

*Please Note: Appling County does not currently operate a full Animal Shelter. It only provides a facility for temporary impoundment of dogs classified as "dangerous" or "vicious" per State and local government definitions*

**Chapter 9: Animal Control**

Section

9.01 Title

9.02 Statement of Purpose

9.03 Applicability

9.04 Definitions

9.05 Duties and Powers of Animal Control Officer

9.06 Reporting of Animal Bites

9.07 Joint Government Services

9.08 Classifications and Euthanization(s) of Dangerous and Vicious Dogs

9.09 Procedures for Classified Dogs Not Euthanized

9.10 Prosecution of Owner(s) or Custodian(s) of Dangerous or Vicious Dog(s)

9.11 Confiscation of Classified Dogs

9.12 Impoundment Facility

9.13 Rabies Inoculations for Dogs and Cats

9.14 Nuisance Animals

- 9.15 Dog Restraint Districts
- 9.16 Tethering of Animals
- 9.17 Cruelty to Animals
- 9.18 Keeping of Wild or Exotic Animals
- 9.19 Livestock Regulations
- 9.20 Enforcement and Penalties
- 9.21 Appeals
- 9.22 Severability and Conflict
- 9.23 Effective Date §

**§ 9.01 TITLE**

This Ordinance shall hereafter be known and cited as the “APPLING County Animal Control Ordinance.”

(Res. passed \_\_\_\_\_)

**§ 9.02 STATEMENT OF PURPOSE**

By enacting this Chapter, the County intends to preserve and promote the public health, safety, and welfare of the citizens of APPLING County through:

- (A) Complying with current State regulations concerning dangerous and vicious dogs;
- (B) Complying with current State regulations requiring the inoculation of dogs and cats against rabies;
- (C) Establishing local regulations to reduce the number of animal nuisance incidents within the County;

(Res. passed 1-28-14) (Am. Ord. passed 4-13-16)

**§ 9.03 APPLICABILITY**

Unless otherwise stated, the regulations set forth in this Ordinance shall apply and govern in all zoning districts in unincorporated APPLING County.

(Res. Passed \_\_\_\_\_)

**§ 9.04 DEFINITIONS**

For the purposes of this Ordinance, the following terms shall apply:

(A) ADEQUATE FOOD AND WATER. Food and water which is sufficient in an amount and appropriate to prevent starvation, dehydration, or a significant risk to a dog or cat's health from a lack of food or water.

(B) ADEQUATE SHELTER. A structure having three (3) sides, a top, and an impervious floor, suitable for a dog or cat's size to protect it from the elements with sufficient bedding inside the shelter during cold weather.

(C) ANIMAL CONTROL OFFICER. The person(s), office, or agency designated by the APPLING County Board of Commissioners for the purposes of administration and enforcement of the provisions of this Ordinance.

(D) AUTHORITY. The APPLING County Magistrate Court.

(E) CLASSIFIED DOG. Per current State regulations, any dog that has been classified as either a dangerous dog or a vicious dog.

(F) CRUELTY. Any and every act, omission or neglect whereby unjustifiable pain, suffering, maiming, or death may be caused or permitted to any animal.

(G) CUSTODIAN. Any person that cannot document ownership of a dog or cat, but that has exercised care or control of a dog or cat for seven (7) or more consecutive days, and shall be held liable of the actions of that animal.

(H) DANGEROUS DOG. Per current State regulations, any dog that:

a) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;

b) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or

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

(I) EUTHANIZATION. The legal act of humanely putting to death dangerous and vicious dogs through the administering of lethal drugs by a State licensed veterinarian.

Euthanization procedures shall follow the standards provided for in O.C.G.A. 4-11-5.1.

(J) EXOTIC ANIMAL. Any wild or imported animal not customarily confined or cultivated by humans for domestic or commercial purposes, including but not limited to, those animals listed in Georgia Code Section 27-5-4.

(K) GUARD DOG. Any dog maintained for the purpose of safety or security which dog is reasonably expected to attack other persons or animals either independently or on command on its owner's property.

(L) HUMANE CARE OF ANIMALS. The provision of adequate heat, ventilation, sanitary shelter, adequate food and water consistent with the normal requirements and feeding habits of a dog or cat's size and breed, and necessary veterinary care for the treatment of life-threatening injuries and illnesses.

(M) IMPOUNDMENT FACILITY. The area designated by the APPLING County Board of Commissioners as the location for the confinement of confiscated dogs, the euthanization of dangerous and vicious dogs, and the storage of records and materials relative to animal control.

(N) INHUMANE CARE OF ANIMALS. Any act, omission, or neglect which causes unjustifiable physical pain, suffering, or death to an animal.

(O) INOCULATION. The injection of a specified dose of anti-rabies vaccine by a veterinarian into the proper site of a dog or cat, such vaccine having the U.S. Department of Agriculture, Veterinary Biologics Control Section license number approval stamped on the label of the container and having been approved by the Georgia Department of Human Resources.

(P) LOCAL GOVERNMENT. Any county or municipality of the State of Georgia.

(Q) MAIL. To send by certified mail or statutory overnight delivery to the recipient's last known address.

(R) NUISANCE. A dog shall be deemed a nuisance if it:

(1) Attacks or acts so as to menace citizens off its owner's property, or attacks or acts as to menace pedestrians or other persons using public ways.

(2) Attacks or acts so as to menace pets, livestock, or poultry off its owner's property.

(3) Repeatedly runs at-large, causing damage, destruction or theft of personal property while at-large, causing an accumulation of waste on another person's property while at large and/or harassing a property owner while at large; or

(4) Is left in unsanitary conditions causing excessive odors, etc.

(5) Is a female dog in heat, left unconfined by its owner, except for intentional breeding purposes.

(S) OWNER. The person, partnership, or corporation owning, possessing, keeping, harboring, or having custody or control of one (1) or more dog(s), cat(s) or other animal(s). An animal shall be deemed to be harbored if it is fed or sheltered for seven (7) or more consecutive days. In the case of an animal owned by a minor, the term owner shall include the parents or person in loco parentis with custody of the minor.

(T) RECORDS OF APPROPRIATE AUTHORITY. Records of any county or municipal animal control agency, records of any county board of health, records of any federal, state or local courts, or records of an animal control officer provided for in this Ordinance.

(U) RESTRAINT. Means:

(1) having a dog on a leash or at heel or beside a competent person and obedient to that person's commands; or

(2) Having a dog securely within a vehicle being driven or parked on the streets and roads of APPLING County; or

(3) Having a dog in a fenced area within the real property limits of the owner, which is adequate to prevent the dog(s) from escaping. Invisible fences shall be allowed if maintained in good working order and if they effectively keep the dog restrained.

4) Having a dog on a running line which has a connection between two (2) fixed points of not less than thirty (30) feet and a lead of not less than fifteen (15) feet, which lead must be attached to the dog by a chest harness that fastens on the back of the dog rather than on its neck. No other means of restraint may be used to attach a dog to a running line.

(V) RUNNING-AT-LARGE. Any animal which is off the property of its owner and not under the control of a competent person.

(W) SERIOUS INJURY. 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.

(X) STRAY DOG. A dog that lives at-large, for which an owner cannot be documented.

(Y) VETERINARIAN. Any person who holds a license to practice the profession of veterinary medicine in the State of Georgia and has a degree of Doctor of Veterinarian Medicine.

(Z) VICIOUS DOG. Per current State regulations, any 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. (Res. passed \_\_\_\_\_) (Am. Ord. passed 2-24-15) (Am. Ord. passed 4-13-16)

### **§ 9.05 DUTIES AND POWERS OF ANIMAL CONTROL OFFICER**

(A) The APPLING County Board of Commissioners shall designate an individual to carry out the duties of Animal Control Officer as provided in this Ordinance. The Board of Commissioners may also designate assistants to aid the Animal Control Officer in the performance of his or her duties.

(B) The Animal Control Officer may carry out the duties for animal control for more than one (1) local government pursuant to any agreement entered into under Section 91.07 of this Ordinance.

(C) The Animal Control Officer shall not be authorized to make arrests under this Ordinance, unless the Officer is also certified as a law enforcement officer by the State of Georgia.

(D) The Animal Control Officer is authorized, directed, and empowered to issue citations for violations of this Ordinance. Said citation(s) shall be returnable to the Magistrate Court of APPLING County.

(E) The Animal Control Officer and his or her assistants shall be provided with proper training and equipment as is necessary to enforce the regulations of this Ordinance. The Animal Control Officer and his or her assistants shall also be inoculated against rabies.

(F) The Animal Control Officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the terms of this Ordinance.

(G) It shall be unlawful for any person to hinder, interfere, harass, or otherwise obstruct any Animal Control Officer in the official performance of his or her duties.

(H) The Animal Control Officer has the right to defend against attack or threat of an attack from an animal during an official investigation, confiscation, impoundment, serving of a citation or other related duties.

(I) The Animal Control Officer shall submit monthly reports to the APPLING County Manager and 6 the Board of Commissioners concerning animal incidents, corrective

measures, euthanizations, expenses, etc. in the County and applicable municipalities within the County.

(J) Under no circumstances shall a local government or any employee or official of a local government be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article. (Res. passed 1-28-14) (Am. Ord. passed 4-13-16)

#### **§ 9.06 REPORTING OF ANIMAL BITES**

In the interest of public health, and to help reduce the proliferation of rabies and other diseases, bites from any type of animal, whether domesticated or wild, shall be reported to either the Animal Control Officer, the Environmental Health Department, and / or the Sheriff's Office within 48 hours of the occurrence of the bite. Bite incidents reported directly to the Environmental Health Department or the Sheriff's Office shall be forwarded to the Animal Control Officer. Failure to report bites to the Animal Control Officer, or providing false information on a report, may constitute interference with the Animal Control Officer, in conjunction with Section 91.05(G). All bite cases shall follow the protocols and standards of the current edition of the Georgia Rabies Control Manual.

#### **§ 9.07 JOINT GOVERNMENT SERVICES**

The APPLING County Board of Commissioners and the representatives of any municipality within APPLING County, or any combination of them, may contract and enter into formal agreements with each other for joint animal control services and codes for the shared use of personnel, facilities, and equipment used in the provision of such services. (Res. passed 1-28-14)

#### **§ 9.08 CLASSIFICATIONS AND EUTHANIZATION OF DANGEROUS AND VICIOUS DOGS**

There are two (2) distinct processes related to Dangerous and Vicious Dogs, which may proceed concurrently. One process is the prosecution of the owner(s) of dangerous and vicious dog(s) after an event, which is a criminal process and is set forth below; and, the other process is the administrative process of classifying a dog as dangerous and vicious if such classification is disputed by the owner(s) as set forth herein. APPLING County follows the standards of the current edition of the State of Georgia's "Responsible Dog Ownership Law" regarding dangerous and vicious dogs.

(A) Dangerous and Vicious Dog is any dog that:

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 subparagraph;

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 subparagraph, or

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

(B) Vicious Dog is any 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.

(C) Initial investigation and classification of dog as dangerous and/or vicious.

1) Upon receiving a report that dog(s) is/are believed to be dangerous and/or vicious and are located in the jurisdiction(s) covered by the APPLING County Animal Control, the Animal Control Officer shall make such investigations as necessary.

2) If the Animal Control Officer, in their sole discretion based on the facts gathered during the investigation in consideration of the definitions set forth in subparagraph (A) above, determines that a dog constitutes a dangerous dog or vicious dog, the Animal Control Officer shall send a written notice by certified mail to the owner or custodian of the dog(s) within seventy-two (72) hours of the determination that the dog(s) is/are dangerous or vicious. Such notice shall include a summary of the Animal Control Officer's determination and shall state that the owner or custodian has a right to request a hearing from the Authority on the Animal Control Officer's determination within fifteen (15) days after the date shown on the mailed notice. The notice shall also provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the Animal Control Officer's determination shall become effective for purposes of this Ordinance.

a. When owner(s) or custodian(s) of the dog(s) determined by the Animal Control Officer to be dangerous or vicious request(s) a hearing, such hearing is administrative in nature and shall be

construed as an appeal of the determination made by the Animal Control Officer that the dog(s) is/are dangerous and vicious.

b. When such appeal hearing is requested by the owner custodian of the dog(s) designated by Animal Control Officer as dangerous or vicious, the hearing shall be scheduled within thirty (30) days after the request is received; provided, however, that such hearing may be continued by the Authority (Magistrate Court) for good cause shown. At least ten (10) days prior to the hearing, the Authority shall mail the dog owner or custodian written notice of the date, time, and place of the hearing. At the hearing, the dog owner or custodian shall be given the opportunity to testify and present evidence and the Authority shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the Animal Control Officer's determination. If a custodian requests a hearing for a dog under their care, they shall hereafter be considered the "owner" of the subject dog. Failure to acknowledge ownership shall result in the subject dog being classified as a "stray" dog, and shall be processed as provided in 91.08 (4) below.

c. Within ten (10) days after the hearing, the Authority shall issue its written determination either upholding the determination of the Animal Control Officer that the dog(s) is/are dangerous or vicious; or, overturning the determination of the Animal Control Officer.

d. If the Authority upholds the determination that the dog(s) is/are dangerous dog(s) or vicious dog(s), the classification of the dog(s) shall be the date so determined by the Animal Control Officer.

e. The Authority, after determining that euthanasia of the dangerous and vicious dog(s) is/are appropriate based the Authority's consideration of factors set forth below, may order the euthanasia of the dangerous or vicious dog(s) and provide the date by which the euthanasia must occur. The factors the Authority may consider in determining whether to order the euthanasia of the dangerous or vicious dog(s) include the following:

i. the dog(s) has/have seriously injured a human or presents a danger to humans and is not suitable for control in accordance with the provisions of this Ordinance;

ii. the owner(s) or custodian(s) of the dangerous or vicious dog(s) have/has been convicted of a violation of any State criminal law or County Code violation and the crime was related to such dog;

iii. any local government or authority has filed with the Court a civil action requesting euthanasia of the dog;

iv. that the dog(s) has/have been previously found, after notice and opportunity for hearing, to have caused a serious injury to a human;

3) The owner(s) and custodian(s) of dog(s) impounded by APPLING County during the course of the investigation and appeals/hearings provided herein shall be required to reimburse the County for humane care provided the dog during any impoundment.

4) Any dangerous and vicious dog(s) so classified by the Animal Control Officer that have no documented owner or custodian shall not be provided a hearing, and the original determination by the Animal Control Officer shall remain effective. Dogs with no documented owner or custodian that are determined to be dangerous or vicious shall be ordered to be euthanized by the Animal Control Officer after the 10- day quarantine at the Impoundment Facility required for rabies observation. Any dog(s) observed to show clear signs of rabies during the quarantine period may be euthanized quicker than 10 days, based on the interests of public safety. Any dangerous and vicious dog(s) to be euthanized pursuant to this paragraph may either be euthanized at the Impoundment Facility or at a specified veterinarian's office, where the euthanized dog's remains will be tested for rabies. During the quarantine period and prior to euthanization, the Animal Control Officer shall continue to attempt, via various media sites, to locate an owner or custodian of the subject dog(s). If an owner is successfully documented during the quarantine period, then the process set forth above for dog(s) with owner(s) or custodian(s) shall be followed including the provision of proper notice and the opportunity for appeal/hearing of the determination by the Animal Control Officer that the dog(s) is/are dangerous/vicious. It is the responsibility of every dog owner or custodian to properly document their dog as a pet. Per definition, every dog that runs at large and does not have adequate ownership or custodial documentation is a stray.

5) Any dog(s) classified prior to July 1, 2012 as a potentially dangerous dog in this State shall also be classified pursuant to this Ordinance. Any dog(s) classified

prior 9 to July 1, 2012 as dangerous dog(s) or vicious dog(s) in this State shall also be so classified pursuant to this Ordinance.

**§ 9.09 PROCEDURES FOR CLASSIFIED DOGS NOT EUTHANIZED**

The procedures for classified dogs in APPLING County, not scheduled to be euthanized, shall conform to the standards of the current edition of the State of Georgia's "Responsible Dog Ownership Law".

(A) It shall be unlawful for an owner to have or possess within this State a classified dog without a certificate of registration issued in accordance with the provisions of this Ordinance. Certificates of registration shall be non-transferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.

(B) Unless otherwise specified in this Ordinance, a certificate of registration for a dangerous dog shall be issued if the Animal Control Officer determines that the following requirements have been met:

(1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and

(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;

(3) Invisible fencing shall not be adequate for confining a dangerous dog to the owner's property.

(C) Unless otherwise specified in this Ordinance, a certificate of registration for a vicious dog shall be issued if the Animal Control Officer determines that the following requirements have been met:

(1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and (

2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;

(3) Invisible fencing shall not be adequate for confining a dangerous dog to the owner's property.

(4) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and

(5) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000 issued by an insurer authorized to transact business in this State insuring the owner or custodian of the vicious dog against liability for any bodily injury or property damage caused by the dog.

(D) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this Ordinance

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

(F) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:

(1) A serious violent felony as defined in 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 O.C.G.A. 16-13-31.1 from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.

(G) Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a vicious dog, the Animal Control Officer shall verify that the owner is continuing to comply with the provisions of this Ordinance. Failure to renew a certificate of registration with ten (10) days of the renewal date or initial classification date shall constitute a violation of this Ordinance.

(H) The owner of a classified dog shall notify the Animal Control Officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the Animal Control Officer within 24 hours if the dog has died or has been euthanized.

(I) A vicious dog shall not be transferred, sold, or donated to any other person. However, it can only be relinquished to a governmental facility or veterinarian to be euthanized.

(J) The owner of a classified dog who moves from one jurisdiction to another within the State of Georgia shall register the classified dog in the new jurisdiction within ten (10) days of becoming a resident and notify the Animal Control Officer of the jurisdiction from which

he or she moved. The owner of a similarly classified dog who moves into this State shall register the dog as required in Section 91.08 within thirty (30) days of becoming a resident.

(K) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:

- (1) The dog is restrained by a leash not to exceed six (6) feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
- (2) The dog is contained in a closed and locked cage or crate.
- (3) The dog is working or training as a hunting dog, herding dog, or predator control dog.\

(L) It shall be unlawful for an owner of a vicious dog to permit the dog to be:

(1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:

(A) The dog is muzzled and restrained by a leash not to exceed six (6) feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or

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

(2) Unattended with minors.

#### **§ 9.10 PROSECUTION OF OWNER(S) OR CUSTODIAN(S) OF DANGEROUS AND VICIOUS DOG(S)**

In addition to, and sometimes contemporaneously with, the administrative process of appealing (requesting a hearing) concerning the classifying of the dog(s) as dangerous or vicious set forth in §§91.08 and 91.09 above, the Animal Control Officer may also issue citation(s) to the owner(s) or custodian(s) for violating the provisions of this Ordinance. The issuance of citation(s) is considered a criminal prosecution, which may result in fines, fees, incarceration, and/or probation.

(A) Dangerous is any dog that:

(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 subparagraph;

(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 subparagraph; or

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

(B) Vicious Dog is any 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.

(C) Initial investigation of dog(s) as dangerous and/or vicious and decision to issue the citation(s) and prosecute violations.

(1) Upon receiving a report that dog(s) is/are believed to be dangerous and/or vicious and are located in the jurisdiction(s) covered by the APPLING County Animal Control, the Animal Control Officer shall make such investigations as necessary.

(2) If the Animal Control Officer, in their sole discretion based on the facts gathered during the investigation in consideration of the definitions set forth in subparagraph (A) above, determines that a dog constitutes a dangerous dog or vicious dog, the Animal Control Officer may prosecute the owner(s) or custodian(s) by issuing citation(s) for violation(s) of this ordinance and proceedings against the Defendants in APPLING County Magistrate Court. Violations of this Ordinance are considered misdemeanors with a maximum fine of \$1,000.00, maximum period of incarceration of sixty (60) days, and a maximum period of probation of six (6) months, less any time spent in jail. Any person who violates Section 91.09 (L) shall be guilty of a misdemeanor of a high and aggravated nature.

(3) Georgia State law provides that any owner that has a previous conviction for a violation of this Animal Control Ordinance or similar law or ordinance authorized by the applicable provisions of State law,

whose classified dog causes serious injury to a human being under circumstances constituting another violation of this Ordinance or State law shall be guilty of a felony, which upon conviction thereof shall be punished by imprisonment for not less than one (1) nor more than ten (10) 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. Accordingly, APPLING County incorporates this provision 12 into this Ordinance for the specific purpose of authorizing the Animal Control Officer to contact the APPLING County Sheriff's Office and/or the APPLING County Superior Court.

(4) The prosecution of violation of this Ordinance is a distinct process from the administrative process related to the appeal/hearing of the classification of the dog(s) as dangerous or vicious. Regarding the prosecution of violations, after the citation(s) has/have been issued to the owner(s) or custodian(s) of dangerous or vicious dogs, the Animal Control Officer will provide the Magistrate Court of APPLING County with the requisite documentation and the matter will be scheduled for an arraignment. If the Defendant(s) enter(s) a plea of not guilty, then the matter will be scheduled for a bench trial concerning the prosecution of the violation(s) shall not be scheduled until after the administrative appeal/hearing concerning the classification of the dog(s).

(5) If there is any irregularity or deficiency in classification proceedings set forth herein, such irregularity or deficiency shall not necessarily preclude the prosecution of violations.

#### **§ 9.11 CONFISCATION OF CLASSIFIED DOGS**

The procedures for the confiscation of classified dogs in APPLING County shall conform to the standards of the current edition of the State of Georgia's "Responsible Dog Ownership Law".

(A) A dog classified and registered as dangerous or vicious shall be immediately confiscated and impounded by the Animal Control Officer in the case of any further violation of this Ordinance. A refusal to surrender a dog subject to confiscation shall be a violation of this Ordinance.

(B) (B) The owner of any dog that has been confiscated and impounded pursuant to this article may recover such dog upon payment of reasonable confiscation and

housing costs and proof of compliance with the provisions of this Ordinance. All fines and all charges for services performed by the Animal Control Officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

- (C) (C) In the event the owner has not complied with the provisions of this Ordinance within 20 days of the date the dog was confiscated, such dog shall be destroyed in an expeditious and humane manner and the owner shall be required to pay the costs of housing and euthanasia.

### **§ 9.12 IMPOUNDMENT FACILITY**

The Impoundment Facility location designated by the Board of Commissioners is solely for the purpose of temporarily confining confiscated dangerous and vicious dogs by the Animal Control Officer.

(A) Only dogs authorized by the Animal Control Officer shall be confined at the Impoundment Facility. The Animal Control Officer shall immediately impound any dog involved in a potential Ordinance violation if the Officer believes that the dog poses a threat to the public safety. It shall be unlawful for citizens to bring or drop off dogs, or any other types of animals, to the Impoundment Facility without authorization from the Animal Control Officer.

(B) Only authorized personnel shall be on the premises of the Impoundment Facility.

(C) Impounded dogs shall be provided with humane care, including adequate food, water, and shelter during their impoundment period. Impounded dogs shall be securely separated from each other, both physically and visually. The impoundment area shall be an outdoor shelter with a washable, impervious floor.

(D) Dogs that are subject to initial dangerous or vicious dog hearings, and the Animal Control Officer believes are not capable of being immediately and adequately confined on their owner's property, shall be impounded until such time as they are either released to their owners or euthanized. Dogs with the potential of having rabies, and are not capable of being immediately and adequately quarantined on their owner's property, shall be impounded until such time when the minimum quarantine period and any applicable hearings are concluded. Care provided to such dogs during the impoundment period shall be at the dog owner's expense. After the conclusion of any applicable hearings, release of the dog(s) shall be conditional upon the dog owner's payment of impoundment expenses and upon

documentation of rabies inoculation of the animal. Any inoculations or other procedures performed on impounded animals shall be at the owner's expense.

(E) APPLING County shall enter into a service agreement with one or more State licensed veterinarians to administer euthanizations to specified dogs at the Impoundment Facility or, in some cases, at a veterinarian's facility.

(F) Euthanization shall be administered by a licensed veterinarian when necessary, and, if possible, in the presence of the Animal Control Officer. Only dogs specified by the Authority or other Court, or meeting the criteria specified herein shall be euthanized.

(G) Dogs meeting the criteria of euthanization shall be euthanized within 15 days of the euthanasia order.

(H) The bodies of euthanized dogs shall be disposed of at an authorized location by authorized personnel only. The owner of a euthanized animal may request the body back, to be disposed of in a proper manner at the owner's expense.

### **§ 9.13 RABIES INOCULATIONS FOR DOGS AND CATS**

It shall be unlawful for the owners or custodians of dogs and cats to not maintain current rabies vaccinations. The Animal Control Officer shall have the authority to request documentation of current rabies vaccinations for dogs and cats already involved with code cases relative to this Ordinance. Failure to produce proper documentation of current rabies vaccinations shall result in a local citation, independent of any other violations that may have occurred relative to this ordinance. The Animal Control Officer shall work in conjunction with the Environmental Health Department relative to the investigation and resolution of possible rabies cases. All protocols and standards of the current edition of the Georgia Rabies Control Manual shall be followed with potential rabies cases.

### **§ 9.14 NUISANCE ANIMALS**

(A). "Nuisance" animals include:

(1). Dogs. A dog shall be deemed a nuisance if it:

- a. Attacks or acts so as to menace citizens off of its owner's property, or attacks or acts as to menace pedestrians or other persons using public ways.
- b. Attacks or acts so as to menace pets, livestock, or poultry off of its owner's property.

- c. Repeatedly runs at-large, causing damage, destruction, or theft of personal property while at-large, causing an accumulation of waste on another person's property while at large and/or harassing a property owner while at-large;
- d. Is left in unsanitary conditions causing excessive odors, etc.
- e. Is a female dog in heat, left unconfined by its owner, except for intentional breeding purposes.

(2). Cats. A cat shall be deemed a nuisance if it:

- a. Attacks or acts so as to menace citizens while off of its owner's property
- b. Attacks and /or kills pets, livestock or poultry while off of its owner's property.
- c. Causes damage or destruction of personal property while off of its owner's property.
- d. Is left in unsanitary conditions causing excessive odors, etc.

(3). Other Animals. Livestock, poultry, and ratites shall be deemed a nuisance if they:

- a. Wander onto public ways and cause a hazard to vehicles and/or pedestrians.
- b. Attacks or acts so as to menace persons, pets, or other livestock while off of its owner's property.
- c. Repeatedly runs at-large, causing damage or destruction of personal property while at-large or causing an accumulation of waste on another person's property while at large.

(B). Warnings and Citations. Owners of nuisance animals are subject to written warnings and citations.

(1) Warnings. After the initial nuisance incident of nuisance animal is documented by the Animal Control Officer, a written warning will be issued to the owner of the nuisance animal. The written warning will include, but not limited to, the following: a. The date and approximate time of the animal nuisance incident; b. The size, color(s), and, if possible, the breed of animal(s) involved in the incident (Photographic or video evidence is

recommended but not required); and, c. Confirmation by the Animal Control Officer that the alleged nuisance animal(s) has been located in the area matching the compiled description of the nuisance animal(s) that are under investigation and that said nuisance animal seems to be under the ownership or custodial care of the person(s) being notified.

(2) Citations. Citation(s) for nuisance animals may be issued when another nuisance incident occurs after a written warning has been issued to the owner(s); or, citation(s) may also be issued when the owner(s) of the alleged nuisance animal(s) has/have been previously warned and cited regarding the same nuisance animal(s).

### **§ 9.15 DOG RESTRAINT DISTRICTS**

It shall be the duty of every owner of any dog, or anyone having any animal in his or her possession, custody, or care to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries, damage, or public nuisance which might result from their dog's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(A) There are hereby created within the unincorporated areas of APPLING County, dog restraint districts, in which such districts no dogs shall be permitted to run at-large and cause a nuisance, but shall be properly restrained (as defined in this Ordinance) in its owner's yard, or live within its owner's residence, or be properly trained to stay within the yard of its owner's residence. Such restraint districts shall be designated as:

(1) All public areas owned or leased by any federal, state or local government or its agencies or the board of education, including, but not limited to, all public parks, recreation areas, school grounds, as well as all sidewalks, streets, roads, highways and rights of ways located in restraint districts. An exception will be made for law enforcement dogs and "seeing eye dogs" which are engaged in assisting the blind.

(2) Within the legal boundaries of all participating platted, major subdivisions within unincorporated APPLING County, and similar participating subdivisions within those municipalities that have entered into a joint services agreement with APPLING County concerning animal control services. Participating subdivisions are those subdivisions which, by a 2/3 approval vote of the voting members of its homeowner's association, elect to become a dog restraint district within their legal boundaries. The

homeowner's association must conduct the election and notify the Animal Control Officer if the restraint district is approved for the subdivision. In the event that a subdivision does not have a functioning homeowner's association or other legal entity, a petition with the signatures of 2/3 of the subdivision's residents may be submitted for consideration.

(3) All future residential subdivisions that have been approved and platted within the County.

(4) All mobile home parks.

(5) Dogs running-at-large within a restraint district, but whose owner lives outside of the restraint district shall also be considered a violation of this Section.

(B) Signs shall be posted by the homeowner's association, at their own expense, at the entrances and exits of every dog restraint district, denoting the presence of the district, and participating homeowner's associations shall be provided with a copy of the approved Ordinance.

(C) Initial violations of this Section shall result in a written warning from the Animal Control Officer, except in cases where serious injury or death has occurred due to unrestrained dogs. Further violations of this Section after the written warning shall result in a citation. Warnings and citations shall be issued only after the Animal Control Officer documents:

(1) The date and approximate time of the unrestrained dog(s) running-at-large and uninvited on another person's property or causing a nuisance on another person's property.

(2) The size, color(s), and, if possible, the breed of dog(s) involved in the incident. (Photographic or video evidence is recommended.)

(3) Confirmation of dogs within the area that match the compiled description of the dog(s) and that are under the ownership or custodial care of persons living in the area.

### **§ 9.16 TETHERING OF ANIMALS**

(1) It shall be unlawful to tether any animal on a chain, rope or cable, which is shorter than three times the length of the animal from the nose to the tip of the tail.

(2) It shall be unlawful to tether any animal on a chain in which the weight of the chain would cause unreasonable pain or stress.

(3) It shall be unlawful to attach a weight of any kind to any type of tether for the purpose of making the animal pull the weight, except in cases of utilizing or training sport and working dogs.

If the Animal Control Officer records any instances tethering while investigating other code cases relative to this Ordinance, these instances or violations are subject to a local warnings and citations independent of any other violations that may have occurred relative to this Ordinance. Repeated tethering of animals can be considered a form of cruelty.

### **§ 9.17 CRUELTY TO ANIMALS**

Per Section 4-8-5 (a) of the Georgia Code, no person shall perform a cruel act on any dog; nor shall any person harm, maim, or kill any dog, or attempt to do so, except that a person may:

(A) Defend his or her person or property, or the person or property of another, from injury or damage being caused by a dog; or

(B) Kill any dog causing injury or damage to any livestock, or poultry, or pet animal. It shall be unlawful for any person, either by commission or omission, to:

(A) Knowingly abandon, knowingly or willingly permit the abandonment of, or aid in the abandonment of any domesticated animal.

(B) Willfully and maliciously kill, abuse, maim, or disfigure any animal.

(C) Overload, overwork, torture, beat, mutilate, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal.

(D) Fail to provide adequate food, water, and shelter.

(E) Fail to provide necessary veterinary care for life threatening injuries and illnesses. (F) Promote or participate in animal fighting.

(G) Allow an animal to be kept in unsanitary conditions, which may be harming their health. Poisoning of dogs, cats, or any other animals is unlawful and shall be considered an act of cruelty. It shall not be unlawful for a person to expose on his or her own property poison mixed only with vegetable substances. If the Animal Control Officer records any instances of inhumane care of any animals, or violations of the Animal Protection Act, while investigating other code cases relative to this Ordinance, these instances or violations shall be reported to the Georgia Department of Agriculture and are subject to a local citation independent of any other violations that may have occurred relative to this Ordinance.

## **§ 9.18 KEEPING OF WILD OR EXOTIC ANIMALS**

It shall be unlawful for any person to raise, keep, or permit to be raised or kept, wild animals and exotic animals as defined in this Ordinance, on any property located in unincorporated APPLING County, except where permitted by an approved special exception.

## **§ 9.19 LIVESTOCK REGULATIONS**

The keeping, raising, and/or producing of livestock (including equines) in any manner shall be exempt from the provisions of this chapter, with the exception of the nuisance standards of Section 91.14. However, reported cases of livestock cruelty shall be forwarded to the State Department of Agriculture and may be subject to a citation in APPLING County Magistrate Court.

## **§ 9.20 ENFORCEMENT AND PENALTIES**

Any person who violates the provisions of this Ordinance may be issued a citation for that violation and ordered to appear in the Magistrate Court of APPLING County, except for the prosecution of any felonies which shall be prosecuted pursuant to accusation or indictment in the APPLING County Superior Court. Such misdemeanor citation(s) shall be issued by the Animal Control Officer either based upon his/her personal knowledge, or upon a sworn written statement of another person who has witnessed the violation. In the latter case, the witness shall be subject to subpoena and called to testify for APPLING County at the hearing of the case.

- (A) Upon conviction, violators shall be punished as a misdemeanor, unless otherwise stated in this Ordinance or prescribed differently by State law. Remitted fine amounts for misdemeanor convictions shall be transferred to the Animal Control Department for the operating expenses of said Department. The maximum penalty for misdemeanor violations upon conviction or plea shall be no more than a \$1,000.00 fine, no more than sixty (60) days of incarceration, no more than six (6) months of probation less any actual time of incarceration, and/or applicable fees including restitution and reimbursement. (B)
- (B) The minimum local fine amounts for misdemeanor violations of this Ordinance are as follows:
- (1) Dangerous and vicious dog incidents involving pets only: \$250
  - (2) Dangerous and vicious dog incidents involving humans: \$500
  - (3) Dog nuisance incidents: \$100

(4) Dumping of animals along roadways or abandoning animals on properties, and other instances of animal cruelty: \$500

(5) Tethering incidents: \$50

(6) Initial dog running-at-large in restraint district incidents: \$50 After first incident: \$100

(7) Failure to provide proper rabies inoculations: \$100

(8) Keeping of wild or exotic animals without County approval: \$250

Specified fine amounts are independent of any administrative costs or other costs imposed by APPLING County Magistrate Court.

### **§ 9.21 APPEALS**

The determination of the Magistrate Court may be appealed on points of law to the APPLING County Superior Court by writ of certiorari.