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. CLASSIFICATION OF DOGS AS DANGEROUS OR VICIOUS

Section 4.80. Purpose, Definitions, and Exceptions

a. **Purpose**

Article VII of the Animal Control Ordinance is passed under the authority of and in compliance with O.C.G.A. § 4-8-1 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 with regard to dangerous or Vicious Dogs.

As set forth in O.C.G.A. § 4-8-1, to the extent that the application of any provision hereof would result in the control and regulation of dogs in a manner less restrictive that the minimum standards provided for in O.C.G.A. Title 4, Chapter 8, then such provision contained herein shall yield and the applicable provision contained in O.C.G.A. Title 4, Chapter 8 shall govern.

b. **Definitions**

Unless otherwise defined within this Article, all terms contained herein shall have the definitions set forth in O.C.G.A. § 4-8-21. As provided in that Code Section, the following definitions are incorporated herein:

1. "Classified dog" means any dog that has been classified as either a Dangerous dog or Vicious Dog.

2. "Dangerous dog" means any dog that:

   i. 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;

   ii. 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

   iii. 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.

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

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

If the definition of any term contained above is modified or amended as set forth in O.C.G.A. Title 4, Chapter 8, then such term shall be deemed to have the meaning as provided by statute and the definitions above shall yield to such statutory definitions.

c. **Exceptions**

1. Notwithstanding any other provision contained herein, 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 Vicious Dog within the meaning of this Article.

2. Notwithstanding any other provision contained herein, a dog shall not be a Dangerous dog or a Vicious 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 trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. Title 16, Chapter 5.

Section 4.81. Designation of a Dog Control Officer and Designation of Authority

a. The City's Animal Control Officer shall be designated as the "Dog Control Officer" for purposes of this Article. It shall be the Dog Control Officer's duty to investigate and classify as appropriate suspected dangerous or Vicious Dogs. In the event that the City does not have a designated Animal Control Officer, then the "Dog Control Officer" shall be appointed by the City Council, pursuant to O.C.G.A. § 4-8-22(b).

b. The Dog Control Officer's duty of investigation and classification arises only after a report is made to such Dog Control Officer regarding events which occurred within the incorporated portions of the City which events may warrant classification of a dog as dangerous or vicious. Such a report may be made by any law enforcement agency, rabies control office, Local or State Board of Health, or citizen.

c. The Dog Control officer shall not be authorized to make arrests unless he or she is a law enforcement officer having the powers of arrest.

d. The City Council may designate an animal control board or local board of health to receive appeals from dog owners regarding classification of dangerous or Vicious Dogs, as set forth herein below (hereinafter referred to as the "Designated Authority.") In the event that the City Council does not designate such an authority to receive appeals, such appeals shall be handled by the County Probate Court as required by O.C.G.A. § 4-8-23.

Section 4.82. Investigation and Determination of Classification, Notice of Classification, Right of Appeal, and Hearings before a Designated Authority

a. Upon receiving a report of a dog believed to be subject to classification as a Dangerous dog or Vicious Dog within a Dog Control Officer's jurisdiction, the Dog Control Officer shall make such investigations as necessary to determine whether such dog is subject to classification as a Dangerous dog or Vicious Dog.

b. Upon completion of his or her investigation, the Dog Control Officer shall:

1. Determine that the dog is not subject to classification;

2. Determine that the dog is subject to classification as a Dangerous dog; or

3. Determine that the dog is subject to classification as a Vicious Dog.

c. In the event that the Dog Control Officers determines that a dog is subject to classification as a Dangerous dog or Vicious Dog, the Dog Control Officer shall provide a notice of such classification to the dog's owner within seventy-two (72) hours of such designation, which Notice of Classification shall include the following:

1. A summary of the Dog Control Officer's investigation, findings, and classification.

2. A statement that the owner has a right to appeal the Dog Control Officer's determination and classification to a hearing before the Designated Authority, as defined above. However, if an authority has not been established or designated for the jurisdiction, the owner shall be informed of the right to appeal the determination and request a hearing before the County Probate Court, as required by O.C.G.A. § 4-8-23.

3. A Notice of Appeal form to be used by the dog owner for requesting an appeal of the dog's classification to a hearing before the Designated Authority or County Probate Court.

4. A statement that the owner's request for appeal and hearing must be made within seven (7) days of the date of the Notice of Classification.

5. A statement that failure to make a request for appeal and hearing within such time period may result in waiver of the right to a hearing and, in the event of such a waiver, the Dog Control Officer's determination and classification shall become effective for all purposes under this Article.

Such Notice of Classification must be provided via certified mail or statutory overnight delivery to the owner's last known address.

d. In the event that a dog owner appeals the Dog Control Officer's determination and classification to a hearing before the Designated Authority or County Probate Court, then such determination and classification shall not become effective until issuance of the Order on Appeal, as set forth below.

e. If an owner cannot be located within ten (10) days of the Dog Control Officer's determination that a dog is subject to classification as a dangerous or Vicious Dog, then such dog may be released to an animal shelter as defined in O.C.G.A. § 4-14-2, as determined by the Dog Control Officer.

f. All hearings on appeal shall be conducted pursuant to the provisions contained in O.C.G.A. Title 4, Chapter 8.

g. When a hearing on appeal is requested by a dog owner in accordance with this Article, such hearing must be scheduled to be conducted within thirty (30) days after the request is received. However, the hearing may be continued by the Designated Authority, as provided in O.C.G.A. § 4-8-23(d).

h. If the hearing on appeal is conducted by the Designated Authority, then at least ten days prior to the hearing, the Designated Authority shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the Designated Authority conducting the hearing shall receive evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the Dog Control Officer's determination and classification.

i. If the hearing on appeal is conducted by the Designated Authority, then within ten (10) days after the hearing on appeal, the Designated Authority shall mail written notice to the dog owner of its determination and conclusions (herein referred to as the "Order on Appeal"). If the Order on Appeal upholds the Dog Control Officer's classification of the dog as dangerous or vicious, then such Order must specify the date upon which the classification shall become effective.

Section 4.83. Certificates of Registration, Dog Owner Responsibilities, and Other Restrictions.

a. The owner of any Classified Dog must obtain a certificate of registration issued and renewed annually pursuant to this Article and O.C.G.A. § 4-8-27. Such Certificate of

Registration must be initially obtained within ten (10) days from the effective date of classification.

b. An owner must apply to renew an existing Certificate of Registration annually, within ten (10) days of the expiration of one (1) year from the previous renewal date or initial issuance date.

c. An owner applying for an initial Certificate of Registration or renewing an existing Certificate of Registration shall pay an annual registration fee of $100.

d. At the time of renewal of a Certificate of Registration for a Vicious Dog, the Dog Control Officer shall verify that the owner is continuing to comply with the requirements set out in this Article.

e. Failure to obtain and thereafter annually apply for renewal of a Certificate of Registration constitutes a violation of this Article.

f. A Certificate of Registration shall be issued or renewed for a Dangerous Dog if the Dog Control Officer determines that the following requirements are met by the owner:

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

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

g. A Certificate of Registration shall be issued or renewed for a Vicious Dog if the Dog Control Officer determines that the following requirements are met by the owner:

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

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

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

4. The owner maintains and can provide proof of general or specific liability insurance in the amount of at least $50,000.00 issued by an insurer authorized

to transact business in this state insuring the owner of the Vicious Dog against liability for any bodily injury or property damage caused by the dog.

h. Certificates of Registration shall be non-transferable.

i. Notwithstanding any provision contained above, a Certificate of Registration shall not be issued or renewed in the following circumstances:

1. No Certificate of Registration shall be issued to any person under eighteen (18) years of age.

2. Only one Certificate of Registration shall be issued per domicile.

3. Only one Certificate of Registration for a Vicious Dog shall be issued per owner.

4. No Certificate of Registration shall be issued to any person who has been convicted of two or more violations of Chapter 8 of Title 4 of the Official Code of Georgia Annotated, of this Article, or of any local ordinance implementing the restrictions contained therein.

5. No Certificate of Registration for a Vicious Dog shall be issued to any person who has been convicted of:

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

ii. The felony of dogfighting as provided for in O.C.G.A. 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. 16-12-4; or

iii. A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in Code Sections 16-13-31 and 16-13-31.1 from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.

j. An owner of a Classified Dog must notify the Dog Control Officer within twenty-four (24) hours if the dog is on the loose, unconfined, has attacked a person, or has died. 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. Provided, however, a Vicious Dog may not be transferred, sold, or donated.

k. 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. Vicious Dogs 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 the dog's vision or respiration but will prevent the dog from biting any person.

l. An owner of a dog classified as Dangerous or Vicious in another jurisdiction within this state, which owner is moving into the City, must notify the Dog Control Officer of within ten (10) days of residency within the City.

m. An owner of a dog meeting the classification requirements hereunder, or meeting similar classification requirements in a previous state of residence, which owner is moving into the City from outside of the State of Georgia, must notify the Dog Control Officer within thirty (30) days of residency within the City.

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

o. Issuance of a certificate of registration or the renewal of a certificate of registration by the City does not warrant or guarantee that the requirements specified in this Article are maintained by the owner of a Dangerous Dog or a Vicious Dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

Section 4.84. Confiscation of Dogs; Grounds; Disposition.

a. A Classified Dog shall be immediately confiscated by the Dog Control Officer or by a law enforcement officer if the owner of such Classified Dog fails to comply with any provision set forth in this Article.

b. The owner of any dog that has been confiscated may recover such dog upon proof of compliance with the provisions of this Article and payment of all fines, charges for services performed by the Dog Control Officer, and reasonable confiscation and housing costs. However, such payments shall not be a pre-requisite to recovery of the dog if the confiscation is deemed to be in error by a Dog Control Officer, a Designated Authority, or the Probate Court. Criminal prosecution for a violation of this Article shall not be stayed due to owner recovery of the dog.

c. In the event the owner has not complied with the requirements and responsibilities set forth herein within fourteen (14) days of the date the dog was confiscated, such dog shall be released to an animal shelter, as defined in O.C.G.A. § 4-14-2.

d. Refusal to surrender a dog subject to confiscation shall constitute a violation of this Article.

Section 4.85. Immediate Impoundment.

a. Pursuant to O.C.G.A. § 4-8-24, a law enforcement officer or the Dog Control Officer shall immediately impound a dog if the dog poses a threat to the public safety.

b. The owner of any dog that has been impounded may recover such dog upon payment of reasonable confiscation and housing costs. However, such payments shall not be a pre-requisite to recovery of the dog if the impoundment is deemed to be in error by a Dog Control Officer.

Section 4.86. Euthanasia.

Euthanasia shall only be utilized as authorized by Chapter 8 of Title 4 of the Official Code of Georgia Annotated.

Section 4.87. Prior Classification Determinations.

Any dog previously classified as a potentially dangerous dog shall on and after the adoption of this ordinance be classified as a Dangerous Dog under this Article. Any dog previously classified as a dangerous dog shall on and after the adoption of this ordinance be classified as a Vicious Dog under this Article.

Section 4.88. Sovereign Immunity.

It is the intent of this article that the owner of a Classified Dog shall be solely liable for any injury to or death of a person caused by such dog. Pursuant to O.C.G.A. § 4-8-31, Under no circumstances shall a local government or any employee or official of a local government be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article. Under no circumstances shall the City 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 any injury or damages inflicted or caused by any dog, including but not limited to any Classified Dog, any dog that has been reported to the Dog Control Officer for investigation and classification, any dog that a Dog Control Officer has determined is not a Classified Dog, any dog that the Dog Control Officer has failed to determine is or is not a Classified Dog, any Classified Dog that was not kept or restrained in the manner described in this Article, or any Classified Dog whose owner has not maintained insurance coverage as required in this article.

Section 4.89. Violations of this Article.

An owner of a Classified Dog who fails to comply with any provision set forth in this Article shall be guilty of a misdemeanor. Additionally, such acts may constitute a misdemeanor pursuant to O.C.G.A. § 4-8-32.

ARTICLE VIII. INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY, CONFLICT, AND ADOPTION DATE

Section 4.90. Purpose.

The public health, safety, good order, and general welfare of the citizens of the City of Blakely require the control of animals within the City. This ordinance provides for that control and provides the procedure for accomplishing that control.

Section 4.91. Jurisdiction.

The provisions in this ordinance shall be applicable in the incorporated areas of the City of Blakely.

Section 4.92. Administration and Interpretations.

The authority and responsibility for administration of these regulations shall rest with the Mayor. In exercising that authority and discharging that responsibility, the Mayor may designate public officers of the City of Blakely to be charged with enforcing this ordinance. The City of Blakely shall coordinate and cooperate with the Early County Health Department and such other agencies as the City Council of the City of Blakely deems advisable.

Section 4.93. Enforcement and Penalties.

A. It shall be the duty of the City Administrator or the City Administrator's designee to enforce these regulations.

B. Violations of the provisions of this ordinance shall be deemed a misdemeanor punishable as provided by in state law with each day such violations continue constituting a separate offense. Appropriate actions and proceedings may be taken by law or in equity to prevent any violations of these regulations; to recover damages; to restrain, correct, or abate a violation; and these remedies shall be in addition to the penalties described above.

Section 4.94. Conflict and Separability.

A. If these regulations are found to be in conflict with any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which impose higher standards or requirements shall govern.

B. The provisions of this ordinance are severable. If a section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the remaining sections, sentences, clauses, or phrases shall maintain full force and effect.

Section 4.95. Amendments.

When necessary to further its purposes, this ordinance may be amended by the City Council of the City of Blakely.

Section 4.96. Conflicting Provisions Repealed.

All other ordinances and parts of ordinances in conflict with this ordinance, to the extent of such conflict and not further, are hereby repealed.

Section 4.97. Adoption Date.

The provisions of this ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of Blakely and are hereby ordered to be given immediate effect from and after the date of passage.