

Chapter 14 - UNIFIED ANIMAL CONTROL ORDINANCE

ARTICLE I. - IN GENERAL

Sec. 14-1 – 14-30. – Reserved

Sec. 14-31. – 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. The word "shall" is mandatory and the word "may" is permissive.

Abandonment means the intentional or complete forsaking of any animal by its owner, without making reasonable arrangements for the adequate care and custody of the animal to be assumed by another person or the failure to return and resume responsibility of an animal at the designated time as arranged with the care giver. Abandonment also means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate and proper food and water for a period in excess of 36 hours, regardless of where such animal may be found or kept.

Adequate food means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian, which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food.

Adequate shelter means a protective covering for a domestic animal that provides adequate space and protection to maintain the animal in a state of good health, and that prevents, pain suffering, or significant risk to the animal's health, and;

- (1) Shelter shall consist of a completely enclosed structure with four (4) sides (three of the sides being solid), a constructed floor, roof; and a door opening;
- (2) It shall also be clean, dry, and compatible with current weather conditions, in addition to age, size, species, and condition of the animal;
- (3) The structure shall be of sufficient size to allow the animal to stand, turn around, lie down, and go in and out of the structure comfortably;
- (4) Owner shall provide some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when ambient, outside temperature is below 60 degrees Fahrenheit;
- (5) The structure shall include heavy plastic or rubber flap to over the door and/or window openings during the months of December through March or when the ambient, outside temperature is below 60 degrees Fahrenheit;
- (6) From April through November, the structure shall either be shaded or moved out of direct sunlight,

- (7) If the shelter is made of wood, it shall be raised at least two (2) inches off the ground to prevent seepage or rotting;
- (8) Because of heat generation and storm effects, examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Adequate veterinary care means medical care of an animal from or under the direction of a veterinarian and necessary to maintain the health of an animal based on the age, species, breed, etc., of the animal, or to prevent an animal from suffering from:

- (1) Ongoing infections;
- (2) Infestation of parasites;
- (3) Disease; or
- (4) Any other medical condition/injury where withholding or neglecting to provide such care would:
 - a. Endanger the health or welfare of the animal; or
 - b. Promote the spread of communicable diseases.

Adequate water means clear, clean, drinkable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice, rainwater and rancid or contaminated water.

Altered means it shall be the duty of the owner of a dog or cat declared by an authority or court of competent jurisdiction to be a potentially dangerous, dangerous or vicious animal, to have the animal surgically sterilized. Such sterilization must be performed by a licensed veterinarian within 30 days of a final order of an authority or court of competent jurisdiction declaring the animal to be a potentially dangerous animal, dangerous animal, or vicious animal.

Animal means any living thing, not a plant, other than man (excludes: rodents and insects).

Animal control officer means any person designated by the Baldwin County Board of Commissioners as a law enforcement officer or agency for the purpose of administration and enforcement of the provisions of this chapter.

Animal shelter means any facility operated by the Baldwin County Board of Commissioners or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter.

Community Cat means any outdoor, un-owned, free-roaming cat that is altered and ear-tipped and lives as part of a colony with a designated caregiver.

Cruelty means:

- (1) Every act, omission, or neglect by which death, unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue to any animal when there is a reasonable remedy of relief;
- (2) Also includes transporting an unrestrained animal in an open-air vehicle (restraint must prevent animal from reaching sides of open-air vehicle) or transporting an unrestrained animal in the trunk of any vehicle or leaving an animal unattended in a closed vehicle without proper ventilation or temperature control, where the outside air temperature is 75 degrees Fahrenheit or above;
- (3) Also means allowing or causing any animal to participate in training for or engaging in an animal fight operated for sport, entertainment or gaming purposes. Routine medical procedures by a licensed veterinarian shall not be regarded as cruelty.

Domesticated animal means animals that are accustomed to living in or about the habitation of humans, including, but not limited to, cats, dogs, cows, fowl, horses, swine, domesticated wild animals and exotic animals.

Electronic animal confinement system shall mean a commercially produced, functioning and professionally installed electronic fence which utilizes an invisible electrically generated perimeter, in which the animal within the perimeter wears an electronic collar that produces an electric shock when the animal approaches or exceeds the perimeter.

Fence means any structure of wire, being 16 gauge or higher, wood, stone or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence shall be sufficient to prevent the animal from being able to jump, dig, or escape from confinement; and shall have slats installed for chain link if it is the only barrier to contain a dangerous/vicious animal.

Governing authority means the governing body or officials in which the legislative powers of Baldwin County are vested.

Guard dog means any trained or untrained dog that is maintained for the purpose of safety or security and which is reasonably expected to attack persons or other animals independently or upon command.

Humane care of animals means but is not limited to the provision of adequate shelter and wholesome and adequate food and water consistent with the normal requirements and feeding habits of the breed.

Impoundment means the action of taking physical control of an animal by an animal control officer or other officers empowered to act by law and the transporting of such animal to the animal control facility.

Inhumane care means any act, omission or neglect which causes unjustifiable physical pain suffering or death to any living animal.

Inoculation against rabies means the injection subcutaneously or otherwise, of rabies vaccine approved by the state department of public health, and administered under the supervision of a licensed veterinarian and a certificate of vaccination or inoculation issued by the veterinarian.

Jurisdiction means, for the enforcement of this chapter, Baldwin County.

Open-air vehicle means the cargo area of any pickup truck that is not covered by a permanent attached utility cover or any convertible vehicle with its top down.

Owner means any person who owns, harbors, keeps and maintains, has lawful possession of, or knowingly causes or permits an animal to be harbored or kept, who has an animal in his care, who shelters or provides for such animal sufficient quantities of wholesome food and water 7 consecutive calendar days or longer, and permits an animal to remain on or around his premises. The term "owner" shall also include any person hired or acting as custodian of the animal for its owner.

Pen means, as it pertains to dangerous/vicious dogs, a pad locked, fenced area within a perimeter fenced area that has secure sides that are buried two feet in to the ground or sunken in concrete and a secure top.

Proper collar or harness means any fitted collar or harness which provides enough room between the collar and the animal's throat through which two fingers may fit. Choke, pinch, or prong type collars may not be used in tethering, fastening, chaining, tying, or otherwise restraining a dog. Rope, cable, chain, wire or other similar materials are not suitable as a proper collar or harness.

Public nuisance. An animal shall be deemed to be a public nuisance if the animal:

- (1) It is repeatedly found at large.
- (2) It damages the property of someone other than the owner of the animal.
- (3) It aggressively chases, attacks or bites a person while off the property of the owner.
- (4) It produces, because of quantity, manner or method in which animals are kept, unsanitary conditions.
- (5) The owner of a dog or cat fails to remove feces deposited upon public property or upon the property of another. This subsection shall not be construed as to apply to hoofed animals or livestock.
- (6) A dog continuously makes excessive noises. Excessive noises shall be defined as continuous howling, barking or crying or causing unreasonable annoyance continuously for a period of one-half hour or more. For the purposes of this chapter, the dog must be within 200 feet of the property line of the complaining party.
- (7) An in-heat female dog or cat is tethered outdoors or allowed to be at large thereby attracting males of the same species.

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

Residential lot means the lot with a dwelling located thereon, exclusive of any vacant lots adjacent thereto under the same ownership.

Restraint means any animal which is:

- (1) On a hand-held leash; or
- (2) At a heel or beside a competent person and obedient to the person's commands while on the owner's real property limits; or
- (3) Within a vehicle being driven or parked on the streets and roads of the county; or
- (4) In a fenced area within the real property limits of the owner; or
- (5) Within a designated off-leash area of the dog park; or
- (6) Within an electronic animal confinement system and provided they are maintained in good working order and keep the animal contained; and
 - a. Contain permanent and prominently displayed signs around the perimeter of the electronic animal confinement system. The signs shall be clearly visible prior to entering such premises and shall read: "Caution - Electronic Animal Confinement System"
- (7) It shall be the duty of every owner of an animal to ensure that the animal is kept under restraint as defined herein and that precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner.
- (8) It shall be the duty of every owner to ensure that the enclosure must be securely locked at any time the animal is left unattended, after being issued a warning or citation by the animal control officer.
- (9) It shall be the duty of every owner of a classified animal to ensure that the animal is securely and humanely enclosed within a proper enclosure as a means of restraint.

Running-at-large means any animal which is off the property of its owner and not under the control of a competent person.

Sec. 14-32. - Penalty for violation of chapter.

Any person violating any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor, except as otherwise specified, and can be punishment by fine of up to \$1,000.00 and/or twelve months in confinement. This article is promulgated pursuant to O.C.G.A. §31-19-1 et seq. and O.C.G.A. §4-8-1 et seq.

Sec. 14-33. - Citations.

Any person who violates the provisions of this chapter may be issued a citation for that violation to appear in Magistrate Court. Such a citation may be issued by an animal control officer, based upon his/her own personal knowledge or upon a sworn written statement of another person who has witnessed the violation, in which case the witness shall be subpoenaed to testify for Baldwin County in the court.

Sec. 14-34. – Cooperation with City of Milledgeville.

It is deemed to be in the best interest of the county that animal control be coordinate with the animal control ordinances and procedures of the City of Milledgeville. Therefore, the board of commissioners of the county are authorized to enter into such agreements as they deem necessary with the mayor and alderman of the City of Milledgeville to provide coordinate animal control program and to institute a joint effort for animal control with joint use of personnel, equipment, and facilities, and such further and necessary acts and agreements required to carry into full force and effect the purpose, intent, and objective of this chapter. Any such agreement currently in effect shall not be affected by the adoption of this article.

Sec. 14-35. – Enforcement.

- (1) Primary enforcement responsibility.* The primary responsibility for enforcement of this chapter shall be vested in the animal control unit.
 - a. The animal control unit shall consist of animal control officers, the number and identity of which shall be designated by the board of commissioners.
 - b. These officers shall be vested with the authority to issue citations for violation of this chapter.
 - c. The officers comprising the animal control unit may also call upon any law enforcement officer as may be necessary for the enforcement of this chapter.
- (2) Issuance of citations.* Upon information known to any officer or member the animal control unit, or the county sheriff's department that any owner or possessor of a domesticated animal is in violation of this chapter, a citation may be issued requiring the owner or possessor of such domesticated animal to appear before the judge of the magistrate court of the county on a day and time certain to stand trial for the violation of this chapter.
- (3) Right of officer to defend himself in performance of duty.* In the performance of his duties pursuant to the provisions of this chapter, any animal control officer or any law enforcement officer assisting in enforcing this chapter may use such force as is necessary to defend themselves from attack by an animal; provided, however, that all efforts shall be made to impound an attack animal without undue harm, injury or danger to the animal, the officer, or to any other persons and property.
- (4) Right of entry.* Any animal control officer and a law enforcement officer, are hereby authorized to enter upon any property for the purpose of investigating alleged violations of this chapter, or to seize and impound any animal found to be in violation of this chapter. Right of entry into a person's dwelling requires tenant/owner permission or a warrant. The animal control unit and law enforcement may use any appropriate means necessary to remove an animal in distress locked in a closed vehicle.
- (5) Testimony of witnesses.* If a violation of this chapter has not been witnessed by an officer of the animal control unit, the sheriff's department or other employee of the county, a subpoena shall be issued to the person possessing sufficient evidence of a violation requiring such person to appear on the day and time set to testify on behalf of the county.
- (6) Impoundment of animals.* Animals within any of the following classes may be impounded by the animal control unit:
 - a. Animals at large in violation of this chapter;

- b. Animals that have been abandoned;
- c. Animals subjected to inhumane treatment in violation of Chapter 14
- d. Animals which have bitten a person or animal or which have been bitten by an animal suspected of having rabies;
- e. Animals not wearing current vaccination tags;
- f. Animals suspected of having rabies; and
- g. Unconfined dogs in quarantine areas.

Sec. 14-36. - Authority to remove abused or neglected animals.

Animal control officers shall be authorized to remove or cause to have removed to a safe location any animal that appears to be abused or suffering undue pain from abuse or neglect, as may be necessary to prevent further, suffering. A law enforcement or animal control officer may use any force necessary to remove an animal locked in a closed vehicle when the ambient temperature is 75 degrees Fahrenheit or above outside the vehicle. If the vehicle is damaged during such removal, the law enforcement or animal control officer shall not be liable for any damage to the vehicle. The owner or possessor of the animal may be charged according to O.C.G.A. § 16-12-4 concerning cruelty to animals.

Sec. 14-37. - Interference with animal control officer.

It shall be unlawful to interfere with the investigation or duties of any animal control officer or officer empowered to act by law, or to take or attempt to take any animal from a county vehicle used to transport such animal, to take or attempt to take any animal from the animal control shelter or impounding area, or to otherwise seek to release any animal from the custody of the animal control unit, including but not limited to traps, holding areas, vehicles, or other like property belong to animal control.

Sec. 14-38. - Keeping of wild animals.

It shall be unlawful for any person to raise, keep or permit to be raised or kept on premises that he /she owns or controls within Baldwin County any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for fee, unless permitted by State law. This section shall not be constructed to apply to zoological parks.

Sec. 14-39. - Restraint of animals.

It shall be unlawful for any person to fail to keep any domesticated animal, excluding cats, livestock, and fowl, under restraint which is owned by or in the custody or control of such person.

Sec. 14-40. – Public Nuisance Animal.

It shall be unlawful for any owner or custodian of an animal to become a public nuisance. Any animal will be deemed to be a public nuisance animal if:

- (1) It is repeatedly found at large.
- (2) It damages the property of someone other than the owner of the animal.
- (3) It aggressively chases, attacks or bites a person while off the property of the owner.
- (4) It produces, because of quantity, manner or method in which animals are kept, unsanitary conditions.
- (5) The owner of a dog or cat fails to remove feces deposited upon public property or upon the property of another. This subsection shall not be construed as to apply to hooved animals or livestock.
- (6) A dog continuously makes excessive noises. Excessive noises shall be defined as continuous howling, barking or crying or causing unreasonable annoyance continuously for a period of one-half hour or more. For the purposes of this chapter, the dog must be within 200 feet of the property line of the complaining party.
- (7) An in-heat female dog or cat is tethered outdoors or allowed to be at large thereby attracting males of the same species.

Sec. 14-41. - Confinement of female animals in season.

It shall be unlawful for any owner or other person who has custody or control of a female animal, in season, fail to keep the female animal confined in such a manner where said female animal cannot come in contact with a male animal or the male animal cannot breach the area where the female animal is contained. This shall not apply for intentional breeding purposes.

Persons who are engaged in intentional breeding, shall abide by all Georgia Laws and standard set forth by the Georgia Department of Agriculture.

Sec. 14-42. - Animal neglect.

It shall be unlawful for any owner to fail to provide his/her animals with sufficient and wholesome food and water, with proper shelter and protection from the weather, with veterinary care when needed to prevent suffering, and with humane care and treatment.

Sec. 14-43. - Cruelty to animals.

- (1) It shall be unlawful for any person to commit acts of cruelty towards any animal; and
- (2) It shall be unlawful for any person to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cock fight, or other combat between animals or between animals and humans.

State Law reference— Dog fighting unlawful, O.C.G.A. § 26-2-160.

Sec. 14-44. - Abandonment.

It shall be unlawful for any person to abandon an animal. If an owner seeks to surrender an animal to the animal shelter, there will be no fee associated with the animal surrender.

O.C.G.A §4-11-15.1

Sec. 14-45. - Exposure of poisons.

It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that the substance is liable to be eaten by any animal; provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with raw vegetable substances.

Sec. 14-46. - Removal of waste.

It shall be unlawful for the owner of an animal to fail to immediately remove any excrement deposited by his animal on public property, walks, recreation areas or private property not owned or controlled by the owner of the animal.

Sec. 14-47. - Confinement and quarantine of biting animals.

- (1) It shall be unlawful for an animal that is known to have bitten a person not to be confined for the purpose of quarantine by a method to be determined by the county health department for a period of not less than ten days. All expenses incurred for such confinement and observation shall be paid by the owner of such animal. State law reference O.C.G.A. § 31-19 and the Georgia Rabies Control Manual.
- (2) It shall be unlawful for any such person having knowledge that a person has been bitten by such an animal, refuse to promptly notify animal control, county health officer, or law enforcement officer. All persons are required to comply with the orders of the official of the county health department in the handling and treatment of such animals, as stated in the Georgia Rabies Control Manual.
- (3) If confinement or capture of the animal is not possible or practical, the animal shall be destroyed as humanely as possible and the head shall be submitted to one of the health department's laboratories for examination for rabies, as stated in the Georgia Rabies Control Manual.

Sec. 14-48. – Vaccination of animals; Certificate of Vaccination; Vaccination tags and collars.

- (1) *Vaccination required.* The owner of a dog or cat four months of age or older shall cause such dog or cat to be vaccinated against rabies as defined by this chapter.
 - a. *Revaccination.* If such dog or cat is less than one year of age upon vaccination it shall be revaccinated at least one year from the date of the original vaccination.
 - b. *Vaccination periods.* When dogs or cats of one year of age or older are vaccinated with a vaccine approved by the state department of human resources as providing three-year protection, such animals shall be revaccinated within three years. When other approved vaccines are used, yearly inoculations shall be required.
 - c. *Vaccination by owner.* Vaccination by an owner, unless such owner is a licensed veterinarian, shall not be recognized.
 - d. *Revaccination of dogs or cats brought into county.* The owner of any dog or cat brought into the county for a permanent stay from outside the county shall cause such dog or cat to be revaccinated in accordance with this chapter.
 - e. *Certificate of vaccination for evidence of comparable procedures.* When the owner of such dog or cat produces evidence satisfactory to the animal control officer that such dog or cat has been vaccinated in a manner and by procedures comparable to the requirements of this chapter, then a county certificate of vaccination may be issued in lieu of revaccination.
 - f. *Vaccination by licensed veterinarian.* No person shall vaccinate dogs and cats against rabies who is not licensed to practice veterinary medicine in the state.
 - g. *Temporary stay requirements for dogs.* Any dog brought into the county for a temporary stay not exceeding 14 days shall be confined or on a leash at all times unless it has been vaccinated for rabies in its home jurisdiction.
 - h. Subsection 1(a) – (g) shall apply to ferrets.
- (2) *Certificate of Vaccination*
 - a. *Issuance of certificates of vaccination and vaccination tags.* Any veterinarian is authorized and required in connection with his practice to issue certificates of vaccination and vaccination tags.
 - b. *Evidence of vaccination.* Evidence of vaccination shall consist of a certification of vaccination and vaccination tag.
 - c. *Preparation of certificate.* The certificate with each item answered shall be prepared in triplicate and signed by the veterinarian administering this vaccine.
 - d. *Disposition of copies.* The veterinarian shall furnish one copy to the owner, one copy to the county rabies control officer and retain one copy for his files.
 - e. *Maintenance of records.* The certificates of vaccination furnished to the county rabies control officer by the veterinarian shall be maintained by the rabies control officer in an orderly, indexed file until such certificates have expired.
- (3) *Vaccination tags and collars*
 - a. *Issuance.* Coincident with the issuance of the certificates of vaccination, the veterinarian shall also furnish to the owner of the vaccinated dog or cat a serially numbered tag bearing the same number and year thereon as the certificate bears.

- b. *Vaccination tag to be worn.* Every dog and cat that is kept, possessed, maintained or harbored in the county at all times shall wear affixed to its collar or harness a current vaccination tag.
- c. *Unlawful removal.* It shall be unlawful for any person to attach a vaccination tag to the collar of any animal for which it was not issued, or to remove such tag from any animal.

State law reference O.C.G.A. § 31-19-7 and the Georgia Rabies Control Manual.

Sec. 14-49. - Warning notice on premises using guard dogs.

It shall be unlawful for the owner, tenant or custodian of property upon or within which a guard dog is located to fail to conspicuously and prominently post a notice on the outside of the property. Such notice shall comprise the words "Warning—Guard Dog" and shall be in clearly distinguishable block letters of either red or black on a white background which are easily read at a distance of 50 feet. In the case of a guard dog being kept inside a building or fence, such notice shall be conspicuously posted upon the building or fence at a distance not greater than 50 feet apart, as well as upon each and every entrance and exit to the building. In the case of apartments, condominiums or businesses located within a larger building where the guard dog is located within the apartment, condominium or business solely, this notice shall be conspicuously posted on each and every entrance and exit to the apartment, condominium or business.

Sec. 14-50. - Tethering.

- (1) It is the responsibility of the owner to have a dog within the property limits of the owner. The chaining and tethering of dogs to a stationary point is prohibited. When a fence or enclosure is not available, to lawfully tether a dog, the owner must ensure:
 - a. The tether may not be tied to a stationary point. The animal must be on a trolley system, swivel hook, pulley, or runner system, allowing a larger range of movement. Chains not intended for animal containment are not considered a proper tether devise.
 - b. Only one animal may be attached to each system at one time.
 - c. The tether must be attached to a harness or collar that fits the animal. No choke or pinch collars are permitted. The tether cannot be wrapped around the animal neck or connected to itself to contain the animal.
 - d. Animals that are tethered must have access to food, water, and shelter meeting the standards in section 14-31. Additionally, the animal shall have the ability to move freely in the containment area and be free from any impeding obstacles.
 - e. Owners are prohibited from tethering an animal in weather conditions that cause immediate imminent threat to the animal's physical well-being.
 - f. The tether must be at least four times the length of the dog, weighing no more than 25 percent of its body weight.
 - g. The animal must not be injured or showing any signs of discomfort or it must be temporarily removed from the tether until resolved.
- (2) Animal control has the authority to inspect and determine adherence to the policy.
- (3) Any person convicted of violating this section is subject to penalties in section 14-32.

Sec. 14-51. - Limiting ownership.

- (1) Any person convicted of cruelty, neglect or abandonment of animal shall not be allowed to adopt an animal from an animal shelter or rescue for at least three years after the date of conviction, without written waiver from the county commissioners; and
- (2) Any person who has been convicted of cruelty, neglect or abandonment of animal as provided in this Code and has been required to or voluntarily relinquished ownership of said animal, shall not be allowed to own a pet in their household for at least three years from the date of conviction; and
- (3) Any person who has been convicted of failure to keep animal under restraint while on owner's property as provided in this Code and has been required to provide additional confinement requirements and had not complied with the court's order, shall not be allowed to own a pet in their household for at least three years from the date of conviction.

Sec. 14-52. - Aggressive dogs.

No person shall in any area zoned for residential use engage in the business of training dogs to attack humans or maintain dogs which are being trained to attack humans unless such use is expressly permitted under the applicable zoning regulations in effect for such residential area.

Sec. 14-53. - Dead animals.

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

Sec. 14-54. - Feeding of stray (feral) cats.

It shall be unlawful for any person to feed stray and/or feral cats, where such feeding causes a nuisance to neighbors or businesses, or creates a condition contrary to the health, safety and welfare of the community. This excludes community cats.

Sec. 14-55. – Animals injuring or destroying property of others.

It shall be unlawful for any owner of an animal to allow said animal to engage in behavior that injures or destroys any real or personal property of any description belonging to another.

Sec. 14.56 - Liability of county.

Pursuant to state law, under no circumstances shall the county or any employee or official of the county be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

ARTICLE II. - IMPOUNDMENT

Sec. 14-57. - Animals subject to impoundment.

Any animal that is out of control or unattended or otherwise in violation of this ordinance, whether or not the animal is on private or public property, may be impounded by the animal control officer in accordance with rules and regulations adopted pursuant to this article. Any animal control officer may at his or her discretion not impound a dog or other animal found in violation of this chapter but may instead return the animal to its rightful owner.

Sec. 14-58. - Redemption of impounded animals.

It shall be the duty of the animal control officer to notify the owner, if the owner is known or can be reasonably ascertained, of every animal impounded, by telephone, if possible, or by mail, within two working days of the impoundment. The owner of any animal impounded may claim and take custody of the animal within four working days of such impoundment by the payment of an impoundment fee, plus the boarding fee and providing proof of rabies inoculation. If an animal is not claimed by the owner within four days, animal control has the authority to dispose of said animal provided in section 14-62.

Sec. 14-59. - Impoundment fee.

- (1) All fees for impoundment under this article shall be set from time to time by the Baldwin County Board of Commissioners. Impoundment fees are separate and distinct from penalties for violations of any part of this chapter.
- (2) Effective January 31, 2021 impoundment fees shall be as follows:
 - a. First offense, \$50.00 (includes registration and microchip of animal)
 - b. Second offense for the same animal, \$100.00
 - c. Third and subsequent offense for the same animal, \$250.00.

Sec. 14-60. - Disposition of unclaimed animals.

The animal control officer shall be authorized to dispose of any animal impounded under this article in as humane and painless a manner as possible, or to donate any animal to a public or nonprofit institution or agency, if such animal has remained unclaimed for the prescribed period of time or if it has been injured and is suffering or in great pain and such animal does not display an identification tag and no determination of the owner can be made from a reasonable investigation. The disposal of any animal as provided in this section does not relieve the owner of any liability for any violation of this chapter. If the owner of any animal is known or ascertainable, but for a valid reason cannot be reached within the four working day period, the animal control officer shall be authorized to hold the animal until such time as the owner can be reached.

Sec. 14-61. – Adoption Procedures

After a dog or cat becomes the property of the county, the animal control department may offer the animal for adoption provided that the person adopting the dog or cat complete an application

and is approved through the adoption policy/procedure and shall pay an associated adoption fee. These costs cover the mandatory rabies vaccination, microchip, and mandatory spay or neuter procedure, as required by state law O.C.G.A §4-14-3.

Sec. 14-62 – Liability of county, officers, and employees.

The county, the animal control unit and its officers shall not be held responsible or liable for any accidents, diseases, injuries or deaths to any animal while being impounded or boarded at the animal shelter. Furthermore, the county, the animal control unit and its officers shall not be responsible or liable in any way for the health, welfare or actions of an animal after its adoption.

ARTICLE III. - RESPONSIBLE DOG OWNERSHIP

Sec. 14-63. – Definitions.

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

Altered means it shall be the duty of the owner of a dog or cat declared by an authority or court of competent jurisdiction to be a potentially dangerous, dangerous or vicious animal, to have the animal surgically sterilized. Such sterilization must be performed by a licensed veterinarian within 30 days of a final order of an authority or court of competent jurisdiction declaring the animal to be a potentially dangerous animal, dangerous animal, or vicious animal.

Classified animal means any animal that has been classified as either dangerous or vicious animal pursuant to this article. Classifications are permanent until the death of the animal.

Dangerous dog means any dog that:

- (1) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph.
- (2) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or
- (3) While off the owner's property kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog; where certain conditions apply, or
- (4) Has previously been found to be a potentially dangerous animal and has repeated the same behavior under potentially dangerous animal subsections (1), (2), or (3).

Fence means any structure of wire, being 16 gauge or higher, wood, stone or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence shall be sufficient to prevent the animal from being able to jump,

dig, or escape from confinement; and shall have slats installed for chain link if it is the only barrier to contain a dangerous/vicious animal.

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

Pen means a pad locked, fenced area within a perimeter fenced area that has secure sides that are buried two feet in to the ground or sunken in concrete and a secure top.

Potentially dangerous animal means any animal that:

- (1) Endangers the safety of humans; or An animal that bites or attacks a person or pet animal without causing injury; or
- (2) An animal that has been found "running at large" more than one time in a six-month period; or
- (3) 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.

Proper enclosure means an enclosure for keeping:

- (1) A potentially dangerous animal, while on the owners property, securely and locked confined indoors or in a securely enclosed pad locked fenced in area. Such enclosure shall be suitable to prevent the entry of young children and designed to prevent the animal from escaping. 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 animal's escape from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.
- (2) A dangerous animal, while on the owner's property, securely confined indoors or inside an enclosed and locked pen constructed with a fence of 16 gauge or lower, or inside a fence of 16 gauge or lower with slats inserted, if said fence is the only barrier to maintain said dangerous animal and maintained and suitable to prevent the entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top. If the animal 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 animal's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.
- (3) A vicious animal, while on the owner's property, securely confined and enclosed and locked pen, with fence 16 gauge or higher, and shall be separate from the chain link fencing and it shall have slats, and such structure shall be suitable to prevent the entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top and a secure bottom. The pen shall be constructed or secured in such a manner as to prevent the animal's escape either from over or from under the fence. Any such enclosure shall also provide protection from the

elements for the animal.

Residential lot means the lot with a dwelling located thereon, exclusive of any vacant lots adjacent thereto under the same ownership.

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 avulsion; 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.

Vicious animal means any animal that: Inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the animal's attack; or

- (1) In the opinion of a judge, presents a threat of serious harm to other animals or humans; or
- (2) Has previously attacked or bitten a human or injured a pet animal and has attacked or bitten a human or pet animal for second time; or
- (3) Has been previously classified as a dangerous animal and has attacked or bitten a human or pet animal for second time.

Sec. 14-64. - Exemptions from article.

No dog shall be classified as a potentially dangerous dog, dangerous dog or vicious dog for actions that occur while the dog is being used by law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a potentially dangerous dog, dangerous dog or 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.

Training, hunting, herding exemption from dangerous dog restraint/leash requirement:

- (1) In addition to the requirements otherwise specified by this Code section and O.C.G.A. § 4-8-29(a)(3), the person training the dog(s) must be the owner thereof, and must be in compliance with all department of natural resources requirements including without limitation:
 - a. A valid hunting license on his/her persons;
 - b. Has the consent of the property owner where he/she is hunting;
 - c. Training, hunting, herding and/or predator control cannot take place off the property of the owner thereof, unless with the express written permission and acknowledgement of dangerousness of the dog granted by the owner of the land being used; and
 - d. Only with a dog that will instantly respond to the verbal commands of the dog's owner, including without limitation a command to immediately heel and/or return to the owner.

Sec. 14-65. - Violation of article.

Except as otherwise specified in this article, any person who violates any provision of this article shall be guilty of a misdemeanor.

It shall be unlawful for an owner of a dangerous or vicious animal to leave said animal:

- (1) Unattended with minors.
- (2) A person who violates subsection (1) of this Code section shall be guilty of a misdemeanor of high and aggravated nature.
- (3) It shall be unlawful for an owner of a dangerous or vicious animal to leave said animal unattended with other pets.

Sec. 14-66 - Investigation; notice to owner.

- (1) For purposes of this section, the term:
 - a. *Authority* means a court of competent jurisdiction an animal control board or local board of health, as determined by the governing authority of a local government; provided, however, that if an authority has not been established for the jurisdiction, the owner shall be informed of the right to request a hearing from the magistrate court for such jurisdiction where the dog was found or confiscated within five days after the date shown on the notice.
 - b. *Mail* means to send by certified parcel mail or statutory overnight delivery to the recipient's last known address.
- (2) Upon receiving a report of an animal believed to be subject to classification as a potentially dangerous animal within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such animal is subject to classification as a potentially dangerous animal.
 - a. Dog control officer shall mail a dated notice within 72 hours.
 - b. Notice shall include dog control officer's determination and shall state what qualifications/regulations the owner must be in accordance with.
 - c. Shall have no appeal process under potentially dangerous classification.
 - d. If it is determined that the potentially dangerous animal shall be classified as a dangerous animal, the owner shall comply with the requirements under section for dangerous animal.
- (3) Dangerous animal or vicious animal within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such animal is subject to classification as a dangerous animal or vicious animal.
- (4) When a dog control officer determines that an animal is subject to classification as a dangerous animal or vicious animal, the dog control officer shall mail a dated notice to the animal's owner within 72 hours. Such notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing from the authority on the dog control officer's determination within five business days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the dog control officer's determination shall become effective for all purposes under this article.
- (5) When a hearing is requested by an animal owner in accordance with subsection (d) of

this section, such hearing shall be scheduled within 15 days after the request is received; provided, however, that such hearing may be continued by the authority or magistrate court for good cause shown. At least five days prior to the hearing, the authority or magistrate court conducting the hearing shall mail to the animal owner written notice of the date, time, and place of the hearing. At the hearing, the animal owner shall be given the opportunity to testify and present evidence and the authority or magistrate court conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify which only means to upgrade or downgrade classification, or overrule the dog control officer's determination.

- (6) Within ten days after the hearing, the authority or magistrate court which conducted the hearing shall mail written notice to the animal owner of its determination on the matter. If the determination is that the animal is to be euthanized pursuant to O.C.G.A. § 4-8-26, the notice shall specify the date by which the euthanasia shall occur.
- (7) Judicial review of the authority's final decision may be had in accordance with O.C.G.A. § 15-9-30.9. Judicial review of a magistrate court's final decision shall be in accordance with O.C.G.A. § 5-3-2 and costs shall be paid as provided in O.C.G.A. § 5-3-22.

Sec. 14-67. - Duties of owner; registration fee.

- (1) It shall be unlawful for an owner to have or possess within this state a potentially dangerous animal, or classified animal without a certificate of registration issued in accordance with the provisions of this Code 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.
- (2) Unless otherwise specified by this section, a certificate of registration for a potentially dangerous animal shall be issued if the dog control officer determines that the following requirements have been met:
 - a. The owner has maintained a proper enclosure for a potentially dangerous animal; and
 - b. A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the animal; and owner must provide verifiable proof of registration to the dog control officer within five business days; and shall be kept up to date; and
 - c. The animal has been altered and owner must provide verifiable proof to the dog control officer within 30 days from date of classification; and
 - d. The animal is current on rabies inoculations and provide proof and attach rabies tag to animal's collar at all times; and
 - e. The owner nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal; and no certificate of registration shall be issued to any person who has been convicted of two or more violations of this article; and no person shall be the owner of more than one potentially dangerous, or classified animal; and
 - f. Owner or lessor of said property, where owner of animal resides, must give written consent granting approval and knowledge that the resident owns a potentially dangerous animal.
 - g. Notify dog control officer upon the animal being sold, transferred ownership, died or attacked a human or pet animal with 24 hours or owner has moved.

- (3) Unless otherwise specified by this section, a certificate of registration for a dangerous animal shall be issued if the dog control officer determines that the following requirements have been met:
- a. The owner had maintained a proper enclosure designed for a dangerous animal; and
 - b. Clearly visible warning signs have been posted at or on all entrances to the pen and posted at the entrance to the premises where the animal resides; and
 - c. A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the animal; and owner must provide verifiable proof of registration to the dog control officer within five business days; and shall be kept up to date; and
 - d. The animal has been altered and owner must provide verifiable proof to the dog control officer within 30 days from classification or date of hearing; and
 - e. The animal is current on rabies inoculations and provide proof and attach rabies tag to animal's collar at all times; and
 - f. The owner nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal, or any person who has been convicted of two or more violations of this section; and no person shall be the owner of more than one potentially dangerous, or classified animal; and
 - g. The owner shall maintain 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 dangerous animal against liability for any bodily injury or property damage caused by the animal; and
 - h. No owner can keep/house a classified animal within 200 yards of any structure or manmade improvement that is an aquatic center, church, convenience store, daycare, grocery store, hospital, humane society, library, nursing home, park, playground, restaurant, school, skilled nursing unit, or walking trail, due in part to these areas being frequented by children and senior citizens, and in some cases having food present; and
 - i. Owner or lessor of said property, where owner of animal resides, must give written consent granting approval and knowledge that resident owns a potentially dangerous, dangerous, or vicious animal; and
 - j. Owner of a dangerous animal shall be charged an annual registration fee of \$300.00.
- (4) Unless otherwise specified by this section, a certificate of registration for a vicious animal shall be issued if the dog control officer determines that the following requirements have been met:
- a. The owner has maintained an enclosure designed to securely confine the animal on the owner's property in a securely pad-locked and enclosed pen; and
 - b. Clearly visible warning signs have been posted at or on all entrances to the pen and posted at the entrance to the premises where the animal resides; and
 - c. A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the animal; and owner must provide verifiable proof of registration to the dog control officer within five business days; and shall be kept up to date; and
 - d. The animal has been altered and owner must provide verifiable proof to the dog

- control officer within 30 days of classification or date of hearing; and
- e. The animal is current on rabies inoculations and provide proof and attach rabies tag to animal's collar at all times; and
 - f. The owner nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal, or any person who has been convicted of two or more violations of this section; and no person shall be the owner of more than one potentially dangerous, dangerous or vicious animal; and Owner or lessor of said property, where owner of animal resides, must give written consent granting approval and knowledge that resident owns a vicious animal.
 - g. The owner shall maintain and can provide proof of general or specific liability insurance in the amount of at least \$100,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious animal against liability for any bodily injury or property damage caused by the animal; and
 - h. No owner can keep/house a classified animal within 200 yards of any structure or manmade improvement that is an aquatic center, church, convenience store, daycare, grocery store, hospital, humane society, library, nursing home, park, playground, restaurant, school, skilled nursing unit, or walking trail, due in part to these areas being frequented by children and senior citizens, and in some cases having food present.
 - i. Owner of a vicious animal shall be charged an annual registration fee of \$300.00.
- (5) No certificate shall be issued to the owner of more than one potentially dangerous, dangerous or vicious animal nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal, or any person who has been convicted of two or more violations of this section.
- (6) No person shall be the owner of more than one potentially dangerous, dangerous, or vicious animal.
- (7) No certificate of registration for a vicious animal 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 dog fighting as provided for in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or
 - 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 O.C.G.A. § 16-13-31.1 from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.
- (8) Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a potentially dangerous, dangerous, or vicious animal, a dog control officer shall verify that the owner is continuing to comply with provisions of this article. 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.
- (9) The owner of a classified animal shall notify the dog control officer within 24 hours if the animal is on the loose or has attacked a human or attacked a pet animal and shall notify the dog control officer within 24 hours if the animal has died or has been euthanized.
- (10) A vicious animal shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.

- (11) The owner of a potentially dangerous animal or classified animal who moves from one jurisdiction to another within the State of Georgia shall register the potentially dangerous or classified animal in the new jurisdiction within ten days of becoming a resident and notify the dog control officer of the jurisdiction from which he or she moved. The owner of a similarly classified animal who moves into this state shall register the animal as required in O.C.G.A. § 4-8-27 within 30 days of becoming a resident.

Sec. 14-68. - Confinement.

It shall be unlawful for an owner of a:

- (1) Potentially dangerous animal to allow that animal outside of a proper enclosure unless that animal is:
 - a. On a leash less than four feet; and
 - b. Is under the immediate control of a person capable of preventing the animal from engaging any other human or animal when necessary; and
 - c. Flexi-leashes are not allowed.
- (2) Dangerous animal or vicious animal to allow that animal outside of a proper enclosure unless that animal is:
 - a. On a leash less than four feet; and
 - b. Is under the immediate physical control of a person capable of preventing the animal from engaging any other human or animal when necessary; and
 - c. Shall have on a wire basket muzzle at all times; and
 - d. Flexi-leashes are not allowed.

Sec. 14-69. - Confiscation of dogs.

- (1) A potentially dangerous animal, dangerous animal or vicious animal shall be immediately confiscated by any dog control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender an animal subject to confiscation shall be a violation of this article.
- (2) The owner of any animal that has been confiscated pursuant to this article may recover such animal upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by a dog control officer, an authority, as defined in O.C.G.A. § 4-8-23, or a magistrate court. 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 animal. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the animal.
- (3) In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was confiscated, such animal shall be released to an animal shelter, as such term is defined in O.C.G.A. § 4-14-2, or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

Sec. 14-70. - Liability.

Pursuant to state law, under no circumstances shall the county or any employee or official of the county be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

Sec. 14-71 - Reclassification.

- (1) (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.

Sec. 14-72. - Jurisdiction, power, and duties of magistrate courts.

- (1) In addition to any other jurisdiction vested in the magistrate courts, such courts shall have the right and power to hear cases of violations of O.C.G.A. Title 4 Chapter 8 Article 2 and to impose:
 - a. Civil penalties for such violations, other than euthanasia; and
 - b. Criminal penalties for such violations as provided by O.C.G.A. § 4-8-32.
 - c. An appeal from a decision by an animal control board or local board of health pursuant to O.C.G.A. § 4-8-23(f) shall lie in magistrate court. No appeal shall be heard in magistrate court until costs which have accrued in the tribunal below have been paid, unless the appellant files with the magistrate court or with the tribunal appealed from an affidavit stating that because of indigence he or she is unable to pay the costs on appeal. In all cases, no appeal shall be dismissed in the magistrate court because of nonpayment of the costs below until the appellant has been directed by the court to do so and has failed to comply with the court's direction.
 - d. Filing of the notice of appeal and payment of costs or filing of an affidavit as provided in subsection (b) of this Code section shall act as supersedeas, and it shall not be necessary that a supersedeas bond be filed; provided, however, that the magistrate court upon motion may at any time require that supersedeas bond with good security be given in such amount as the court may deem necessary unless the appellant files with the court an affidavit stating that because of indigence he or she is unable to give bond.