Chapter 4

ANIMAL CONTROL

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ARTICLE I. DEFINITION

Section 4.1 General Rules.

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning indicated herein. Unless the context requires otherwise, words used in the present tense include the future. All definitions shall be applicable equally to the singular and the plural, and to the male and female form of such terms. The word "shall" is mandatory; the word "may" is permissive.

Section 4.2 Word Definitions.

*Abused Animal***:** Any animal which is mistreated, beaten, tormented, or teased; or is deprived of water, food, or shelter; or is kept under unsanitary conditions; or is abandoned; or is trained for fighting other animals.

Animal: A multicellular organism of the kingdom Animalia differing from plants in certain typical characteristics, such as a capacity for locomotion, nonphotosynthetic metabolism, pronounced response to stimuli, restricted growth, and fixed bodily structure.

Animal Control Officer: The person(s) charged with enforcing this ordinance.

At Heel: A condition in which an animal is in the immediate vicinity of its owner and clearly under the voice control of that person and that control is clearly being exerted.

At-large: An animal shall be deemed at large when the animal is in any public street, right-of-way, park or other public grounds, or when off the said premises of the owner or person who has custody of said animal, and not under restraint or under the immediate control (at heel) of the owner or the person who has custody of said animal.

Cat: A feline of whatever breed and all ages.

Court: The Municipal Court of the City of Blakely.

Dangerous Dogs: Any dog that, according to the records of the Early County Sheriff's Department, the City of Blakely Police Department, and any other department or agency with jurisdiction in the incorporated areas of the City of Blakely:

1. Inflicts a severe injury on a human being without provocation on public or private property; or

2. Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner had been notified of such classification.

Dog: A canine of whatever breed and all ages.

Dog Control Officer: An individual selected by a local government pursuant to the provisions of O.C.G.A. § 4-8-22(c) to aid in the administration and enforcement of the provisions of Article VII of this ordinance.

Governing Authority: The Blakely City Council.

Guard Dog: Any dog which has been trained to attack persons independently or upon command and any dog which, while not so trained, is reasonably expected to perform as a guardian of its owner and/or the property upon and within which he is located.

Harboring: The occupant of any premises on which an animal is kept or to which it customarily returns daily for food and care for a period of 10 days or more is presumed to be

harboring or keeping the animal.

Humane Manner: Care of an animal to include protection from injury, adequate coolness and heat, ventilation, sanitary shelter, wholesome food and water which are consistent with the normal requirements, and breeding habits of the animal's size, species, and breed.

Kennel: An establishment kept for the purpose of breeding, selling, training, or boarding animals.

Local Government: Blakely, Georgia.

Nuisance: An animal shall be hereby declared to be a public nuisance if it: damages, defiles, or defecates on private property other than that of the owner of the animal or on public property (unless such waste is immediately removed and properly disposed of by the animal owner); causes an unsanitary, dangerous, or offensive condition; causes a disturbance by excessive barking or other noise making; chases vehicles; molests, attacks, or interferes with persons, other domesticated animals, or livestock; does not have proof of rabies inoculation clearly displayed, if required; is trained, owned, or harbored for the purpose, primary or in part, of animal fighting; or is contrary to the public health, welfare, or safety according to the rules and regulations promulgated by the City of Blakely, which rules and regulations are incorporated herein and made a part hereof as if fully set out herein. Any person who knowingly keeps, owns, harbors, or acts as custodian of an animal constituting a nuisance shall be guilty of a violation of this ordinance and shall be treated accordingly.

Owner: 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 control of an animal within the city limits of the City of Blakely.

Poison: A substance that through its chemical action usually kills, injures, or impairs an organism.

Potentially Dangerous Dogs: Any dog that bites a human being or other domesticated animal without provocation on public or private property or any dog that behaves in a threatening or aggressive manner and attempts to cause severe injury to a human being or behaves in a manner that places a human being in reasonable apprehension of receiving severe injury.

Pound: Those premises designated by the City Council for the purpose of holding and caring for animals found to be at large by those persons charged with the enforcement of these regulations.

Proper Enclosure: An enclosure for keeping a 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 a secure top, and, if the dog is enclosed with a fence, all sides of the fence

shall be of sufficient height and the bottom of the fence shall be constructed in such a manner to prevent the dogs escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog".

Rabies Vaccination: Inoculation of an animal with an approved rabies vaccine.

Severe Injury: Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

Under Restraint: Secured by a leash or lead not to exceed six feet in length and held by a responsible, able-bodied person.

Sections 4.3 - 4.9 Reserved.

ARTICLE II. GENERAL REGULATIONS

Section 4.10 Rights of Officials to Enter Premises.

a. Whenever an Animal Control Officer, a representative from the Early County Health Department or its authorized representative, any law enforcement officer, or other City or County official has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this ordinance or other applicable law, or whenever it is necessary for such official to make an inspection to enforce any provisions or perform any duty imposed by this ordinance or any other applicable law, such person shall have the right to enter such property at any reasonable time to inspect and perform any duty imposed by this ordinance or another applicable law; provided, that:

1. If such property be occupied, such person entering shall first present proper credentials to the occupant and request entry explaining the reason therefor; and

2. If such property be unoccupied, such person entering shall first make a reasonable effort to locate the owner or the person having charge or control of the property and request entry, explaining the reason therefor, and

3. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, recourse shall be had to every remedy provided by law to secure lawful entry and inspection of the property.

b. Nothing in this section shall affect or otherwise abridge the right of any Animal Control Officer to pursue or impound an animal or to issue a citation when an animal is on property other than that of the owner of the animal or that of a person who has a right to control such animal.

Section 4.11 Rights of Officials for Emergency Entry.

If an Animal Control Officer, Health Department representative, any law enforcement officer, or other City or County official has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe, or dangerous as to require immediate inspection to save the animal or protect the public health or safety, such person shall have the right to immediately enter and inspect such property and may use reasonable means required to effect such entry and make inspection whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, such person shall first present proper credentials to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection. Failure or refusal to permit inspection hereunder shall constitute a misdemeanor.

Section 4.12 Interference with Officials Prohibited.

No person shall resist or interfere with an Animal Control Officer or any other City or county official in the performance of his/her official duty in enforcing this ordinance; nor shall any person fail or refuse to exhibit the vaccination certificate of any animal required to be vaccinated by this ordinance when required to do so by any Animal Control Officer or other City or county official.

Section 4.13 Dead Animals--Removal from Public Rights-of-Way.

The owner of dead animals upon the public rights-of-way shall remove the same so as not to constitute a nuisance. If the owner fails to do so, the City shall remove such carcass from the public rights-of-way and dispose of same and charge the cost of such removal and disposal to the owner or the carcass, if known.

Section 4.14 Abandonment of Dead Animals upon Public Property or Public Rights-of Way.

No person shall abandon a dead animal on any public property or public right-of-way unless the place in which the animal is being left is a public dump or other facility designed for receiving such and had been designated by the City of Blakely as a public facility for receiving trash or refuse.

Section 4.15 Dead Animals--Removal from Private Property.

When any animal is found on private property, the owner of the dead animal or the owner of the premises upon which such animal is located shall remove the same immediately and shall be responsible for all costs of such removal. Failure to do so in a timely manner is hereby declared a nuisance and constitutes a violation of this ordinance.

Section 4.16 Abandonment of Dead Animals upon Private Property.

No person shall intentionally abandon a dead animal on any private property belonging to another unless the person so doing shall have first obtained permission from the owner of the property on which the animal is being left.

Section 4.17 Livestock Prohibited in City Limits.

It shall be unlawful for any person to keep within the corporate limits of the City of Blakely any hog, mule, sheep, goat, cow, poultry, fowl, or other livestock. Horsed shall be permitted within the City of Blakely provided that the tract of property on which the horses are kept is a minimum of two (2) acres per horse in size. Notwithstanding any provision contained herein, no animal may be kept within the City of Blakely in any matter that constitutes a nuisance.

Section 4.18 Livestock Prohibited on Public Rights-of-Way.

No one shall allow or permit any horses, mules, cattle, hogs, poultry, fowl, sheep, goats, or other livestock to run at large on public rights-of-way or to be staked, tied, guarded, or minded so that they can go upon public rights-of-way; or to drive or lead any such animals along or on the public rights-of-way unless fastened to a rope, chain, or other substantial leading device, which such device is securely held by a responsible person during all the time that such animals are being led or drive along and over the public rights-of-way.

Section 4.19 Abandonment of Animals.

No person shall release an animal on any public or private property with the intention of abandoning the animal.

Section 4.20 Liability of Owner or Custodian for Damages to Livestock and Poultry by an Animal.

a. The owner, or if no owner can be found, the custodian exercising care and control over any animal which goes upon land of another and causes injury, death, or damage directly or indirectly to any livestock or poultry shall be civilly liable to the owner of the livestock or poultry for damages, death, or injury caused by the animal. The liability of the owner or custodian of the dog shall include consequential damages.

b. This section is to be considered cumulative of other remedies provided by law. There is no intent to do away with or limit other causes of an action which might inure to the owner of any livestock or poultry.

Section 4.21 Permitting Animals in Heat to Roam or Run Free.

No owner or custodian of any animal in heat shall permit the animal to roam free. Such animal shall be confined in a building or securely enclosed in a manner that shall not allow contact with a non-neutered male animal except for planned breeding.

Sections 4.22 - 4.29 Reserved.

ARTICLE III. CONFINEMENT, VACCINATION REQUIREMENTS, AND PROHIBITED CONDITIONS

Section 4.30 At-Large Animals Constitute a Nuisance.

a. No person owning, having an interest in, harboring, or having the care, charge, control, or possession of any animal shall permit or allow it (either willfully or through failure to exercise due care of control) to be, remain, go, or run at large upon a public right-of-way, park or other public space, or any open lot of land in the City other than on the property of the said animal's owner. The presence of any animal upon a public right-of-way, park or other public space, or upon any open lot or land in the City other than on the property of the said animal's owner, is hereby declared to be a nuisance and dangerous to the public health and safety.

b. The owner or keeper of each dog or cat in the City shall keep it from becoming a nuisance and from endangering or injuring any person or property. All dogs shall be maintained in a proper enclosure except when secured by leash or lead not to exceed six (6) feet in length and held by a responsible, able bodied person.

c. All animals found to be in violation of this ordinance may be impounded in the manner prescribed in this ordinance.

Section 4.31 Vaccination of Animals Required.

It shall be unlawful for any person to own, keep, or harbor any canine or feline which has not been vaccinated against rabies as required by the rules and regulations established in accordance with O.C.G.A. § 31-19-5. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of vaccination tag issued, date of vaccination, date the animal shall be re-vaccinated, type and lot number of the vaccine administered, and the signature of the person administering the vaccine. The certificate shall be prepared in triplicate, the original given to the owner, the first copy filed in the office of the Early County Board of Health, and the second copy retained by the person administering the vaccine. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Georgia or by another person qualified under state law for that purpose.

Section 4.32 Proof of Vaccination.

Animals required to be vaccinated under Section 4.31 above shall wear the vaccination tag issued for the current year in a clearly visible location.

Section 4.33 Display of Vaccination Certificate upon Demand.

No person keeping or harboring an animal shall fail or refuse to exhibit a certificate of

vaccination required by this ordinance upon demand of the Animal Control Officer, Health Department representative, police officer, or any other City or county official.

Section 4.34 Prohibited Conditions.

a. No person shall allow any animal over which they have custody or control to remain on their property or premises if the same shall constitute a nuisance as defined in this ordinance.

b. In City zoning districts, except AG, agriculture, it shall be unlawful for any person to keep or maintain any pen or enclosure for any animal within 25 feet of any property line. This paragraph is intended to apply to kennels, pens, and other enclosures. Fenced or walled yards are not required to have such fence or wall setback 25 feet from property. Perimeter fence is not affected by the 25-foot minimum setback.

c. No person shall permanently harness or tether an animal.

Sections 4.35 - 4.39 Reserved.

ARTICLE IV. IMPOUNDMENT OF ANIMALS

Section 4.40 Impoundment of Animals Running At-Large.

a. It shall be the duty of the Animal Control Officer to apprehend any animal found running at large contrary to the provisions of this ordinance and impound such animals in the animal shelter designated by the City Council.

b. All animals impounded by the City shall be held until claimed by the owner or a minimum of five (5) business days to include the day the animal was impounded, whichever comes first. Longer periods of custody may be used if in the opinion of the Animal Control Officer the animal is likely to be claimed by its owner or a new owner will be found, provided that in either case there is a reasonable expectation that the fees, fines, or other charges provided for herein will be paid.

c. Any animal not claimed within the time limits provided above shall become the property of the City and the City's animal shelter may dispose of such animals humanely in accordance with their regulations and policies.

d. In lieu of impounding an animal found at large, the Animal Control Officer, upon determining the owner, may return the animal to the owner (if able to apprehend said animal) and issue a summons requiring the owner to appear in the court of jurisdiction for violation of this ordinance. Said summons may be issued without apprehending the animal if the owner of said animal can be identified.

e. It shall be the responsibility of the Animal Control Officer to make reasonable efforts to ascertain the owner of each impounded animal as soon as possible after taking it into custody. If the owner is identified, a reasonably expeditious effort shall be made to notify said owner of the impoundment of the animal and make the owner aware of the City's animal control laws, the period of impounding, charges to be made, and any fees owed the City.

Section 4.41 Reclamation of Impounded Animals.

a. Any person may make application to the City of Blakely for the return of any animal impounded therein and upon presentation of proof satisfactory to the City that such person is rightly entitled to the possession of such animal may recover it upon presentation of a $25 impoundment fee plus fees to be fixed by the City Council.

b. No animal shall be released to a potential new owner prior to the end of the impoundment period stipulated in Section 4.40, paragraph B.

c. If, after consultation with a licensed veterinarian, an animal is determined to have a terminal illness, a potentially lethal wound or (in the case of an animal whose owner has not been

identified) a communicable disease, such animal shall be disposed of by humane methods without regard to the specified holding period.

d. Enforcement personnel following the procedures proscribed in this ordinance shall not be held liable for the disposal of any animal.

e. Should any animal impounded under this ordinance not be reclaimed by the owner within the time prescribed in Section 4.40, paragraph B, a new owner may be found; provided, however, the new owner shall pay those fees required under this ordinance and shall have the animal spayed or neutered upon taking possession.

Section 4.42 Proof of Rabies Vaccine Required Prior to Release.

No animal required to be vaccinated for rabies shall be released from impoundment prior to showing proof of a current rabies inoculation. If said animal has not had a current rabies vaccine or it cannot be shown that it has a current rabies vaccine, the animal shall be vaccinated prior to being released. The owner of the animal shall be responsible for the costs of the vaccination.

Section 4.43 Physical Facilities.

a. The animal shelter for the City of Blakely shall be located at a place designated by the City Council.

b. The facilities shall be constructed so as to provide security for the citizens of the surrounding area and for the animals under impoundment.

c. Facilities for sanitary storage of feed and secure storage of medicines and other chemicals shall be provided.

d. Facilities for the humane destruction of animals or fowl and the appropriate means for disposal of the remains shall be provided.

Section 4.44 Care of Animals Under Impoundment.

Animals under impoundment shall be treated in a humane manner. They shall be provided reasonable protection from extremes in weather. Animals suspected of having a communicable disease shall be isolated from the remainder of the animal population. Each animal shall be fed an adequate amount of food at least once per day and shall have fresh water available at all reasonable times.

Section 4.45 Records.

Records shall be kept at the pound and will, at a minimum, include a description of each

animal, the date and time it was taken into custody, notations as to efforts to identify and notify the owner, rabies inoculation status, and any other pertinent medical information, to whom released, the charges assessed and by whom laid, and if not released, the date of disposal.

Section 4.46 Impoundment Fees.

The City Council may establish fees for the apprehension of any animals running at large, for the impoundment of animals at the City's animal shelter, for the redemption of animals impounded under the provisions of this ordinance and for the disposal of animals not claimed or adopted. Such fees shall be sufficient for the City to recover the costs incurred in the administration of this ordinance. These fees, if any, shall be in addition to any fee charged to the animal owner by the veterinary serving as the City of Blakely animal shelter or any fine assessed by the court for violations of this ordinance.

Sections 4.47 - 4.49 Reserved.

ARTICLE V. PROTECTION AGAINST RABIES

Section 4.50 Report of Animal Bite Required.

It shall be the duty of every person bitten by an animal to report immediately to the Early County Health Department giving his full name, age, and address; the circumstances surrounding the bite and the extent of the bite; the medical treatment given; and the name and address of the owner or custodian of the animal.

Section 4.51 Report of Animal Bite Required by Owner of Animal.

It shall be the duty of every person owning or having custody of an animal which has bitten a human being to report the same to the Early County Health Department and confine the animal in a secure enclosure for observation and examination by the Animal Control Officer and/or representatives of the Early County Health Department. No person having the custody or possession of such animal shall fail, refuse, or neglect to immediately notify the City of Blakely, or shall fail, refuse, or neglect to allow the Animal Control Official and/or a representative from the Early County Health Department to make an inspection or examination of such animal for the purpose of determining whether such animal has rabies.

Section 4.52 Bite Report Required by Those Providing Care.

It shall be the duty of every physician to report immediately to the Early County Health Department the full name, age, and address of any person under his care or observation who has been bitten by an animal in the City of Blakely. If no physician is in attendance and the person is a child, it shall be the duty of the parent or guardian to make such report immediately. If the person is an adult, such person shall make the report, or if incapacitated, it shall be made by whoever is caring for the person bitten.

Section 4.53 Reporting Animals Suspected of Having Rabies.

It shall be the duty of every person having knowledge of the existence of an animal apparently afflicted with rabies to report immediately to the Early County Health Department and the City of Blakely the existence and description of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

Section 4.54 Reporting of Suspected Rabies Cases by Owners.

Whenever the owner or person having custody or possession of any animal shall observe or learn that such animal has shown symptoms of rabies or has acted in a manner which would lead to a reasonable suspicion that it might have rabies, such owner or person shall immediately notify the City of Blakely and shall allow the Animal Control Officer and/or a representative of the Early County Health Department to make an inspection or examination of such animal until it shall be

established that such animal does or does not have rabies.

Section 4.55 Disposition of Body of Suspected Rabies Cases.

It shall be the duty of the owner or person having custody of any animal suspected of having rabies to surrender the carcass of the animal, or such portion of the carcass as may be requested, to the Animal Control Officer after the death of the animal.

Section 4.56 Veterinarian to Quarantine Suspected Rabies Cases.

All veterinarians treating an animal indicating symptoms of rabies shall hold such animal in quarantine until the disposition of said animal by the Animal Control Officer.

Section 4.57 Report of Animal Biting Animal Required.

It shall be the duty of every person having knowledge of any animal that bites another animal to report immediately to the Early County Health Department the existence and description of such animal; the owner's name, if known; the place where the biting incident occurred; a description of the bitten animal; and the name of its owner, if known.

Section 4.58 Management of Animals that Scratch or Bite Humans.

a. Dogs and Cats. A healthy dog or cat that bites or scratches a person or another animal should be confined and observed for 10 days. This required quarantine applies to dogs and cats only. Rabies vaccine should not be administered during the observation period. While in confinement, any signs of illness should be evaluated by a licensed veterinarian. The place of confinement shall be at the veterinarian clinic or agency designated by the City of Blakely as the animal shelter at the expense of the owner or person having custody or possession of the animal, the veterinarian chosen by the owner or person having the custody or possession of the animal at said owner's expense, or any other confinement location so designated and approved by the City of Blakely. If symptoms suggestive of rabies are observed, the animal should be humanely killed, and a specimen should be submitted to a qualified laboratory for testing. If the animal dies during the quarantine period, the specimen should be submitted immediately for rabies testing.

b. Stray Domestic Animals and Other Species. Any stray or unwanted animal that bites or scratches a person or domestic animal may be humanely euthanized and a specimen submitted for testing. Animals other than dogs or cats that bite or scratch a person and are suspected of being rabid should immediately be reported to the Early County Health Department. Management of animals other than dogs and cats is dependent on the animal species, the circumstances of the bite, and the epidemiology of rabies in the area and shall be at the discretion of the Animal Control Officer or the Early County Health Department or their authorized representative.

c. Livestock. Cattle, horses, mules, donkeys, goats, swine, and sheep are not likely to

be carriers of rabies. Treatment will be weighed against the circumstances of exposure by the Animal Control Officer or the Early County Health Department or their authorized representative. If at the time of exposure the animal is clinically ill with signs suggestive of rabies, the Animal Control Officer or his authorized representative, or an authorized representative from the Early County Health Department will immediately and humanely kill the animal and a specimen will be submitted to a qualified laboratory for testing. The cost of testing will be the responsibility of the animal owner, if known.

Section 4.59 Management of Animals Exposed to Rabies.

Any animal bitten or scratched by a bat or wild carnivorous mammal (particularly bobcat, raccoon, fox, skunk, or coyote) which is not available for testing should be considered exposed to rabies.

a. Unvaccinated Dogs and Cats Exposed to Rabies. Unvaccinated or unwanted dogs and cats bitten or scratched by a known or potentially rabid animal should be humanely euthanized immediately. If the owner or the animal is unwilling to have this done (upon approval of the Department Head of the Early County Health Department and the City of Blakely) the exposed animal must be placed in strict isolation for six months and vaccinated one month prior to being released. The responsibility for isolation of an exposed unvaccinated animal remains with the owner. The animal must be kept in a pen that has been built to the specifications of the State of Georgia Rabies Control Manual Appendix "C", and approved by the Department Head of Early County Health Department and the City of Blakely. Additionally, a second fence 18-24 inches in distance from the inner pen must be erected around the perimeter to guarantee complete isolation of the quarantined animal from other animals and human contact. The total construction costs of this confinement area is the sole responsibility of the pet owner. Previously vaccinated dogs and cats whose rabies vaccination has lapsed from more than 30 days are considered unvaccinated and will be treated as such.

b. Vaccinated Dogs and Cats Exposed to Rabies. Dogs and cats that are currently vaccinated (vaccinated at least one month prior to exposure) should be re-vaccinated immediately, confined, and observed for a period of time required by the Early County Health Department. Confinement must be coordinated with and approved by the Early County Health Department.

c. Livestock Exposed to Rabies. Vaccinated livestock (vaccinated by a licensed veterinarian with a USDA approved vaccine for that species at least 30 days prior to the attack) bitten by a rabid animal should be re-vaccinated immediately, confined, and observed for 45 days. Confinement must be coordinated with and approved by Early County Health Department.

d. Other Animals Exposed to Rabies. Unvaccinated animals bitten by a rabid animal should be euthanized immediately. If an animal has been vaccinated with a USDA approved vaccine for that species, the animal must be re-vaccinated immediately and placed in confinement for a minimum of 90 days. Confinement must be coordinated with and approved by Early County Health

Department.

Section 4.60 Quarantine of Area of City.

Whenever in the judgment of the City Council, after consultation with the Early County Health Department, the public health and safety so require, the Council shall declare and establish a quarantine zone or area consisting of the whole or any part of the City and maintain such quarantine therein until such time as they may deem it advisable to lift the same. During the existence of such quarantine, it shall be unlawful for any person to violate any of the rules and regulations proscribed by the City Council with reference to such quarantine.

Section 4.61 Retention of Animals Suspected of Having Rabies.

a. If the Animal Control Officer or pound keeper operating a pound for the City suspects that any animal impounded has rabies, he or she shall notify the Early County Health Department. A qualified veterinarian shall examine such animal and if they believe such animal should be held for future observation, they shall so inform the Animal Control Officer.

b. If an animal is found to be afflicted with rabies, the Animal Control Officer or agency operating the pound for the City shall confine said animal as directed.

c. If an animal does not have rabies, the Animal Control Officer or agency operating a pound for the City shall release it or dispose of it in the manner proscribed in this ordinance.

Section 4.62 Animal Exposed to Rabies Barred from City.

No person shall bring any animal into the City in which rabies has been present within six months prior thereto.

Sections 4.63 - 4.69 Reserved.

ARTICLE VI. CRUELTY AND NEGLECT TO ANIMALS

Section 4.70 Cruelty and Neglect to Animals Prohibited.

No animal in the incorporated areas of the City shall be subject to cruelty and/or neglect as outlined in this section.

a. It shall be unlawful for any person to perform a cruel act on any animal; nor shall any person harm, main, or kill any domestic animal, or attempt to do so, except that a person may:

1. Defend his person or property, or the person or property of another, from injury or damage being caused by an animal; or

2. Kill any animal causing injury or damage to any livestock or poultry.

b. The method used for killing the animal in the situations outlined in item A above shall be designed to be as humane as is possible under the circumstances. A person who humanely kills an animal under the circumstances indicated in item A of this article shall incur no liability for such death.

c. This section shall not be construed to limit in any way the authority or duty of any law enforcement officer or Animal Control Officer.

d. It shall be the duty of the animal owner, caretaker, or possessor to provide adequate shelter, food, water, and sanitary conditions at all times; and to provide necessary medical care including, but not limited to, the required annual rabies inoculation. Failure to comply with this section constitutes neglect and is a violation of this ordinance.

e. Any violation of this section shall be enforced as outlined in Article VIII of this ordinance.

Section 4.71 Confiscation of Suspected Abused Animals.

If an Animal Control Officer and/or any law enforcement officer has reasonable cause to believe that any animal is subject to abuse as defined in this ordinance, he shall confiscate and impound the animal pending the conclusion of an investigation. Said investigation shall be completed prior to the end of the seventh business day, at which time a finding shall be issued by the Animal Control Officer. If a finding is made that the animal is being abused, cruelty to animal charges shall be filed against the owner and the animal will become the property of the City of Blakely. In the event that a determination is reached that the animal is not being abused, the animal will be returned to its owner, and follow-up investigations may be conducted by the Animal Control Officer at the discretion of the Animal Control Officer. The responsibility for costs related to the confiscation and impoundment during the investigation will rest with the owner, regardless of the

determination reached.

Section 4.72 Protection of City Officials, Citizens, and Animals.

Notwithstanding the provisions of Section 4.70, any animal found at large in violation of this ordinance, which cannot be safely impounded or poses a real threat to City officials, citizens, other domesticated animals, or livestock, may be slain by any police officer or Animal Control Officer. Such measures shall only be used when tranquilizing the animal fails or there is a significant risk of immediate danger.

Sections 4.73 - 4.79 Reserved.

ARTICLE VII. DANGEROUS DOGS.

Section 4.80 Dangerous Dogs.

Article VII of the Animal Control Ordinance is passed under the authority of and in compliance with O.C.G.A. § 10-8-20, et seq. The purpose of this ordinance is to clearly define local government responsibility, as well as limit the administrative and liability burdens upon the City of Blakely with regard to potentially dangerous and dangerous dogs.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a dangerous dog or a potentially dangerous dog within the meaning of this article. A dog shall not be a dangerous dog or a potentially dog within the meaning of this article if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

Section 4.81 Designation of a Dog Control Officer.

The Animal Control Officer of the City of Blakely, Georgia shall also be designated as the "Dog Control Officer" for purposes of Article VII of the Animal Control Ordinance. It shall be the Dog Control Officer's duty to investigate and classify as appropriate suspected dangerous or potentially dangerous dogs. However, the Dog Control Officer's duty of investigation and classification arises only when a report of an occurrence warranting said classification occurs in the incorporated portions of the City of Blakely from any law enforcement agency, rabies control office, County or State Board of Health, or a written report by a citizens of the City of Blakely.

Section 4.82 Responsibilities of Dog Control Officer.

a. Upon receiving a report that a dog has acted in a dangerous or potentially dangerous manner, the Dog Control Officer shall investigate the allegations and make a determination as to the truthfulness of said allegations. After concluding the investigation, the Dog Control Officer shall:

1. Decide the classification of the dog as dangerous or potentially dangerous is not required.

2. Classify the dog as potentially dangerous, or

3. Classify the dog as dangerous.

b. In the event that the Dog Control Officer classifies the dog under investigation as "dangerous" or "potentially dangerous," the Dog Control Officer must notify the owner(s) by certified mail. The notice shall include a summary of the reason for which the animal has been

classified and provide the owners with a form to request a hearing to contest the classification within 15 days of the notice date. If no hearing is requested, the dog's classification goes into effect on the fifteenth day.

c. An owner who requests a hearing shall be provided a hearing before the City Council within 30 days. The owners must be notified of the hearing date, time, and location by certified mail. The hearing shall be conducted such that owners have the opportunity to present their testimony, cross examine witnesses, and present evidence. The City Council shall receive such other evidence and hear such other testimony as is reasonably necessary to make a determination to either sustain, modify, or overrule the Dog Control Officer's classification of the dog. Within 10 days after the hearing, the City Council shall make a final determination as to the classification of the dog and provide notice of its determination by certified mail to the owners. In the event that the City Council, after a hearing, classifies a dog as "dangerous" or "potentially dangerous," the effective date of such classification, which shall be the date the decision is made, must be given.

Section 4.83 Animal Owner Responsibilities.

a. The owner of any dog which has been classified as "dangerous" or "potentially dangerous" must register said dog with the City on an annual basis. Failure to register a "dangerous" or "potentially dangerous" dog on an annual basis shall be grounds for confiscation of the dog or dogs by the Dog Control Officer. In order to obtain registration or re-registration of such an animal, owners must present or provide evidence to the Dog Control officer of the following requirements:

1. Proof of proper enclosure adequate to confine the dog, i.e., a pen, fence, or structure that prevents the dog from escaping and children from coming into contact with the dog. The enclosure must also protect the dog from the elements;

2. Proof that uniform warning sign is present on the owner's premises. The warning sign may be obtained from the Department of Natural Resources and shall be available through the City. Dog owner signs must conform to the Department of Natural Resources Uniform Design.

3. For dangerous dogs only, liability insurance of at least $15,000;

4. For dangerous dogs only, a surety bond in the amount of $15,000.

b. A person applying for registration or re-registration of a dangerous or potentially dangerous dog shall pay an annual registration fee of $100.

c. Owners of classified dogs must notify the Dog Control Officer within 210 hours if the dog is on the loose, unconfined, has attacked a person, has died, or been sold or donated. If the dog has been sold or donated, the owner shall also provide the Dog Control Officer with the name,

address, and telephone number of the new owner of the dog. Failure to so notify the Dog Control Officer shall be grounds for confiscation of said dog.

d. An owner of a classified dog shall keep the dog in a proper enclosure unless restrained by a strong leash and accompanied by a responsible person. Dangerous dogs when not adequately enclosed must also be muzzled when outside the enclosure. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person. Violation of this provision, in addition to constituting a misdemeanor, shall be grounds for confiscation of the dog.

e. An owner of a classified dog shall notify the Dog Control Officer when moving from the jurisdiction of the City of Blakely. Failure of the owner to comply with this provision, in addition to being a misdemeanor hereunder shall be grounds for confiscation of the dog.

f. Any owner of a dog which has been classified as a dangerous or potentially dangerous dog, or similarly classified, in another jurisdiction within this state must notify the Dog Control Officer of the City of Blakely within 10 days of residency. Violation of this provision, in addition to being a misdemeanor, shall be grounds for confiscation of the dog.

g. Any owner of a dog meeting the classification requirements hereunder moving into the City of Blakely from outside the State of Georgia must notify the Dog Control Officer within 30 days of residency. Violation of this provision, in addition to being a misdemeanor, shall be grounds for confiscation of the dog.

h. The Dog Control Officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.

i. Issuance of a certificate of registration or the renewal of a certificate of registration by the City of Blakely does not warrant or guarantee that the requirements specified in this article are maintained by the owner of a dangerous dog or a potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

Section 4.84 Confiscation of Dogs; Grounds; Disposition.

a. A dangerous dog shall be immediately confiscated by the Dog Control Officer or by a law enforcement officer if the:

1. Owner of the dog does not secure the liability insurance or bond required by this article;

2. Dog is not validly registered as required by this article;

3. Dog is not maintained in a proper enclosure; or

4. Dog is outside a proper enclosure in violation of this article.

b. A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

1. Not validly registered as required by this article;

2. Not maintained in a proper enclosure; or

3. Outside a proper enclosure in violation of this article.

c. Any dog that has been confiscated under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of the costs to the City and/or county for confiscating and boarding the dog. In the event the owner has not complied with the provisions of this article within four days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner. The costs for confiscating, boarding, and disposal of said dog shall remain the responsibility of the owner of the dog.

Section 4.85 Limits of City Liability.

It is the intent of this article that the owner of a dangerous dog or potentially dangerous dog shall be solely liable for any injury to or death of a person caused by such dog. Under no circumstances shall the City of Blakely or any of its employees or officials which enforce or fail to enforce the provisions of this article be held liable for any damages to any person who suffers an injury inflicted by a dog that has been identified as being a dangerous dog or potentially dangerous dog, or by a dog that has been reported to the proper authorities as being a dangerous dog or a potentially dangerous dog, or by a dog that a Dog Control Officer has failed to identify as a dangerous dog or potentially dangerous dog, or by a dog which has been identified as being a dangerous dog or potentially dangerous dog but has not been kept or restrained in the manner described in this article, or by a dangerous dog or potentially dangerous dog whose owner has not maintained insurance coverage or a surety bond as required in this article.

Section 4.86 Violations of this Article.

a. The owner of a dangerous dog who violates this article or whose dog is subject to confiscation under this article shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this article, for the second conviction a fine of not less than $500 shall be imposed and for a third or subsequent conviction a fine of not less than $750 shall be imposed.

b. The owner of a potentially dangerous dog who violates this article or whose potentially dangerous dog is subject to confiscation under this article shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this article, for a second conviction a fine of not less than $150 shall be imposed and for a third or subsequent conviction a fine of not less than $300 shall be imposed.

c. In addition to the penalties for violations as herein above set out, the dangerous dog involved shall be immediately confiscated by the Dog Control Officer or by a law enforcement officer and placed in quarantine for the proper length of time as determined by the Dog Control Officer, and thereafter, the dangerous dog shall be destroyed in an expeditious and humane manner.

d. No owner of a dangerous dog shall be held criminally liable under this article for injuries inflicted by said owner's dog to any human being while both the dog and victim are on the dog owner's property.

Sections 4.87 - 4.90 Reserved.