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**ANIMAL CONTROL ORDINANCE OF THE CITY OF DAWSONVILLE**

**AN ORDINANCE TO AMEND THE ANIMAL CONTROL ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA, BY REPEALING THE EXISTING ANIMAL CONTROL ORDINANCE; TO PROVIDE FOR DEFINITIONS, TO PROVIDE FOR DOMESTIC ANIMAL CONTROL; TO PROVIDE FOR ANIMAL CONTROL AND IMPOUNDMENT, TO PROVIDE FOR RABIES CONTROL; TO PROVIDE FOR CONTROL OF DANGEROUS AND VICIOUS DOGS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS it is within the powers granted to the City of Dawsonville to regulate matters affecting the health, safety, and welfare of the citizens of the City, and

WHEREAS, responsible animal ownership is encouraged and welcomed within the City of Dawsonville, however, a strong emphasis must be placed on responsible and caring ownership of animals whereby animal owners respect the rights of their fellow citizens and also those of their animals.

**NOW THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of Dawsonville, a political subdivision of the State of Georgia, that the Animal Control Ordinance of the City of Dawsonville, Georgia is hereby amended by deleting it in its entirety and inserting a new Animal Control Ordinance to read as follows:

**ARTICLE I**

Repeal of Prior Ordinances: That ordinance of the City of Dawsonville governing animal control, the same being amended from time to time, is hereby repealed in its entirety including all amendments thereto, and in its place is adopted this new Animal Control Ordinance for the City of Dawsonville, Georgia.

**ARTICLE II. - IN GENERAL**

**Sec. 4-1. - 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:

*Abandoned animal* means any domesticated animal that has been placed upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian, or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned when it has been unattended and without proper food and water for a period in excess of 36 hours, regardless of where the animal may be found or kept.

*Animal at large* means any animal not under restraint and off the property of its owner.

*Animal control board* means those individuals appointed by the city council to render opinions on classification of dangerous and vicious dogs pursuant to the state Responsible Dog Ownership Law.

*Animal control center* means those facilities designated by the members of the city council for the housing and care of animals pursuant to this chapter.

*Animal control department* carries the same meaning as the animal control officer.

*Animal control officer* means an individual designated by the members of the city council to perform the duties of animal control and enforcement of this chapter and perform the duties of dog control officer pursuant to the state Responsible Dog Ownership Law.

*Animal shelter* means the facility designated by the members of the city council of the city for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

*Animal under restraint* means any animal secured by a leash or lead; or enclosed by way of fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's commands and the person being present with the animal; or an animal confined within a vehicle, parked or in motion.

*Appropriate authority* means the city animal control department, the state, any city, country, or any state or subdivision thereof.

*Board* means the Dawson County Board of Health, State of Georgia.

*Certificate* means a certificate of vaccination on a form furnished or approved by the Georgia Department of Public Health.

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

*Companion animal* means a domesticated animal kept for pleasure rather than utility. Pets include, but not limited to, birds, cats, dogs, hamsters, horses, mice, reptiles, domestic wild animals, exotic animals and other animal associated with man's environment.

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

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

No dog shall be classified as a dangerous dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit a crime under Chapter 5 of Title 16 of the Georgia Code.

*Department* means the Georgia Department of Public Health.

*Dog* means a dog, of either sex, vaccinated or not vaccinated against rabies.

*Domesticated animals* means animals that are accustomed to living in or about the habitation of men, including, but not limited to, cats, cows, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals. This definition only applies to those animals mentioned herein and is only applicable to this chapter and in no way affects the meaning or application of a definition of the described animal, as may be found in any other city ordinance.

*Governing authority* means the governing body or official in which the legislative powers of a local government are vested.

*Guard dog* means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which he is located.

*Health department* means the Dawson County Health Department or, in the absence of a functioning health department, the Dawson County Board of Health.

*Local government* means the City of Dawsonville.

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

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

*Person* shall mean any individual, firm, corporation, partnership, municipality, county, society, or association.

*Proper enclosure* means an enclosure for keeping a dangerous dog or potentially dangerous dog, while on the owner's property, securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and secure top, and if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

*Public nuisance* means any animal which:

- (1) Is found at large in violation of section 4-26
- (2) Is vicious, and for the purpose of this section, an animal shall be considered vicious if it attacks without provocation any human being or other domesticated animal or animals;
- (3) Produces, because of the quantity, manner, or method in which the animals are domesticated or maintained, unsanitary conditions in the county;
- (4) Attacks passersby or passing vehicles; or
- (5) Is harmful or hostile to the public health, welfare, or safety according to the rules and regulations promulgated by the county health department, which rules and regulations are incorporated in and made a part of this chapter as if fully set out.

*Rabies vaccination tag* means a tag furnished by a licensed veterinarian or the Health Department which shall be worn by vaccinated dogs and cats at all times.

*Records of an appropriate authority* means records of any state, county, or municipal law enforcement agency, records of any county, or municipal animal control agency, records of any county board of health, records of any federal, state or local court, or records of an animal control officer as provided for in this chapter.

*Responsible dog ownership ordinance* means article V of this chapter.

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

*Vaccinate, inoculate* means the injection of a specified dose of antirabies vaccine as approved by the Georgia Department of Public Health by a licensed veterinarian into the proper site of an animal.

*Vaccine* means an injectable material containing killed or attenuated rabies virus, licensed by the United States Department of Agriculture, Veterinary Biologics Section, and approved by the Georgia Department of Public Health. Vaccine used for the purpose of this definition shall be stored at the temperature prescribed on the purchase label. Outdated vaccine shall not be used.

*Veterinarian* means any person who holds a degree of doctor of veterinary medicine (DVM).

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

No dog shall be classified as a vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit a crime under Chapter 5 of Title 16 of the Georgia Code.

#### **Sec. 4-2. - Interpretation of chapter and conflicting provisions.**

(a) Where there is a conflict between this chapter and another county or municipal ordinance, this chapter shall apply.

(b) Where there is a conflict among chapters or sections within this chapter, the chapter or section which is more restrictive and stricter shall apply.

(c) Definitions in one article of this chapter may be used to define terms in other parts of this chapter unless it is clear from the context that the definition does not apply.

**Secs. 4-3—4-22. - Reserved.**

### **ARTICLE III. - DOMESTIC ANIMAL CONTROL**

**Sec. 4-23. - Applicability of chapter.**

This chapter shall apply to all animals, except that article VI, pertaining to dangerous dogs and vicious dogs, shall apply to those animals as defined in section 4-1.

**Sec. 4-24. - Enforcement.**

(a) The primary responsibility for the enforcement of this article shall be vested in the animal control officer. He may, in the exercise of his authority as the animal control officer for the city, delegate the enforcement responsibilities of this section to such city employees under his direct supervision as he may select.

(b) The animal control officer shall not be authorized to make arrests unless the animal control officer is a law enforcement officer having the powers of arrest.

(c) The city is authorized to enter into agreements with any county or municipality or any combination of such local governments for the consolidation of animal control services under this chapter.

**Sec. 4-25. - Penalty for violation of article.**

(a) Unless otherwise provided, any violation of this article shall be punished as for a misdemeanor under the laws of this state. Each and every violation and each day's continuing violation shall be treated as a separate offense.

(b) Unless otherwise provided, any person violating the terms of this article or rules and regulations promulgated pursuant to this article shall pay the fees as set forth in the schedule in Section 4-62 below as to impounded animals by any person who admits the violation and pays the fees to the City Clerk or in such fees and fine amount as determined by the municipal court judge pursuant to law in the event of a conviction for any violation of this article following a trial in the City of Dawsonville Municipal Court.

(c) Unless otherwise provided, the City of Dawsonville Municipal Court shall have jurisdiction of all cases arising from violation of this article.

**Sec. 4-26. - Running at large prohibited.**

(a) It shall be unlawful for the owner of any animal, or anyone having an animal (any domestic fowl or livestock) in his possession and custody, to allow it to run at large unattended on or about the streets and highways of the incorporated limits of the city, or on the property of another person in possession of such property, except for dogs being used in hunting in accordance with state game and fish department laws, rules and regulations.

(b) Any such animal at large may be impounded by the animal control officer or an authorized representative thereof.

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

**Sec. 4-27. - Duty to keep animal under restraint—While on property.**

(a) It shall be the duty of every owner of any animal to ensure that it is confined by way of a fence or other enclosure or is restrained by chain or leash or, in some other physical manner, under the control of a competent person so that it cannot wander off the real property limits of the owner, it being the intent of this article that all animals be prevented from leaving while unattended the real property limits of their owners.

(b) In addition, all male and female dogs and cats that have not been spayed or neutered must be securely confined in such a way that they not only cannot get out to run loose, but also cannot be reached by other dogs or cats.

**Sec. 4-28. - Same—While off property.**

(a) It shall be the duty of the owner of any animal or anyone having an animal in his possession to keep the animal under control at all times while the animal is off the real property limits of the owner, possessor, or custodian. For the purposes of this section, an animal is deemed under control when it is confined within a vehicle, whether parked or in motion; is secured by a leash or other device held by a competent person; or is properly confined within an enclosure with permission of the owner of the property where the enclosure is located. An animal may be under voice control only if the owner is present and if the animal is responsive to the owner.

(b) No person shall tie, stake, or fasten any animal within any street, alley, sidewalk, or other public place or in such manner that the animal has access to any portion of any street, alley, sidewalk, or other public place.

(c) Every female dog in heat shall be confined in a building or other enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding.

(d) Every animal shall be restrained and controlled so as to prevent it from harassing passersby, chasing vehicles, or attacking persons or other animals.

**Sec. 4-29. - Abandonment of animals.**

(a) It shall be unlawful for a person to abandon any domestic animal owned by him. No person shall put out or abandon any dog, cat, or other domestic animal on public or private property. It shall be unlawful for anyone to knowingly abandon any domesticated animal within the city. Each person who does abandon, knowingly, or willingly permits such abandonment or aids in the abandonment of any domesticated animal shall be in violation of the law and shall be

punished as provided in this article.

(b) Each offense shall be punished with a fine of the maximum amount allowable by law.

(c) If the owner, possessor, or custodian of an animal is not known and the animal is upon the public streets, alleys, sidewalks, school grounds, or other public places or premises or property of another without the property owner's permission as prohibited by this section, any law enforcement officer or agent, or employee duly authorized by the city shall be authorized to immediately take possession of such animal and impound it in accordance with the rules and regulations provided by law or by ordinance of the city for the detention, control, and disposition of animals.

(d) The impoundment of an animal shall be accomplished without a breach of the peace. Once impounded, an animal shall be kept for a period of time as outlined in this article, and, thereafter, if the animal is not claimed by anyone after a reasonable effort has been made to locate the owner, possessor, or custodian of the animal as provided in this article, the animal may be disposed of in a humane fashion or in accordance with the rules and regulations of the state.

#### **Sec. 4-30. - Cruelty to animals and fighting animals.**

(a) *Unjustifiable physical pain prohibited; application of section.* No person shall, by act, omission, or neglect, cause unjustifiable physical pain, suffering, or death to any animal. This section shall not apply to the killing of animals raised for the purpose of providing food, nor does it apply to any person who shall hunt wild animals in compliance with the game and fish laws of the state. Furthermore, this section shall not apply to the killing or injuring of animals for humane purposes or in furtherance of medical or scientific research or in the necessary defense of one's person or personal property. Additionally, this section shall not apply to a person who is defending his or her person or property, or the person or property of another, from injury damage being caused by an animal or a person who kills any animal causing injury or damage to any livestock, poultry or pet animal.

(b) *Malicious killing, abuse, maiming, or poisoning prohibited.* Whoever willfully or maliciously kills, abuses, maims, or disfigures any animal or willfully or maliciously administers poison to any animal or exposes any poisonous substance with intent that the substance shall be taken and swallowed by an animal shall be in violation of this article. This section shall not apply to a person who is defending his or her person or property, or the person or property of another, from injury damage being caused by an animal or a person who kills any animal causing injury or damage to any livestock, poultry or pet animal.

(c) *Overloading, torturing, or deprivation prohibited.* Whoever overloads, over drives, tortures, torments, or deprives an animal of its necessary sustenance or shelter or beats, mutilates, or kills any animal or causes such acts to be done or carries in or upon a vehicle or otherwise any animal in a cruel or inhumane manner shall be deemed in violation of this article.

(d) *Provision of food, water, shelter, etc.* Whoever confines an animal and fails to supply sufficient quantities of wholesome food and water or keeps any animal in any enclosure without wholesome exercise and change of air or abandons any animal to die shall be deemed in violation of this article.

(e) *Fighting animals.* No person shall:

(1) Own, possess, keep, or train any animal with the intent that such animal shall be

engaged in an exhibition of fighting.

(2) Build, make, maintain, or keep a pit on premises owned by him or occupied by him or allow a pit to be built, made, maintained, or kept on such premises for the purpose of an exhibition of animal fighting.

(3) In any manner encourage, instigate, promote, or assist in an exhibition of animal fighting.

(4) Charge admission to, be an assistant, umpire, or participant at, or be present as a spectator to any exhibition of animal fighting.

(f) *Impoundment of animals treated cruelly.* Any animal control officer shall impound any animal found to be treated in a cruel manner.

#### **Sec. 4-31. - Animals creating nuisances.**

(a) The owner of any animal which habitually barks, whines, howls, or causes other objectionable noise, which is at large or chases or runs after persons or vehicles, which destroys or damages any property of another person, which causes serious annoyance to a neighboring resident and interferes with reasonable use and enjoyment of his property, or which is otherwise offensive so as to create a nuisance shall be deemed to be committing an act in violation of this section.

(b) Any person who knowingly keeps, own, harbors, has custody or control of, or acts as custodian of an animal constituting a nuisance shall be guilty of an unlawful act and shall be punished as provided in this chapter.

#### **Sec. 4-32. - Commercial guard/security dogs.**

(a) *Signs required.* It shall be the duty of all persons who keep, use, or maintain any guard/security dog to have signs conspicuously on the premises where the guard/security dog is located to warn of the presence of such dog. This warning shall consist of a warning sign placed at each entrance and exit to the premises and in position to be legible from the sidewalk or ground level adjacent to the sign (eye level). If the premises is 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 to be notified during any hour of the day or night.

(b) *Vaccination required.* It shall be the duty of all persons to keep, use, or maintain a guard/security dog to ensure the dog is vaccinated against rabies and licensed as required by state, city, and county laws and ordinances. The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by state, city, and county laws and ordinances.

(c) *Notification of city animal control regarding location and number.* It shall be the duty of any person who sells, leases, and/or rents any guard/security dog to be used within the city to notify the city's animal control office of the location and number of guard/security dogs in use, kept, or maintained at a particular location. The animal control office 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 who sells, leases, and/or rents a

guard/security dog to be used in the city shall furnish the following information to the city animal control office:

- (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.
- (3) Transportation. 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:
  - a. Each dog shall be placed in separate holding bins.
  - b. Each holding bin shall be enclosed and measure 48 inches long by 18 inches wide by 30 inches high.
  - c. Each holding bin will be adequately ventilated.
- (d) *Tethering to inanimate objects prohibited.* No guard/security dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post, or building outside of its own enclosure.
- (e) *Confinement.* A guard/security dog shall be confined by the owner/custodian/harborer within a building or secure enclosure out of which it cannot climb, dig, jump, or otherwise escape of its own volition.

**Secs. 4-33—4-56. - Reserved.**

#### **ARTICLE IV. - ANIMAL CONTROL AND IMPOUNDMENT**

**Sec. 4-57. - County board of health; Animal control board; enforcement of article; and animal control officer.**

- (a) *Enforcement generally.* Enforcement of this article shall be by the members of the city council. All fines, fees, penalties, or other funds received in connection with the enforcement of this article shall be paid to the city.
- (b) *Hearings.* Hearings concerning dangerous or vicious dogs shall be carried out by the city animal control board as set forth by O.C.G.A. § 31-5-2.
- (c) *Animal control officer.* The position of animal control officer shall be an individual designated by the members of the city council to perform the duties of animal control and enforcement of this chapter and perform the duties of dog control officer pursuant to the state Responsible Dog Ownership Law.
- (d) *Powers and duties of the animal control board.* The animal control board is designated to conduct hearings and determine matters as required in this article and under state law.
- (e) *City veterinarian.* The council may select a veterinarian to contract with the city on an annual basis for both care and euthanasia/disposal of impounded animals as provided for in this chapter and under state law.

**Sec. 4-58. - Powers and duties of animal control officer.**

The animal control officer shall be primarily responsible, with support from the city animal control board and the county board of health, for the enforcement of this article, and his duties shall include, but not be limited to, the following:

- (1) Cooperation with the county board of health in the enforcement of rabies control regulations and of animal control directives.
- (2) Taking up and impounding animals that are in violation of this article, using any and all means available which are humane in nature. In the event any animal is injured and suffering at the time of impound and in the judgment of the animal control officer the death of the animal is likely, the animal control officer may transport the animal to the City Veterinarian for euthanasia to prevent further suffering.
- (3) Keeping a record of the number, description, and disposition of all animals impounded or otherwise taken into custody, showing in detail in the case of each animal a general description of sex, breed, and approximate age, together with any identification tag, vaccination tag, or other marking and the date of receipt.
- (4) Immediately impounding any animal the animal control officer believes poses a threat to the public safety.

**Sec. 4-59. - Interference with animal control officer.**

It shall be unlawful to take or attempt to take any animal from any vehicle used to transport such animal or to take or attempt to take any animal from the animal control impounding areas. It shall also be unlawful for any person to remove or attempt to remove any animal from any trap set by the animal control division or to disturb, molest, or damage any trap set by the animal control officer.

**Sec. 4-60. - Notice to owners of impounded animals; redemption by owner.**

- (a) Any animal seized or impounded under any provision of this article shall be detained in the animal control shelter or any other such facility that the city council may so designate.
- (b) Upon receipt of any impounded animal, the animal control officer shall immediately make diligent efforts to ascertain the identity of the animal's owner in accordance with state law.
- (c) The owner of the impounded animal may after receiving such notice regain possession of the animal upon payment of all applicable fees specified in this article in accordance with state law. Such redemption shall not affect any criminal liability of the owner which may exist with respect to any violation of this article and shall not preclude proceedings against the owner for the purpose of pursuing sanctions under this article.

**Sec. 4-61. - Commencement of period of impoundment.**

All periods of impoundment specified in this article shall be deemed to commence at 12:01 a.m. of the day following the date of confinement.

**Sec. 4-62. - Fees and requirements for violations and impounds.**

- (a) The fees, with respect to services performed in connection with the enforcement of this article, shall be as established by the city council, as amended from time to time. A copy of such

fee schedule shall be posted at the headquarters of the animal control officer. Such fees are set forth in subsection (b) below, but may be changed at any time and from time to time by resolution of the city council.

(b) The fees established and collected under this article are not penalties, but are imposed for the sole purpose of defraying expenses borne by the city for animal control and welfare under this article. Such fees shall include, but not be limited to, the following:

- (1) An impounding fee of \$50.00.
- (2) A boarding fee of \$10.00 per-day.
- (3) A rabies inoculation fee if needed in the amount charged by the City Veterinarian.

(c) In no event shall any animal be redeemed by its lawful possessor, owner, or custodian unless those fees established for boarding the animal as provided for above are paid in accordance with state law.

**Sec. 4-63. - Consequences of impounded and not claimed.**

If for any reason an animal is impounded and the owner fails to respond within the time specified under state law, the animal may be disposed of pursuant to state law.

**Secs. 4-64—4-86. - Reserved.**

**ARTICLE V. - RABIES CONTROL**

**Sec. 4-87. - Legal authority.**

Pursuant to the authority vested in county board of health under O.C.G.A. § 31-19-1 et seq., the members of the city council adopt the following rules and regulations for the control of rabies within the city.

**Sec. 4-88. - Purpose.**

To prescribe rules for the prevention and control of rabies within city by providing for the vaccination, tagging, certification of dogs, the confinement of dogs and other animals, to designate the city's rabies control officer, collection of rabies control fees, and for other purposes.

**Sec. 4-89. - Rabies control officer.**

- (a) The rabies control officer shall be the county health department.
- (b) Duties of the rabies control officer will include:
  - (1) Investigate and maintain a record of animal bites in the county.
  - (2) Provide for proper confinement of an animal involved in a bite; or if the animal is dead or killed, the preparation and submission of the head for laboratory examination.
  - (3) Enforce proper disposition of animals exposed to known rabid animals.

- (4) Assist in rabies immunization clinics.
- (5) The duties as stated in the rabies control regulations.

**Sec. 4-90. - State rabies vaccination tag and city license tag required for dogs and cats.**

(a) *Vaccination required.* Every dog or cat three months of age or older shall be vaccinated against rabies. Dogs and cats will be revaccinated one year later. When dogs or cats one year of age or older are vaccinated with vaccines accepted by the state, county, or department for providing a three-year duration of immunity, boosters will be required every three years.

(b) *Veterinarian to fill out city license form.* At the time a dog or cat is vaccinated for rabies a city license form will be filled out by the veterinarian. This form will contain the name of the owner, address, breed, sex, color of each, and any other descriptive data. The rabies tag will also serve as the city license tag. The veterinarian will issue each cat or dog owner a copy of the city license for their dog or cat.

(c) *Initial and renewed use of license.* The license will be initially used when the animal is vaccinated against rabies and renewed when the animal is revaccinated for rabies or receives a booster shot annually thereof.

(d) *License not transferable.* Each license under this article shall not be transferable from one animal to another or from one owner to another. It shall be unlawful for any person to attach a license/vaccination tag to an animal for which it was not issued.

(e) *Animals vaccinated outside county.* In the event that the owner of an animal receives veterinarian care from an office outside of the county, the owner may supply the required information directly to the animal control officer at city hall and obtain their city license during normal business hours. In the event that an owner does obtain the license at city hall, proof that the animal has been vaccinated against rabies must be shown prior to the license being issued.

(f) *Cost.* The cost of the license if purchased at a veterinarian's office shall be as established by City Ordinance Section 2-110. Each veterinarian's office shall receive the amount established by City Ordinance Section 2-110 from each license sold to defray cost to the veterinarian for providing such service to the city. The cost of the license shall be waived for persons who have seeing-eye dogs or hearing-ear dogs or any other animal used to assist a handicapped person. Any animal used by a law enforcement agency is also exempt from the cost of the license as is any other animal utilized by a government agency.

**Sec. 4-91. - Dogs to wear collar, city identification tag, and state vaccination tag; exceptions.**

(a) Subject to the exceptions set forth in this Section, all dogs and cats within the city limits shall wear a collar and their city license tag (rabies tag).

(b) The wearing of a city license tag is not required for show dogs where the wearing of such tag could damage the coat. Also, the wearing of a city license tag is not required for dogs that are boarded in kennels or veterinary clinics or for dogs in areas zoned for agricultural purposes where the owner or custodian of the dog in question is using the dog for hunting purposes and which owner has on his person a valid hunting license. In the latter case, the owner, custodian, or harbinger shall have the tag or vaccination certificate in his possession where it may be shown upon demand by any duly constituted authority.

(c) Any dog being shipped or transported through the city, or any dog entering the city for the purpose of a temporary stay, when such does not exceed 15 days, shall be exempt from the licensing provisions of this article; however, such dogs are subject to the restraint provisions of this article.

**Sec. 4-92. - Clinics.**

(a) If deemed necessary by the board, the rabies control officer, along with the animal control officer, may operate or cause to be operated within the city a city-sponsored clinic for the vaccination of the dogs against rabies.

(b) Vaccinations will be performed by a veterinarian or under his direct supervision. Payment of services shall be derived from the vaccination fees.

(c) The vaccination fee for such clinics, including the administering and cost of the vaccine, the issuance of certificates and tags, and other necessary expense shall be predetermined by the county board of health at least 15 days in advance of the first clinic appearing on the schedule. Such notice shall include the schedule of each clinic including the day, the hour, the place, and the vaccination fee.

**Sec. 4-93. - Reporting generally.**

(a) The owner or custodian of any animal having signs suggestive of rabies shall confine the animal and immediately notify the animal control officer or the county health department reporting any information regarding any persons bitten or attacked by such animal.

(b) The animal control officer shall report all known cases of rabies in the city to the department.

(c) The animal control officer shall report accumulated data relating to rabies in the city to the department when, in his opinion, rabies is prevalent or likely to become prevalent to the extent that quarantine procedures are indicated.

**Sec. 4-94. - Reporting of animal bites or attacks; confinement of biting animals.**

(a) Any person having information that an animal has attacked or bitten a person shall immediately report such to the animal control officer, the county sheriff's office or the county board of health. Failure to do so constitutes a violation of this article.

(b) If an animal has bitten a person, such animal shall be immediately confined at a facility so designated by the animal control officer or the county health department. The confinement will commence on the date of the bite, and such animal will be segregated in isolation, if available, for a period of ten days. The animal control officer may allow a vaccinated female which is nursing offspring to remain confined on the premises of the owner, provided that the animal control officer is permitted daily inspections of the animal during the ten-day period.

**Sec. 4-95. - Confinement of dogs or other animals.**

(a) The rabies control officer will maintain enforcement of all regulations pertaining to confinement of dogs or other animals.

(b) The owner of any dog or other animal as defined in this article shall confine or cause to be confined such dog or animal as herein prescribed:

- (1) A dog or other animal, whether vaccinated or not, which has bitten a person or other animal shall be confined for a period of ten days following the date of the bite.
- (2) A dog or other animal, whether vaccinated or not, having signs suggestive of rabies shall be confined in isolation until its death or until its freedom from suspicion of having rabies is established and its release is authorized by the rabies control officer.
- (3) A dog or other animal not vaccinated and bitten by a known or suspected rabid animal shall be immediately destroyed, or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in an approved kennel for six months shall be enforced. One month prior to release, the dog shall be vaccinated according to prescribed methods.
- (4) Any dog or other animal, the rabies vaccination of which is current as evidenced by the certificate of vaccination and which is bitten by a known or suspected rabid animal may be revaccinated, confined in an approved manner for 60 days, and then released if no signs of rabies are evident.
- (5) Every dog, whether vaccinated or not, shall be kept in a quarantined area confined at the owner's or custodian's premises during the entire quarantine period, unless other provisions suitable to the city council are made.
- (6) Any dog less than three months old may be confined to the owner's premises or kept on a leash, provided such permission is granted by the rabies control office.
- (7) Any dog brought into the city for a permanent stay from outside the county shall be confined or on leash until vaccinated as provided for by this chapter, when the owner of such dog produces evidence satisfactory to the rabies control officer that such dog has been vaccinated and a vaccination tag may be issued for the current vaccination year.
- (8) Any dog brought into the city on temporary stay not exceeding 14 days shall be confined or on a leash at all times, unless the owner or custodian of such dog submits evidence to the rabies control officer that such dog has been vaccinated in a manner and by procedures comparable to the requirements of this article.

**Sec. 4-96. - Confinement facility.**

The area or facility to which any dog or animal is confined in compliance with the provisions of this article shall be subject to the approval of the animal control officer or county board of health. The confinement area or facility may include a pound, a kennel, an animal hospital, or other place which provides:

- (1) Construction and management which will keep the animal dry and clean and prevent its escape.
- (2) A method and procedure for the identification of the animal and the recording of the date of its admission to the area or facility.
- (3) Assurance that the animal will have safe and adequate water and food.
- (4) Adequate space for the animal's exercise.
- (5) Protection against excessive heat and cold.

(6) Space, cages, pens, and other necessary equipment to isolate the animal for its protection against injury and infectious diseases.

**Secs. 4-97—4-120. - Reserved.**

## **ARTICLE VI. - DANGEROUS DOGS AND VICIOUS DOGS**

### **Sec. 4-121. - Liability of city and liability of owner.**

The owner of a dangerous dog or vicious dog shall be solely liable for any injury to or death of a person caused by such dog. Pursuant to state law, under no circumstances shall the city or an employee or official of the city or other local government be held liable for any damage to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

### **Sec. 4-122. - Investigations by animal control officer.**

Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within the animal control officer's jurisdiction from a law enforcement agency, an animal control agency, a rabies control officer, or the county board of health, the animal control officer shall make such investigations and inquiries with regard to such report as may be necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.

### **Sec. 4-123. - Notice of classification as dangerous dog or vicious dog.**

When the animal control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the animal control officer's determination and shall state that the owner has a right to request a hearing from the authority on the animal control officer's determination within 15 days after the date shown on the notice. The notice shall state that the hearing, if requested, shall be before the city animal control board. 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 all purposes under this article. Such notice shall be complete upon its mailing.

### **Sec. 4-124. - Procedures for classification as dangerous dogs or vicious dogs.**

(a) *Applicability for enforcement purposes.* As applied to the owners of dangerous dogs, the procedures provided for in this article must be carried out as a necessary condition for the enforcement of the provisions of this article against such owners. As applied to the owners of vicious dogs, the procedures provided for in this article shall not be an essential element for the enforcement of this article with respect to any crime provided for in this article.

(b) *Hearing.* When the city animal control board receives a request for a hearing as provided in Section 4-123, it shall schedule such hearing within 30 days after receiving the request; provided, however, that such hearing may be continued by the authority for good cause shown. At least 10 days prior to the hearing, the animal control board shall mail to the dog owner written notice of the date, time, and place 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 animal control board shall receive such other evidence and hear such other testimony as the board may find reasonably necessary to make a determination to either sustain, modify, or overrule the animal

control officer's classification of the dog.

(c) A dog that is found, after notice and opportunity for a hearing as provided for in subsection (b) of this section, to have caused a serious injury to a human on more than one occasion shall be euthanized.

(d) *Notice of determination by animal control board.* Within 10 days after the date of the hearing, the animal control board shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or vicious dog, the notice of classification shall specify the date upon which that determination is effective. If the determination is that the dog is to be euthanized pursuant to subsection (c) of this section, the notice shall specify the date by which the euthanasia shall occur.

(d) Judicial review of the animal control board's final decision may be had in accordance with O.C.G.A. § 50-13-19.

**Sec. 4-125. - Requirements for possessing dangerous or vicious dogs.**

(a) *Registration required.* It is unlawful for an owner to have or possess within the city a dangerous dog or vicious dog without a certificate of registration issued in accordance with the provisions of this section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.

(b) *Issuance of certificate for a dangerous dog.* Unless otherwise specified by this section, the animal control officer, where an owner possesses a dangerous dog, shall issue a certificate of registration to the owner of such dog 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 where the dangerous dog resides that warn there is a dangerous dog on the property containing a symbol designed to inform children of the presence of a dangerous dog.

(c) *Issuance of certificate for a vicious dog.* Except as provided in subsections (e) and (f) of this section, a certificate of registration for a vicious dog shall be issued if the dog control officer determines that the following requirements have been met:

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

(2) Clearly visible warning signs have been posted at all entrances where the vicious dog resides that warn there is a vicious dog on the property containing a symbol designed to inform children of the presence of a vicious dog; and

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

(4) The owner maintains and can provide proof of general or specific liability insurance in

the amount of at least \$50,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the vicious dog or the owner can provide proof that the owner has posted a surety bond in the amount of \$50,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous dog.

(d) *No certificates of registration for repeat violators.* No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.

(e) *Prohibition against multiple vicious dogs.* No person shall be the owner of more than one vicious dog.

(f) *Persons prohibited from owning vicious dogs.* No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:

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

(B) The felony of dogfighting 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

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

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

(d) *Situations requiring notification of animal control officer.* The owner of a dangerous dog or vicious dog shall notify the animal control officer within 1 hour if the dog is on the loose, is unconfined, has attacked a human, has died, has been euthanized or has been sold or donated. A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized. If a dangerous dog has been sold or donated, the owner shall provide the animal control officer with the name, address, and telephone number of the new owner of the dangerous dog.

(e) *Notification of animal control officer when owners move into or away from city.* The owner of a dangerous dog or vicious dog shall notify the animal control officer if the owner is moving out of the city. The owner of dangerous dog or vicious dog, who moves to the city from another jurisdiction within the State of Georgia, shall register the dog as required in this section within 10 days after becoming a resident. The owner of a dangerous dog or vicious dog who is a new resident of the State of Georgia and the city shall register the dog as required in this section within 30 days after becoming a resident.

(f) *Issuance of certificate of registration does not guarantee maintenance of requirements.* Issuance of a certificate of registration or renewal of a certificate of registration by the animal control officer in the city does not warrant or guarantee that the requirements specified above are maintained by the owner of a dangerous dog or vicious dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

(g) *Authority of animal control office to ensure compliance.* An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. Pursuant to state law, law enforcement agencies, including those of the county and the municipalities within the county, will cooperate with animal control officers in

enforcing the provisions of this chapter.

(h) *Annual fee.* The city will charge an annual fee in the amount of \$200.00 or such other amount as may be established by resolution of the city council in addition to any regular dog licensing fees to register dangerous dogs and vicious dogs as required in this article. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, an animal control officer shall require evidence from the owner or make such investigation as shall be necessary to verify that the owner is continuing to comply with the provisions of this article and other provisions of this chapter. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

**Sec. 4-126. - Restrictions on permitting dangerous or vicious dogs to be outside a proper enclosure.**

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

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

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

(3) The dog is working or training as a hunting dog, herding dog, or predator control dog.

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

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

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

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

(2) Unattended with minors.

(c) A person who violates subsection (b) of this Code section shall be guilty of a misdemeanor of high and aggravated nature.

(d) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.

**Sec. 4-127. - Confiscation of dogs.**

(a) A dangerous or vicious dog shall be immediately confiscated by any animal control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.

(b) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon the owner's tender of proof of compliance with the provisions of this article and the payment of reasonable confiscation and housing costs. Such costs shall be set by the members of the city council based upon a report from the animal control officer on the actual costs of confiscation and housing. All fines and all charges for services performed by a law enforcement or dog control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

(c) In the event the owner has not complied with the provisions of this article within 5 days of the date the dog was confiscated, such dog shall be destroyed in an expeditious and humane manner and the owner may be required to pay the costs of housing and euthanasia.

**Sec. 4-128. – Dogs classified before July 1, 2012.**

(a) Any dog classified prior to July 1, 2012, as a potentially dangerous dog shall on and after that date be classified as a dangerous dog under this article.

(b) Any dog classified prior to July 1, 2012, as a dangerous dog or vicious dog shall on and after that date be classified as a vicious dog under this article.

**ARTICLE VII. EFFECTIVE DATE.**

This Animal Control Ordinance shall take effect and be in force from and after adoption.

SO ADOPTED, this 7<sup>th</sup> day of December, 2015.

By: CITY OF DAWSONVILLE

W. James Grogan  
Mayor W. James Grogan

Caleb Phillips  
Councilmember Caleb Phillips

Jason Power  
Councilmember Jason Power

Angie Smith  
Councilmember Angie Smith

Mike Sosebee  
Councilmember Mike Sosebee

Attested: Bonnie Warne  
Bonnie Warne, City Clerk