or rope shall be connected to the dog by a collar of sufficient size and tightness which shall adequately restrain the dog without embedding the collar in the dog's neck or impairing the dog's ability to breathe. Dogs confined by chain or fence shall be provided shelter which shall meet the following minimum requirements:

(a) The housing facilities shall consist of walls on at least three sides and a roof, shall be structurally sound and shall be maintained in good repair to protect the dog from injury and from the elements.

(b) Enclosures shall be constructed and maintained to provide sufficient space to allow each dog adequate freedom of movement.

(c) Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt, and trash, so as to minimize health hazards.

(d) When sunlight is likely to cause heat exhaustion of a dog chained or caged outside, sufficient shade by natural or by artificial means shall be provided to protect the dog from direct sunlight.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-30. Adoption of impounded animals.**

The county animal control facility shall encourage and permit the adoption of any animal which has been impounded and which has been detained the appropriate number of days upon the condition that any animal adopted must be spayed or neutered within seven days of adoption or as soon as medically appropriate. It shall be unlawful for any owner of an adopted animal to fail to have such animal spayed or neutered within seven days of adoption or as soon as medically appropriate, and citation for violation thereof may issue anytime thereafter.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-31. Duty of motorist to notify.**

Any motor vehicle operator who strikes or runs down any domesticated animal shall immediately give notice to the owner of said animal, the Pickens County Sheriff's Office, or other appropriate law enforcement agency. If the animal needs veterinarian aid, the owner of said animal shall be responsible for costs of said service.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-32. Obstruction or interference in enforcement.**

It shall be unlawful for any person to obstruct, interfere, or hinder any person in the lawful discharge of his or her duties pursuant to this chapter.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-33. Willful violation by third party.**

It shall be unlawful for any person willfully to cause any domesticated animal to be in violation of any portion of this chapter.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Secs. 14-34 - 14-49. Reserved.**

**ARTICLE III.**  
**Dangerous Dog Control.**

**Sec. 14-50. Investigation by dangerous dog control officer.**

Upon receiving a report of a dangerous dog or potentially dangerous dog within the county from any law enforcement officer or representative of the county board of health, the dangerous dog control officer shall make such investigation and inquiry as shall be necessary to carry out the provisions of this chapter. If, in the discretion of the dangerous dog control officer, such dog should be classified as a dangerous dog or as a potentially dangerous dog, then the dangerous dog control officer shall so classify the dog.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-51. Notice of classification.**

(a) When the dangerous dog control officer classifies a dog as a dangerous dog or re-classifies a potentially dangerous dog as a dangerous dog, the dog control officer (or designee) shall notify the dog's owner in writing by certified mail or statutory overnight delivery to the owner's last known address of such classification or reclassification. Such notice shall be complete upon its mailing.

(b) The notice to the owner shall meet the following requirements:

(1) The notice shall include a summary of the dangerous dog control officer's findings which formed the basis for the dog's classification as a dangerous dog or as a potentially dangerous dog;

(2) 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 upon the dangerous dog control officer's determination that the dog is a dangerous dog or potentially dangerous dog.

(3) The notice shall state that the hearing, if requested, shall be before the Pickens County Board of Health. The notice shall state that if a hearing is not requested, the dangerous dog control officer's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes on a date specified in the notice, which shall be after the last day upon which the owner has a right to request a hearing; and

(4) The notice shall include a form to request a hearing before the Pickens County Board of Health and shall provide specific instructions on mailing or delivering such request to that office.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-52. Procedures for classification as dangerous dogs or potentially dangerous dogs.**

As applied to the owners of potentially dangerous dogs, the procedures set forth herein shall be strictly followed as a condition precedent to the enforcement of the provisions of this section against such owners. As applied to the owners of dangerous dogs, the procedures set forth herein shall not be an essential element of any crime provided for by this chapter.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-53. Dangerous dog hearings.**

When the Pickens County Board of Health receives a request for a hearing, it shall schedule said hearing within 30 days after receiving such request. The Board shall notify the dog's owner in writing by certified mail or statutory overnight delivery of the date, time, and place of the hearing, and such notice shall be mailed to the dog's owner at least ten days prior to the date of the hearing. At the hearing, the dog's owner shall be given the opportunity to testify and to present evidence. The Board shall also receive such other evidence and hear such other testimony as may be reasonably necessary to make a determination either to sustain, modify, or overrule the dangerous dog control officer's classification of the dog.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-54. Notification of ruling.**

Within ten days after the date of the hearing, the Board shall notify the dog's owner in writing by certified mail or statutory overnight delivery of its determination upon the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the notice shall specify the date upon which that determination shall be effective.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

**Sec. 14-55. Requirements for possessing dangerous or potentially dangerous dog.**

(a) It shall be unlawful for an owner to have or to possess within the county a dangerous dog or potentially dangerous dog without a certificate of registration issued in accordance with this chapter by the department. Any owner seeking a certificate of registration shall pay an annual fee of \$100.00 to the dangerous dog control officer, as well as to comply with the remaining requirements of this section.

(b) Subject to the additional requirements of subsection (c) of this section for dangerous dogs, the dangerous dog control officer shall issue a certificate of registration to the owner of a dangerous or potentially dangerous dog if the owner presents to the dangerous dog control officer or the dangerous dog control officer otherwise finds sufficient evidence of:

- (1) A proper enclosure to confine the dangerous dog or potentially dangerous dog; and
- (2) The posting of the premises where the dangerous dog or potentially dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the property.

(c) In addition to the requirements of subsection (b) of this section, the owner of a dangerous dog shall present to the dangerous dog control officer evidence of:

- (1) A policy of insurance in the amount of at least one million dollars (\$1,000,000.00) issued by an insurer authorized to transact business in this state insuring the owner of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog; or
- (2) A surety bond in the amount of one million dollars (\$1,000,000.00) 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.

(d) The owner of a dangerous dog or potentially dangerous dog shall notify the dangerous dog control officer within 24 hours if the dog is at large, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also

provide the dangerous dog control officer with the name, address and telephone number of the new owner of the dog.

(e) The owner of a dangerous or potentially dangerous dog shall notify the dangerous dog control officer if the owner is moving from the dangerous dog control officer's jurisdiction of the unincorporated area of the county. The owner of a dangerous or potentially dangerous dog who is a new resident of the state and the unincorporated area of the county shall register the dog as required in this section in the county within 30 days after becoming a resident. The owner of a dangerous dog or potentially dangerous dog who moves from any location within the state to the unincorporated area of the county shall register the dangerous dog or potentially dangerous dog as required by this section in the county within ten days after becoming a resident.

(f) Issuance of a certificate of registration or the renewal of a certificate of registration by the county does not warrant or guarantee that the requirements specified in subsections (b) and (c) of this section are maintained by the owner of a dangerous dog or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

(g) The dangerous dog control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. The Pickens County Sheriff and his deputies shall cooperate with the dangerous dog control officer in enforcing the provisions of this article.

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

(Res. of \_\_\_\_ - \_\_\_\_ -09)

#### **Sec. 14-56. Restrictions upon dangerous or potentially dangerous dogs.**

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

(b) It shall be unlawful for the owner of a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash or is under the restraint of a responsible person.

(Res. of \_\_\_\_ - \_\_\_\_ -09)

#### **Sec. 14-57. Confiscation of dog; grounds; disposition.**

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

(1) Owner of the dog does not secure the liability insurance or bond required by subsection (c) of section 14-55;

(2) Dog is not validly registered as required by section 14-55;

- (3) Dog is not maintained in a proper enclosure; or
  - (4) Dog is outside a proper enclosure in violation of subsection (a) of section 14-56.
  - (b) A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:
    - (1) Not validly registered as required by section 14-55;
    - (2) Not maintained in the proper enclosure; or
    - (3) Outside a proper enclosure in violation of subsection (b) of section 14-56.
  - (c) Any dog that has been confiscated under the provisions of subsection (a) or (b) of this section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable costs incurred in the confiscation. In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was confiscated, the dog shall be destroyed in an expeditious and humane manner at owner's expense.
- (Res. of \_\_\_\_ - \_\_\_\_-09)

**Sec. 14-58. Violations of dangerous dog control; penalties.**

- (a) Pursuant to O.C.G.A. § 4-8-28, violations of the provisions of this article as to the control of dangerous dogs could result in criminal penalties pursuant to state law.
  - (b) The owner of a potentially dangerous dog who violates the applicable provisions of section 14-55 or 14-56 or whose potentially dangerous dog is subject to confiscation under subsection (b) of section 14-57 shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this subsection, for a second conviction a fine of not less than \$150.00 shall be imposed; and for a third or subsequent conviction, a fine of not less than \$300.00 shall be imposed.
  - (c) If an owner who has a previous conviction for a violation of this article knowingly and willfully fails to comply with the provisions of this article, such owner shall be guilty of a felony if the owner's dangerous dog attacks or bites a human being under circumstances constituting another violation of this article. The owner of a dangerous dog who is convicted for a violation of this subsection shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00 or by imprisonment for not less than one or more than five years or by both such fine and imprisonment.
  - (d) An owner who knowingly and willfully fails to comply with the provisions of this article shall be guilty of a felony if the owner's dangerous dog aggressively attacks and causes severe injury or death of a human being under circumstances constituting a violation of this article. The owner of a dangerous dog who is convicted for a violation of this subsection shall be punished by a fine of not less than \$5,000.00 nor more than \$10,000.00 or by imprisonment for not less than one nor more than ten years or by both such fine and imprisonment.
  - (e) In addition to the penalties for violations under subsection (c) or (d) of this section, the dangerous dog involved shall be immediately confiscated by the dangerous dog control officer or by a law enforcement officer or another person authorized by the dangerous dog control officer and placed in quarantine for a period of ten (10) days; and, thereafter, the dangerous dog shall be destroyed in an expeditious and humane manner at owner's expense.
  - (f) No owner of a dangerous dog shall be held criminally liable pursuant to this section for injuries inflicted by the owner's dog to any human being while on the owner's property.
- (Res. of \_\_\_\_ - \_\_\_\_-09)

**Secs. 14-59 - 14-69. Reserved.**