

CHAPTER 10 – ANIMALS

ARTICLE I. - IN GENERAL

Sec. 10-1. - Definitions.

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

Animal control officer means "dog control officer" and shall refer to an individual employed by the city manager or designee to perform and execute the provisions of this chapter, and his office shall have the power to issue citations for violation of this chapter.

Animal control shelter means the facilities operated by the city manager or designee for the confining of dogs, cats, or other animals impounded under the provisions of this chapter.

Cat means cat, or any domesticated feline, of either sex, whether vaccinated against rabies or not.

Commercial guard/security dog means any dog that is purchased, leased, or rented and that is trained to guard, protect, patrol, or defend any commercial property, public or private, upon and within which it is located.

Current vaccination/license tag means a vaccination/license tag bearing a number that shows the license is valid for a one or three year period. The licensing period runs concurrently with the vaccination period.

Custodian means any person that has been entrusted with the responsibility and care of a dog, cat, or other animal by its owner.

Dangerous dog means any dog that according to the records of any appropriate authority: (i) inflicts a severe injury on a human without provocation on public or private property; or (ii) aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification. Exception: A dog is not considered potentially dangerous or dangerous if it bites a human:

- (1) When being used by a law enforcement officer.
- (2) When its owner is being attacked.
- (3) Who is a willful trespasser on the property of the owner or who is committing another tort or crime.
- (4) Who has tormented or abused it or who in the past has been observed or reported to have tormented or abused it.

Dog means dog, or any domesticated canine, of either sex, whether vaccinated against rabies or not.

Domestic animal/fowl means any animal/fowl domesticated by humans so as to live and breed in a tame condition for the advantage of humans. Pen-raised skunks are categorized as those skunks acceptable by the state and may be kept in the state as pets.

Exotic animal means any animal of any kind that is not indigenous to the state, but not included in the definition of a domestic animal, but shall include any hybrid animal which is part exotic animal.

Harbinger means any person that has provided sustenance and/or shelter to a dog, cat, or other animal for a period of more than seven days.

Health department means the city manager, or his authorized representatives, which shall include officers or employees of the Atlanta Humane Society so long as such corporation is under contract with the county.

Livestock means horses, mules, cows, sheep, goats, hogs, and all other animals used or suitable for either food or labor.

Nuisance means whatever is dangerous or detrimental to human life or health and whatever renders or tends to render the soil, air, water, or food impure or unwholesome, or unreasonably offends or impairs the senses of smell, sight, and hearing.

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

Records means records of any state, county, or municipal law enforcement agency; records of any county board of health; records of any federal, state, or local court; or records of the city manager or designee.

Vaccinate means intramuscular injection, by a veterinarian, of a specified dose of anti-rabies vaccine to an animal, such vaccine having the U.S. government license number of approval stamped on the label of the vaccine container and having been approved by the state department of human resources. Vaccine used for vaccination of dogs, cats, or other animals against rabies shall be refrigerated and kept under proper conditions and shall show no signs of spoilage or otherwise be unfit for producing immunity against rabies.

Vaccination certificate means a certificate provided by the state department of human resources and issued at the time of vaccination of the dog, cat, or other animal and bearing thereon the signature of the vaccinator; the name, color, breed, age, and sex of the dog, cat, or other animal; the name and address of the owner; the date of expiration of the vaccination; and the spay or neuter status, if known.

Vaccination/license tag means a metal tag bearing a number which is issued to the animal owner after showing proof of vaccination for the animal and paying, when required, the license fee. This tag is issued on behalf of the city by the city manager or designee and is provided by the state department of human resources.

Veterinarian means any person who holds a license to practice the profession of veterinary medicine in the state; the veterinary license number shall be the same as that recorded by the Georgia Board of Veterinary Examiners

Vicious animal means any animal which, because of temperament, conditioning, or training, has a known propensity, tendency, or disposition to attack, bite, or injure humans or other animals without provocation; or an animal which has on one or more occasion caused physical injury to humans or other animals without provocation, whether on public or private property; An animal is not considered vicious if it attacks, bites, or menaces:

- (1) When being used by a law enforcement officer.
- (2) Anyone attacking the owner.
- (3) Unlawful trespassers on the property of the owner.
- (4) Any person or animal that has tormented or abused it.
- (5) If it is defending its young or other animals.

Wildlife/fowl means any animal/fowl of any kind that is indigenous to the state, but not included in the definition of a domestic animal/fowl, and shall include any hybrid animal/fowl that is part wild animal/fowl.

Sec. 10-2. - Penalties for violation of chapter.

- (a) Any person who violates the provisions of this chapter is guilty of a violation of this Code and subject to a fine of up to \$500.00 and/or imprisonment in jail for a period not to exceed 60 days or both. Each and every violation of the provisions of this chapter constitutes a separate offense.
- (b) Any person who violates the provisions of this chapter as it pertains to a potentially dangerous dog will be fined not less than \$150.00 for a second conviction, and not less than \$300.00 for a third conviction and/or imprisonment in jail for a period not to exceed six months, or both.
- (c) Any person who violates the provisions of this chapter as it pertains to a dangerous dog shall be guilty of a misdemeanor of a high and aggravated nature and will be fined not less than \$500.00 for a second conviction, and not less than \$750.00 for a third conviction and/or imprisonment in jail for a period not to exceed six months or both.
- (d) If the owner of a dangerous or potentially dangerous dog fails to comply with section 10-101 and his dog attacks or bites a human, he shall be guilty of a felony and will be subject to a fine of not less than \$1,000.00 nor more than \$5,000.00 and/or imprisonment for not less than one year nor more than five years.
- (e) If the owner of a dangerous or potentially dangerous dog knowingly and willfully fails to comply with section 10-101 and his dog aggressively attacks and causes severe injury to or the death of a human, he shall be guilty of a felony. Conviction under these circumstances will subject the owner to a fine of not less than \$5,000.00, nor more than \$10,000.00 and/or imprisonment for not less than one year, nor more than ten years.

- (f) In addition to subsections (d) and (e) of this section, the city manager or designee shall immediately confiscate the dog and place it in quarantine for a period of time as provided by the city manager or designee and thereafter such dog shall be humanely destroyed.

Sec. 10-3. - Enforcement of chapter.

The city manager or designee shall enforce this chapter by means of impoundment and court citations.

Sec. 10-4. - Reserved.

Sec. 10-5. - Reserved.

Sec. 10-6. - Special permits; kennels.

- (a) Each premises where there are four or more dogs over the age of four months kept, maintained or harbored for a period of 14 days or longer, shall be deemed to constitute a kennel. The owner or person in possession of the premises where the kennel is located shall be required to apply to the city manager or designee for a special permit. Other permits as may be required by the city zoning ordinance must also be obtained before the operation of a kennel.
- (b) A special permit will be issued upon payment of an annual fee set by the city manager and proof that the premises and dogs covered by the special permit meet the requirements set out in this article.
- (c) The special permit will be valid for one year from the date of issue, provided it is not revoked during the year for violations of this chapter. Application to renew a special permit must be made at least 14 days prior to the expiration of the existing permit.
- (d) Individual license tags will be issued for each dog located in such a kennel, and a separate tag fee over and above the annual special permit fee will not be required.
- (e) All commercial kennels that are subject to a business license fee shall be exempt from the annual special permit fee.

State law reference— The Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.

Sec. 10-7. - Cruelty to animals.

- (a) It shall be unlawful for any person to overload, poison, cruelly treat, maim, tease, bruise, deprive of necessary sustenance or medical attention, improperly use, deprive of shade and shelter, or in any manner whatsoever, torture, kill, or abuse any animal.
- (b) No person shall abandon any animal on any property, public or private, or keep an animal under unsanitary conditions.

State law reference— Local authority to adopt ordinances for animal protection under the Georgia Animal Protection Act, O.C.G.A. § 4-11-18; dogfighting, O.C.G.A. § 16-12-37; abandoning dogs, § 4-8-3; cruelty to dogs, O.C.G.A. § 4-8-5; cruelty to animals, O.C.G.A. § 16-12-4.

Sec. 10-8. - Cruel treatment of animals prohibited.

- (a) No person shall willfully place within reach of any domestic animals any substance that is poisonous or harmful to the animal.
- (b) No person shall willfully and unjustifiably kill or injure any domestic animal other than livestock maintained for food purposes.

State law reference— Cruelty to animals, O.C.G.A. § 16-12-4.

Sec. 10-9. - Disposal of deceased animals.

No person shall place any dead animal upon his premises or upon the premises of any other person or allow any dead animal to remain upon his premises or any dead animal belonging to the person to remain upon the premises of another without disposing of same or causing the animal to be properly removed or disposed of within 24 hours.

State law reference— Disposition of dead animals, O.C.G.A. § 4-5-3.

Sec. 10-10. - Removal of canine fecal matter.

- (a) It is unlawful for any person owning, possessing, harboring, or having care, charge, control, or custody of any dog not to remove any feces left by that dog on any sidewalk, gutter, street, lot, public park, or other public area or public property.
- (b) Dog waste shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it in a trash receptacle, sanitary disposal unit, or other closed or sealed refuse container.
- (c) Each and every violation of this section shall be punishable to the extent provided by in the penalty provisions of chapter 1 of this Code.
- (d) This section shall not apply to visually impaired persons who have the charge, control, or use of a guide dog.

Sec. 10-11. - Running at large.

- (a) *Generally.* Within the territorial boundaries of the city, the running at large of dogs, domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs is prohibited, with the exception of cats. Owners of wildlife or exotic animals must have the necessary state and/or federal permits on their person when transporting their animals.
- (b) *Dogs.*
 - (1) It shall be unlawful for the owner, custodian or harbinger of any dog to allow or permit such dog to leave the premises of the owner or other person having custody of the dog unless such dog is securely under leash, said leash being not more than six feet long, and under the control of a competent person. Dogs must be confined to the premises of the owner or other person having custody of the dog and shall be restrained by means of a fence or wall or other enclosure, or restrained individually by a leash or chain. Excluded are those dogs participating in or training for obedience trials, field trials, dog shows, tracking work, or law enforcement. Also, the requirements of this subsection shall not apply in any area zoned for agriculture where the owner or person having custody of the dog is at the time in question using the dog for hunting purposes, and has on his person a valid hunting license and proof of vaccination.
 - (2) An electronic confinement system shall be considered an acceptable enclosure when the equipment is properly maintained and in continuous working order, and the animal to be contained within wears the appropriate electronic collar when within the system perimeters.
 - (3) In cases where an animal has been deemed dangerous by the court, or has been trained to be a guard dog, an electronic animal confinement system may not be used as either the primary or secondary enclosure.
 - (4) Individuals who contain an animal by means of an electronic animal confinement system and are found to be in violation of this section or have been deemed as restraining a dangerous animal shall thereafter restrain the animal by means of a fence, wall or other enclosure, or such animal shall be restrained individually by a leash or chain.
- (c) *Restraint of domestic animals, livestock, owned wildlife and exotic animals.* It shall be unlawful for the owner, custodian, or harbinger of any domestic animal, livestock, wildlife, or exotic animal to allow or permit such animal to leave the premises of the owner or other person having custody of such unless securely under leash, in a carrying case, or restrained by some other means and under the control of a competent person, with the exception of cats.
- (d) *Confinement of domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs.* Domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs shall be securely confined to the premises of the owner or other person having custody of such by means set forth under the provisions of this chapter, or approved by the city manager or designee and/or as required by state or federal regulations, with the exception of cats.

State law reference— Livestock running at large, O.C.G.A. § 4-3-1 et seq.

Sec. 10-12. - Commercial guard/security dogs.

- (a) It shall be the duty of all persons who keep, use, or maintain any guard/security dog to have signs conspicuously posted on the premises where the guard/security dog is located to warn of the presence of the dog. This warning shall consist of a warning sign placed at each entrance and exit to the premises and in a position to be legible from the sidewalk or ground level adjacent to the sign (eye level). If the premises are not enclosed by a wall or fence, a sign shall be placed at every entrance and exit to each structure on the premises in which a guard/security dog is located. Each sign shall measure at least ten inches by 14 inches and shall contain block lettering stating "Warning, Guard Dog on Duty." In addition, for dogs rented or leased, the sign shall set forth the name, address, and phone number of the responsible person or persons, to be notified during any hour of the day or night.
- (b) It shall be the duty of any person who keeps, uses, or maintains a guard/security dog to ensure the dog is vaccinated against rabies and licensed as required by section 10-5(b). The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by section 10-5(c).
- (c) It shall be the duty of any person that sells, leases, and/or rents any guard/security dog to be used within the city to notify the city manager or designee, of the location and number of guard/security dogs in use, kept, or maintained at a particular location. The city manager or designee shall maintain a record of the location, number of guard/security dogs, and current rabies vaccination and licensure of all guard/security dogs utilized within the city. The person that sells, leases, and/or rents a guard/security dog to be used in the city shall furnish the following information to the city manager or designee:
 - (1) Name, address, and telephone number of the location where a guard dog is located.
 - (2) Name, breed, sex, and current license tag information of each guard dog at any location in the city.
- (d) It shall be unlawful to transport any guard/security dog in an open bed truck, and the vehicle transporting guard dogs shall be identified as to the business owner. It shall be unlawful to transport any guard dog in the city except under the following conditions:
 - (1) Each dog shall be placed in separate holding bins.
 - (2) Each holding bin shall be enclosed and measure 48 inches long by 18 inches wide by 30 inches high.
 - (3) Each holding bin will be adequately ventilated.
- (e) No guard/security dog shall be chained, tethered, or otherwise tied to any inanimate objects such as a tree, post, or building, outside of its own enclosure.
- (f) A guard/security dog shall be confined by the owner/custodian/harbinger within a building or secure enclosure out of which it cannot climb, dig, jump, or otherwise escape of its own volition.

Sec. 10-13. - Confinement of female dogs in heat.

It shall be the duty of any owner, custodian, or harbinger of any female dog in heat within the areas designated in section 10-4(a), when she is left unattended, to securely confine such dog so as to prevent contact with another dog except for planned breeding.

State law reference— Permitting dogs in heat to run at large, O.C.G.A. § 4-8-6.

Sec. 10-14. - Skunks and foxes.

- (a) All skunks, except pen-raised skunks, and all foxes from whatever geographic region, including Alaska and Canada, are forbidden to be purchased, sold, owned, possessed, or harbored. Pen-raised skunks and foxes in possession as of July 1, 1987, are grandfathered.
- (b) Pen-raised skunks, other than black and white skunks, may be purchased and kept as pets after securing a permit from the city manager or designee. The city manager or designee is responsible for ensuring that purchasers of pen-raised skunks are made knowledgeable of the proper care, handling, and confinement. No pet store shall allow the purchase of pen-raised skunks without being first presented with the permit issued by the city manager or designee.

Sec. 10-15. - Wildlife or exotic animal.

Each owner, custodian, or harbinger of any wildlife or exotic animal must obtain all necessary state and/or federal permits and meet all state and/or federal requirements for keeping such an animal.

Sec. 10-16. - Nuisances.

- (a) Any vicious animal shall be deemed a nuisance. A vicious dog will be exempt as a nuisance upon classification as a dangerous or potentially dangerous dog as prescribed by law.
- (b) It shall be unlawful for any person to keep any domestic animal or livestock except under the following conditions:
 - (1) Any housing or enclosure used by any domestic animal or livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the city manager or designee.
 - (2) A domestic animal or livestock shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors and public or commercial horse facilities.)

Animal	Distance (in feet)
Horses, mules, asses, cows, sheep or goats	150
Hogs	900
Dogs (three or more)	25
Rabbits, guinea pigs, hamsters	25
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	25

- (3) Except in an area zoned for agriculture, each domestic animal or livestock shall be provided with the following average minimum floor or ground area in the enclosure or housing in which it is kept. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors and public and commercial horse facilities.)

Animal	Area per Animal (in square feet)
Horses, mules, asses, cows, sheep, or goats	150
Hogs	150
Dogs	100
Rabbits, guinea pigs, hamsters	4
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	4

- (4) Except in the areas zoned for agriculture, the maximum number of domestic animals or livestock that may be kept on any single premises shall not exceed the following. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors, and public and commercial horse facilities.)

Animal	Maximum Number
Horses, mules, asses, cows	5
Sheep, goats	10
Hogs	10
Dogs, cats	10
Rabbits, guinea pigs, hamsters	75
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	75

Sec. 10-17. - Animals as prizes.

It shall be unlawful to offer as a prize or gift any animal in any contest, raffle, or lottery, or as an enticement for fundraising or for entry into any place of business.

Secs. 10-18—10-50. - Reserved.

ARTICLE II. - RABIES CONTROL

State Law reference— Control of rabies, O.C.G.A. § 31-19-1 et seq

Sec. 10-51. - Vaccination required.

- (a) The owner, custodian, or harbinger of each dog or cat over four months of age, kept, maintained, or harbored in any area of the city is required to maintain a current rabies vaccination on such dog or cat.
- (b) It shall be the duty of all persons owning or having custody of any dog or cat over four months of age brought into the city from outside the city to have such dog or cat vaccinated within 14 days from the date of entry, provided that when the owner or person having custody of the dog or cat produces evidence satisfactory to the city manager or designee that such dog or cat has a current vaccination, as prescribed by this article, such dog or cat will not be required to be vaccinated again until the expiration date of the current vaccination.
- (c) Only a licensed veterinarian shall be entitled in connection with his practice, on the request of any owner of a dog, cat, or other animal, to vaccinate such dog, cat, or other animal against rabies, with a vaccine as set forth in the definition of "vaccinate" in section 10-1, provided that at the time of vaccination he furnishes two copies of the vaccination certificate to the owner, forwards one copy to the city manager or designee, and maintains one copy for his files.
State law reference— Inoculation of canines and felines against rabies, O.C.G.A. § 31-19-5.

Sec. 10-52. - Rabies cases to be reported.

It shall be the duty of any person knowing of a rabid animal, or of any animal showing symptoms of rabies, to immediately report such animal to the city manager or designee and give as much pertinent information as possible. Any bite by an animal shall be reported to the city manager or designee. The city manager or designee, in order to maintain an effective epidemiological surveillance and control program, shall maintain a record of its rabies-related activities, including investigation and confirmation of rabies in animals, in the manner and frequency stipulated by the city manager or designee.
State law reference— Duty of persons to notify, O.C.G.A. § 31-19-4.

Sec. 10-53. - Quarantine.

- (a) In the event a dog or cat has bitten a human, such animal shall be immediately confined at the animal control shelter, veterinary hospital, or other such premises deemed acceptable by the city manager or designee for a period of ten days from the date of the bite to be observed for symptoms of rabies.

- (b) In the event a warm-blooded animal other than a dog or cat has bitten a human or other warm-blooded animal, or in the event a warm-blooded animal has been bitten by another warm-blooded animal, the recommendations contained in the Rabies Control Manual compiled by the state department of human resources shall be followed.
- (c) All expenses incurred for boarding an animal for the quarantine period as well as other applicable fees shall be paid by the owner or custodian of the biting animal.
- (d) It shall be unlawful for any person, custodian, or harbinger to fail to surrender a dog, cat, or other animal, which has bitten a human, upon the sworn statement of the person bitten. Such animal will be placed under quarantine or submitted for laboratory examination at the discretion of the city manager or designee. The provisions of this division shall apply, regardless of whether or not such animal has a current rabies vaccination and tag.
- (e) When rabies has been found to exist in any warm-blooded animal, or where its existence is suspected, the city manager or designee may designate a geographical area within which quarantine of all owned warm-blooded animals shall be maintained. Such animals shall be immediately confined to the premises designated and in a manner approved by the city manager or designee, whether or not such animals have been vaccinated against rabies.
- (f) No warm-blooded animal shall be brought into or removed from a quarantined area or premises without written approval of the city manager or designee.
- (g) Quarantine ordered by the city manager or designee shall be maintained for such period as deemed necessary to protect the public health.
- (h) Quarantined areas or premises where rabid animals or animals suspected of having rabies remain at large may be posted by the city manager or designee with signs which read as follows: "Rabies Suspected" or "Rabies—Keep Away from Animals." Such signs shall be conspicuously displayed in a place designated by the city manager or designee and shall not be removed except by the city manager or designee. Such signs shall not be defaced.
- (i) The owner, custodian, or harbinger of each animal subject to a quarantine invoked by the city manager or designee under the terms of this article shall be notified of the quarantine, the particular animals subject thereto, and shall be given such other information as the city manager or designee deems necessary.
- (j) Every animal showing clinical signs of rabies, as determined by the city manager or designee, shall be immediately destroyed; and/or the heads of all animals suspected of having had rabies at the time of death shall be submitted to the epidemiology office, department of human resources, for examination by the department of human resources laboratory.

Secs. 10-54—10-100. - Reserved.

ARTICLE III. - VICIOUS ANIMALS AND DANGEROUS OR POTENTIALLY DANGEROUS DOGS

State Law reference— Dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.; vicious dogs control, O.C.G.A. § 4-8-40 et seq

Sec. 10-101. - Precautions to be taken by owners.

- (a) No person owning or having custody or control of any dog or other animal known by such person to be vicious, dangerous, or potentially dangerous shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.
- (b) It shall be the duty of every owner of any vicious animal or dangerous or potentially dangerous dog, or anyone having any such animal in his possession or custody, to ensure that the vicious animal or dangerous or potentially dangerous dog is kept under restraint, as prescribed in subsections (d), (e), and (f) of this section, and that reasonable care and precautions are taken to prevent the vicious animal or dangerous or potentially dangerous dog from leaving, while unattended, the real property limits of its owner, custodian, or harbinger, and it is securely and humanely enclosed within a house, building, fence, locked pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition. Such enclosure must be securely locked at any time the animal is left unattended so that children are prevented from entry and to prevent the vicious animal or dangerous or potentially dangerous dog from escaping.
- (c) For owners of a vicious animal or dangerous or potentially dangerous dog whose animal lives out-of-doors, a portion of their property should be fenced with a perimeter or area fence. Within this perimeter fence, the vicious animal or

dangerous or potentially dangerous dog must be humanely confined inside a locked pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides, the sides must be securely set into the ground or onto a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked when the animal is unattended. This enclosure shall provide protection from the elements.

- (d) A vicious animal or dangerous or potentially dangerous dog shall not be upon any street or public place except when securely restrained by leash not more than six feet in length and humanely muzzled when appropriate, as determined by the city manager or designee, and in the charge of a competent person.
- (e) Whenever outside of its enclosure, as provided for in subsections (b) and (c) of this section, but on the owner's property, a vicious animal or dangerous or potentially dangerous dog must be attended by the owner or custodian and restrained by a secure collar, muzzled when appropriate, as determined by the city manager or designee, and on a leash of sufficient strength to prevent escape.
- (f) No vicious animal or dangerous or potentially dangerous dog shall be chained, tethered, or otherwise tied while unattended by the owner or custodian to any inanimate object such as a tree, post, or building, outside of its primary enclosure.
- (g) A warning sign (i.e., beware of dog) shall be conspicuously posted denoting a vicious animal or dangerous or potentially dangerous dog on the premises. These signs are exempt from building permit requirements.
- (h) Failure to keep any vicious animal or dangerous or potentially dangerous dog confined or under restraint as provided for in this section shall be unlawful and shall be punishable as provided in this chapter.

Sec. 10-102. - Notice to owners of dangerous or potentially dangerous dogs.

- (a) When the city manager or designee classifies a dog as a dangerous or potentially dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the city manager or designee shall notify the dog's owner. The notice shall meet the following requirements:
 - (1) The notice shall be in writing and mailed by certified mail to the owner's last known address;
 - (2) The notice shall include a summary of the city manager or designee's findings that formed the basis for the dog's classification as a dangerous 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 the right to request a hearing on the city manager or designee's determination that the dog is a dangerous or potentially dangerous dog;
 - (4) The notice shall state that the hearing, if requested, shall be before the city manager or designee;
 - (5) The notice shall state that if a hearing is not requested, the city manager or designee's determination that the dog is a dangerous or potentially dangerous dog will become effective for all purposes 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; and
 - (6) The notice shall include a form to request a hearing before the animal control hearing board and shall provide specific instructions on mailing or delivering such request to the board.
- (b) When the city manager or designee receives a request for a hearing, as provided in this section, such person shall schedule such hearing within 30 days after receiving the request. The city manager or designee will 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 city manager or designee shall receive such other evidence and hear such other testimony as the hearing board may find reasonably necessary to make a determination either to sustain, modify, or overrule the city manager or designee's classification of the dog.
- (c) Within ten days after the date of the hearing, the city manager or designee 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 or potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

- (d) A certificate of registration to the effect that the dog owner has a dangerous or potentially dangerous dog shall also be issued by the city manager or designee, and is contingent upon the dog owner presenting to the city manager or designee evidence of:
- (1) An enclosure as prescribed in this chapter for confinement of a potentially dangerous or dangerous dog;
 - (2) The proper posting of the premises as prescribed in this chapter; and
 - (3) An insurance policy or surety bond in the amount of \$15,000.00, insuring the owner against liability for any personal injuries inflicted by a dangerous dog. This shall apply to dogs classified as dangerous, only.
- (e) An annual fee of \$100.00 will be charged in addition to regular dog licensing fees, to register dangerous and potentially dangerous dogs. This registration fee is subject to change as dictated by the city council. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, the city manager or designee shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this chapter.
- (f) Issuance of a certificate of registration or the renewal of a certificate of registration by the city manager or designee does not warrant or guarantee that the requirements specified in this chapter are maintained by the owner of a dangerous 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 renewal of such certificate.
- (g) The owner of a dangerous or potentially dangerous dog shall notify the city manager or designee within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or been sold, stolen or donated. If the dog is sold or donated, the owner shall also provide the name, address and telephone number of the new owner. If sold or donated to another resident of the city, the new owner has ten days after taking possession of the dog to register the dog with the city manager or designee. If the owner moves with the dog from one jurisdiction to another within the state, the owner shall register the dangerous or potentially dangerous dog in the new jurisdiction within ten days after becoming a resident.
- (h) The owner of a dangerous or potentially dangerous dog who is a new resident of the state shall register the dog as required in this article within 30 days after becoming a resident.

State law reference— Registration of dangerous dogs, O.C.G.A. § 4-8-25; notice to owner of dangerous dog, O.C.G.A. § 4-8-24.

Secs. 10-103—10-140. - Reserved.

ARTICLE IV. - IMPOUNDMENT AND REDEMPTION

Sec. 10-141. - Impoundment of dogs, domestic animals, livestock, owned wildlife, and exotic animals.

- (a) Any citizen may pick up and impound any animal running at large in the city, provided said animal is promptly surrendered to the city manager or designee to allow the person having the right of possession an opportunity to reclaim their animal.
- (b) Dogs, domestic animals, livestock, owned wildlife, and exotic animals within any of the following classes may be captured and impounded:
 - (1) Dogs or cats without a current rabies vaccination.
 - (2) Dogs or cats without a current city license.
 - (3) Dogs not wearing a current vaccination/license tag. This shall include dogs wearing a tag that was not issued for said dog.
 - (4) Warm-blooded animals which have bitten a human or another warm-blooded animal and warm-blooded animals which have been bitten by another warm-blooded animal suspected of having rabies.
 - (5) Warm-blooded animals suspected of having rabies

- (6) Unconfined warm-blooded animals in quarantine areas.
 - (7) Animals whose safety, health, or life is in immediate danger.
 - (8) Animals whose ownership is unknown.
 - (9) Dogs, domestic animals, livestock, owned wildlife, or exotic animals roaming at large, with the exception of cats.
 - (10) Vicious animals or dangerous or potentially dangerous dogs not properly confined or restrained as defined in this chapter.
 - (11) Commercial guard/security dogs not properly confined or restrained as defined in this chapter.
 - (12) Dogs in heat not properly confined as defined in this chapter.
- (d) No animal shall be exempt from the provisions of this article by virtue of a vaccination, tag, or certificate.
 - (e) The city manager or designee empowered to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding a dog or other animal which the officer is in immediate pursuit of with the exception of any occupied building into which the dog or other animal may enter. In the latter case, if the occupant or owner of the premises gives permission to the city manager or designee to enter the premises, the city manager or designee may remove said dog or other animal.
 - (f) It shall be unlawful for any person to, in any manner, interfere with, hinder, resist, obstruct, or molest the city manager or designee in the performance of his duties, or for any person to remove any animal from the city manager or designee's vehicle or animal control shelter without the permission of the city manager or designee.
 - (g) When the owner of the dog or other animal impounded under the provisions of this article can be readily identified and located, the city manager or designee shall notify the owner of the impoundment. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the owner's residence, when possible, or a postcard sent to the owner's residence through the U.S. postal system.
 - (h) A dangerous dog shall be immediately impounded by the city manager or designee if:
 - (1) The owner of the dangerous dog does not secure the liability insurance or surety bond required by this chapter;
 - (2) The dangerous dog is not validly registered as required by this chapter; or
 - (3) The dangerous dog is not maintained in a proper enclosure as specified in this chapter.

Any dangerous dog impounded under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this section, and upon payment of reasonable impoundment costs. In the event the owner has not complied with the provisions of this section within 20 days of the date the dog was impounded, said dog shall be destroyed in an expeditious and humane manner.

State law reference— Duty of local officers to impound livestock running at large, O.C.G.A. § 4-3-4; confiscation and destruction of dangerous dogs, O.C.G.A. § 4-8-27.

Sec. 10-142. - Disposition of impounded animals.

- (a) Every animal impounded under the provisions of this article which is found upon arrival at the animal control shelter to be diseased or injured, and whose ownership is unknown or is relinquished in writing, shall, at the discretion of the city manager or designee, be immediately destroyed if not accepted by an organization approved by the city manager or designee, and provided such organization signs a receipt for the animal. In the event an owner cannot be contacted and the severity of the injury or disease of the animal dictates that euthanasia is a humane course of action, the animal will be destroyed and the owner, if known, notified as soon as possible.
- (b) If, in the opinion of the city manager or designee, the release of an impounded animal will impair the safety of the public, such animal will be held pending a court order disposition.

- (c) Any animal impounded under the provisions of this article except livestock shall be held a minimum of three days from the day of impoundment or such longer period of time as deemed reasonable by the city manager or designee. Livestock shall be held a minimum of 14 days. Animals under observation for rabies symptoms shall remain in the animal control shelter for such period of time as the health department or its designee may deem necessary to protect the public health.
- (d) Impounded animals not claimed within three days of the day of impoundment or at the end of the quarantine period shall be disposed of (euthanized) in a humane manner as approved by the city manager or designee. No animal impounded under the provisions of this article shall be released to any person or organization for the purpose of live animal experimentation.
- (e) Before the release of any impounded animal, the owner shall pay the following:
 - (1) A vaccination fee on any unvaccinated animal when a vaccination is required by this chapter.
 - (2) A license fee for any unlicensed dog or cat in an area covered by this chapter.
 - (3) An impoundment fee.
 - (4) A daily boarding fee.
- (f) The city manager shall establish reasonable vaccination, license, impoundment, and boarding fees. In some instances the amount of impoundment and boarding fees will be on a cost-incurred basis.
- (f) Proceeds from license, impoundment, and boarding fees shall be applied to the annual operating budget of the city for animal and rabies control, enforcement activity, and operation of the animal facility.
- (g) The city manager or designee shall exercise every reasonable care to prevent injury, illness, death, escape, or pilfering of any animal with which it deals but shall not be responsible for any such occurrence.

State law reference— Destruction of vicious dogs, O.C.G.A. § 4-8-43; redemption of impounded livestock by owner, O.C.G.A. § 4-3-6; disposal of impounded livestock, O.C.G.A. § 4-3-7.

Sec. 10-143. - Adoption of impounded animals.

- (a) The city manager or designee shall cooperate with the Humane Society and any other approved organization by offering for adoption or placement cats and/or dogs not claimed by the person having the right of possession or any cat and/or dog that may be designated as a stray.
- (b) Organizations with a continuing interest in adopting animals from the animal control shelter must register with the city manager or designee on the forms provided and be designated as an approved adoption organization.
- (c) All animals housed at the animal control shelter shall be under the authority of the city manager or designee. No animal will be released for adoption or placement prior to the holding period required by section 10-142(c) and with the written approval of the city manager or designee.
- (d) The city manager or designee may confer ownership (permit adoption) of any animal which has become the property of the animal control shelter to an approved organization, subject to conditions prescribed by the city manager or designee, including, but not limited to, the following:
 - (1) Payment of any vaccination, licensing, or veterinary costs shall be the responsibility of the receiving organization;
 - (2) Evidence satisfactory to the city manager or designee that the animal has been, or will be, examined by a veterinarian and vaccinations against rabies and other diseases administered; and
 - (3) Evidence satisfactory to the city manager or designee that the animal has been, or will be, neutered or spayed.