

## CHAPTER 22

### ANIMAL CONTROL

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## ARTICLE I

The Board of Commissioners of Chatham County do hereby repeal Sections 22-101 through 22-117 of the Animal Control Ordinance in its entirety and substitutes in lieu thereof the following provisions of said ordinance set forth more particularly as follows:

§22-101 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

Animals - "Animals" shall mean any non-human living vertebrate creature, including but not limited to, all horses, ponies, mules, cattle, sheep, goats, swine, dogs, cats, rabbits, guinea pigs, hamsters, chickens, turkeys, geese, ducks, pigeons, and similar fowl.

Housing - "Housing" shall mean any building, shed, cage, pen or similar structure used for the keeping of animals and fowl.

Enclosure - "Enclosure" shall mean any uncovered, enclosed parcel of land where animals or fowl are kept.

Nuisance - "Nuisance" shall mean whatever is dangerous or detrimental to human life or health and whatever renders or tends to render soil, air, water, or food impure or unwholesome.

Person - "Person" means any person, firm, partnership, corporation, association or agency.

Health Officer - "Health Officer" shall mean the commissioner of health of the County of Chatham or his authorized representative.

§22-102 Livestock and Fowl Not to Run at Large or be Kept in a Public Place. It shall be unlawful for the owner of any livestock or domestic fowl to permit the same to run at large within the corporate limits of the county or to keep the same in any manner in any street or public place.

§22-103 Provisions. The provisions of the Animal Control Ordinance within the unincorporated boundaries of Chatham County shall apply to the following any non-human living vertebrate creature, including, but not limited to, dogs, cats, horses, cows, goats, swine, guineas, rabbits, fowl, chickens, peacocks, geese and ducks.

§22-104 Wildlife. All complaints and matters concerning animals not of a domestic nature and complaints involving game animals or protected species and/or hunting shall be forwarded to the State Department of Natural Resources, Game and Fish Division or the U.S. Department of Agriculture Law Enforcement Division for the proper disposition compliance, apprehension and controlling enforcement as may be necessary and provided by State law or Federal regulations.

§22-105 Keeping of Animals: Sanitation. Any housing or enclosure used for the keeping of animals or fowl shall be well drained, free from accumulation of animal excrement and objectionable odors and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the Chatham County Health Department. All animals which are housed or enclosed shall be provided with a source of potable water.

§22-106 Distance of Animal Enclosures from Building.

(a) Any housing or enclosure used for the keeping of animals or fowl shall be kept at the following minimum distances, except at property with a State of Georgia kennel license, from any occupied building except a dwelling unit of the owner, unless the permission of the occupant of the adjacent building and the Chatham County Health Department officer has given permission for a lesser distance.

- (1) One or more mules, cattle, sheep, goats or similar animals - 100 feet.
- (2) Four or more dogs over ninety days old - 100 feet.
- (3) Five or more guinea pigs, hamsters or similar animals - 100 feet.
- (4) Five or more fowl - 100 feet.

(b) A stray or unclaimed dog kept on a temporary basis while engaged in looking for a lawful owner or home, will not be included in the limitation until it has been kept on the premises for fourteen (14) days.

(c) Horse stables (not enclosed) shall be a minimum of one hundred (100) feet from any occupied building except the dwelling unit of the owner unless the owner of the adjacent building grants approval and the Chatham County Health Department officer gives permission for a lesser distance. Horse stables built and located on property prior to September, 2005, shall be at least fifty (50)

feet from any occupied building, except the dwelling unit of the owner, unless the owner of the building grants approval.

(d) Animals and fowl not specifically mentioned in this chapter shall be kept at a minimal distance deemed reasonable and necessary by the Chatham County Health Department officer.

(e) In case of a bona fide licensed pet shop or veterinary hospital, the Chatham County Health Department officer may modify these requirements where undue hardship would result from their strict enforcement.

§22-107 Nuisances.

(a) The owner or person that is the custodian of animals and fowl shall be responsible for correcting and abating any nuisance that may arise from the keeping of said animals.

(b) No person shall allow any animal or fowl which howls, barks or emits audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of the neighborhood. For the purposes of this article, "barking dog" shall mean a dog that barks, bays, cries, howls intermittently for one-half hour or more at any time of day or night regardless of whether the dog is physically situated on or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for purposes of this regulation, if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.

§22-108 Penalty. Any person violating any provisions of this chapter upon conviction before the Chatham County Recorder's Court of the State Court of Chatham County or such other court of competent jurisdiction, shall be subject to a fine of not less than \$100 or in excess of \$1,000 for each count and violation of this ordinance.

§22-109 Dead Animals.

(a) 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 dog is left.

(b) No person shall abandon a dead animal on any public property or rights of way, unless the place in which the dog is left, is a public dump or other facility designed for receiving

such and designated by Chatham County as public facility for receiving trash or refuse.

(c) Chatham County Public Works Department is authorized to remove dead animals from public property including public schools, parks and roadways.

(d) All dead livestock including horses, cattle and other large animals will be disposed of by the animal owner or the property owner in accordance with State and local regulations.

(e) It shall be unlawful for any person to throw or put onto the streets, lanes, squares or other common public property of Chatham County any dead animal.

§22-110 Vaccination and Registration of Dogs and Cats.

(a) The following definitions shall apply in the interpretations and enforcement of this chapter:

Cat - The word "cat" shall mean domestic cats only (felix catus) whether vaccinated or not vaccinated against rabies

Dog - The word "dog" shall mean only domesticated dogs (canis familiaris) whether vaccinated against rabies or not vaccinated.

Exotic Animal - The word "exotic animal" shall mean any vertebrate animal ordinarily confined to a zoo, or one that would normally be found in the wild. This includes, but is not limited to, all carnivorous wildlife, monkeys, raccoons, squirrels, ocelots, hybrids of wild felines, wolves, hybrid wolves, and mammals and non-venomous reptiles weighting over 50 pounds.

Rabies Certificate - The word "rabies certificate" shall mean a certificate signed by a licensed veterinarian bearing a license number, ownership, name, address, breed, color and sex and spay or neuter status of dog or cat, which certificate shall be issued for each dog or cat vaccinated. The date of last vaccination of such dog or cat shall be clearly stated on such certificate, and a copy of such certificate shall be sent by the veterinarian to the Chatham County Animal Control.

Vaccination and License Tag - The word "vaccination and license tag" shall mean a metal tag issued by authority of Chatham County and also a license or serial number to show

that such dog or cat has been vaccinated as required by this article.

Vaccinate or Inoculate - The word "vaccinate" or "innoculate" shall mean the injection into the body of a dog or cat of an approved anti-rabies vaccine prescribed by the State of Georgia, such vaccine having a U.S. government license number approval stamped on the label of the vaccine container and which vaccine has been approved by the health department. Vaccine used for vaccination of dogs or cats against rabies shall have been refrigerated and kept under proper conditions showing no signs of spoilage or otherwise being unfit for producing immunity against rabies.

Veterinarian - The word "veterinarian" shall mean any person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine and holds a license to practice in the profession of veterinary medicine in the State of Georgia; the number of the aforesaid veterinary license shall be the same as that recorded by the Georgia State Board of Veterinary Examiners.

(b) Vaccination and Licensing Required. It shall be unlawful for any person to own, keep, maintain or harbor any dog or dogs or cat or cats three months of age or older without first having the dog or dogs or cat or cats vaccinated against rabies and obtaining from Chatham County Animal Control for each dog or cat the vaccination and license tag and the rabies certificate described in subsection (a) above. Such license tag is to be obtained either in person or by mail for each dog or cat from the Chatham County Animal Control within thirty (30) days of such animal's annual inoculation.

- (1) Any person owning a dog or cat and does not comply with this shall be in violation of this ordinance, provided that a person shall register his or her dog or cat within thirty (30) days of the rabies vaccination, or thirty (30) days after becoming a resident of Chatham County. Non-compliance and the issuance of an ordinance citation shall result in a set fine of \$50.00.

(c) When Vaccination Required; Term of License. All dogs and cats which have become three months of age shall be vaccinated and all dogs and cats over one year of age shall be vaccinated and annually thereafter against rabies and their owner shall obtain a license for such dogs or cats every 12 months following the original annual vaccination and licensing of dogs or cats.

- (d) Tag to be Attached; Number of Rabies Certificate; Term.

(1) Every dog or cat which has received a rabies vaccination as set forth in subsection (a) above shall have attached to a collar around its neck a vaccination and license tag described in subsection (a) above.

(2) The rabies certificate shall bear a license number identified with that of the tag attached to the collar of the dog or cat. Both certificate and tag will expire one year from date of issue.

(e) Fees. The veterinarian's fees for vaccination of a dog or cat shall be set by each individual licensed veterinarian or the State of Georgia. A license tag will be issued in exchange for a fee as set forth in the following paragraph, which will be collected by the Chatham County Inspections Department Animal Control Division from the owner of each dog or cat who has received the anti-rabies vaccine and rabies certificate.

Unneutered male dog	\$35
Unneutered male cat	\$35
Unneutered male dog	\$35
Unneutered male cat	\$35
Neutered male dog	\$5
Neutered male cat	\$5
Spayed female dog	\$5
Spayed female cat	\$5

All fees raised by this licensing procedure shall be designated and used for Animal Control activities.

(f) Re-vaccination. Where a license has been issued following a vaccination, the owner of the dog or dogs or cat or cats shall be exempt from paying a late fee provided the re-vaccination and license are acquired on or before the expiration date on the certificate for animal rabies vaccination issued by a licensed veterinarian.

(g) Only Licensed Veterinarians to Vaccinate; Inferior Vaccinations.

(1) No person shall be allowed to vaccinate dogs or cats against rabies who is not licensed to practice veterinary medicine in the State of Georgia.

(2) A veterinarian or any person having vaccinated dogs or cats against rabies with inferior vaccines or any drugs, biologic, chemical or material, which is not

specified in this chapter or that has not been approved by the Health Department, or who violates any provision of this chapter in whole or in part shall not be permitted to vaccinate dogs or cats against rabies.

(h) Exemptions. Dogs or cats entering unincorporated Chatham County from outside the County only for the purpose of performing or temporary stay not exceeding fourteen (14) days and kept under direct control of their owners or handlers are exempt from the license tag requirements of this article.

(i) Time Limitation on Obtaining License. Except as provided by subsection (b) above, it shall be the duty of all persons owning or having possession of a dog or cat brought into unincorporated Chatham County to have the dog or cat vaccinated and to obtain the vaccination tag and the rabies certificate required by this article within a period of thirty (30) days from the date of such entry.

(j) Impoundment of Unlicensed, Unvaccinated Dogs or Cats. Any dog or cat found within unincorporated Chatham County not wearing or displaying a valid, current vaccination tag and not confined within a fence on the premises of the owner/custodian with all gates and openings closed shall be immediately impounded, quarantined or otherwise disposed of as required by this article. Any dog or cat found within unincorporated Chatham County not vaccinated as required by this chapter within the previous twelve (12) months shall be impounded, quarantined or otherwise disposed of as required by this chapter.

(k) Rabies Cases to be Reported.

(1) All animals, such as dogs, cats, horses, cattle, mules, goats, foxes, swine, raccoons, and other animals of like species, showing symptoms of or having rabies within unincorporated Chatham County shall be immediately reported to the Chatham County Health Department, the Animal Control center, or Chatham County Humane Shelter by the owner of the person having custody or any citizen having knowledge of these facts. It shall be the duty of every person having this knowledge to make immediately his/her report.

(2) Dogs, cats or any animal being held under quarantine by the owner or by a veterinary hospital, boarding or breeding kennel, or any other person at any other place shall immediately upon discovery of the existence of rabies or its symptoms be reported to the Chatham County Health Department, Animal Control or Chatham County Humane shelter with a history of the case and

information regarding the name and address of the owner. It shall be the duty of every person having knowledge of the facts to see that the report required by this subparagraph is made.

(1) Quarantine.

(1) For any dog, cat or animal that bite or inflict injury upon a human, said dog, cat or animal shall be quarantined for ten (10) days as such place as designated by the Chatham County Health Department or Chatham County Animal Control for purposes of observing the health condition and temperament of said dog, cat or animal. The Health Department may increase or diminish the period as, in its sole discretion, the public safety and health may require.

(2) Where rabies has been found to exist in any warmblooded animal or where its existence is suspected, the health department may designate an area within which quarantine shall be maintained as provided by the terms of this chapter. Every such animal shall thereupon be immediately confined to the premises designated by the Health Department, whether or not the animal has been vaccinated against rabies.

(3) No animal shall be removed from a quarantined area and no animal shall be brought into a quarantined area without written permission of the Health Department. The application for such permission shall be in writing, filed with the Health Department detailing the reason for movement and the location at which the animal will be confined after movement.

(4) When an animal has been suspected of having rabies or has rabies symptoms, the area or premises where such animals are kept shall be posted by the Health Department with signs to read as follows: "Rabies Suspected" or "Rabies, Keep Away From Animals." Such signs shall be conspicuously displayed on the premises, printed with type that is easily legible, and shall remain on the premises for the duration of the quarantine.

(5) Persons living within a quarantine area having in their possession an animal subject to rabies or to the terms of this chapter shall be given written

notice of the quarantine, the animals subject thereto and an order to confine their animals so subject to the premises of the owner, together with any other information the Health Department deems advisable. Such notice shall be signed by a duly authorized agent of the health department.

(6) The violation by any person of any quarantine order issued by the health officer shall be a violation of this chapter, and the person so violating shall be subject to all the penalties prescribed by law for a violation.

(m) Examination of Heads. The heads of all domestic animals and of all wild animals suspected of having rabies before their death or having rabies at time of death shall be submitted to the State laboratory for examination. Either human or animal exposure to these animals shall constitute sufficient reason for laboratory examination.

§22-111 Commercial Pet/Animal License.

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this article, and the following words shall have the following meanings:

(1) Commercial Pet Animal Facility - The word "commercial pet animal facility" shall mean any premises, operation or business used for the commercial boarding, breeding, buying, selling, trading, training or rearing of animals, including guard dogs, except for animal hospitals or grooming facilities unconnected with such activities.

(2) Commercial Pet Animal Facility License - Any person who maintains within Chatham County a premises operation or business used as a commercial pet facility shall obtain a commercial pet animal facility license prior to the start of business operations. Any individual that shall sell more than one litter per year or the sale of three adult animals per year, shall deem to be operating a commercial pet animal facility and must comply with all provisions of pet animal license provisions.

(b) The applicant for a commercial pet animal license shall submit the following, in person, to the Chatham County Animal Control:

(1) A copy of a current license from the Georgia Department of Agriculture permitting such operations.

(2) A completed commercial pet animal license application.

(3) A copy of a business license specifically authorizing commercial pet animal activities.

(4) Proof of current rabies vaccination by a veterinarian for each dog and/or cat over 3 months of age on the premises including dog(s) or cat(s) on consignment.

(5) Proof of satisfactory inspection by the Department of Agriculture.

(6) A signed statement as described herein, agreeing to comply with all provisions of this chapter.

(7) Payment of a \$100 fee.

As part of the application process, it shall be the responsibility of the Chatham County Animal Control to review the application and make such necessary inspections and inquiries to confirm compliance with these provisions and all other provisions of this ordinance.

(c) The commercial pet animal license shall be valid for one year from date of purchase. The license shall be prominently displayed on the license premises.

(d) License Revocation and Refusal.

(1) Chatham County Animal Control shall revoke any commercial pet animal license in the event any licensee is found to be in violation of any of the provisions of this chapter.

(2) Chatham County Department of Building Safety and Regulatory Services shall not issue a commercial pet animal license to any person, group, organization or business which has been convicted of violation of any provision of this chapter, or which keeps, maintains, or harbors any dog(s) designated dangerous or potentially dangerous, except for guard dogs.

(3) No commercial pet animal license shall be issued to an applicant who has failed two separate consecutive inspections by Chatham County Animal Control for the balance of the year in which such inspections were failed, but said applicant may reapply for a license in the following calendar year. At the time of re-

application, the applicant shall show proof of rehabilitation, and said application may be refused for the failure of any requirements of the inspection.

(4) Any person that acquires a commercial pet license within unincorporated Chatham County pursuant to this provision, shall hereby grant, unto the Chatham County Animal Control officers, the right to inspect said commercial pet/animal facility, kennel or premises at any time as part of assurance of compliance with the provisions of State law and local laws pertaining to such businesses holding said license.

(5) Loss of license with the Department of Agriculture which allows activities to be conducted by the applicants operation.

§22-112 Restrictions on Dogs Running at Large.

(a) It shall be unlawful for any dog to be on the streets, lanes, highways, roads or squares of unincorporated Chatham County or loose on vacant lots or unenclosed lots, so that it may freely have access to the streets, lanes, highways or squares of unincorporated Chatham County unless such dog is held firmly on a leash, by a person capable of maintaining control. It shall be the duty of any owner or possessor or any person who harbors or keeps any dog to confine securely by means of fence, kennel, leash or other device so as to ensure confinement within the limits of their own premise, the same within the limits of his own premises and not to permit such dog to run or have access to run the streets, lanes, highways, roads or squares or parks of unincorporated Chatham County except as above set forth or for hunting, field trials and the working of said dogs.

(b) Puppies and kittens are not to run at large. Dogs or cats less than three months of age shall be confined to their owner's premises and not allowed to run at large.

(c) Where any animal, dog or cat, whose owner or custodian is found to be in violation of any provision of this ordinance, the Animal Control officer shall have a duty and authority to issue a citation and a subpoena to owner or custodian for the violation of said article.

§22-113 Impoundment of Dogs.

Any dog found upon the streets, lanes, highways, roads or squares of unincorporated Chatham County, without the corporate limits of any municipality therein, in violation of this article,

shall be caught by the Animal Control officer or his assistant and impounded. The Animal Control officer or his assistant shall have the specific right to enter upon any unenclosed private property to secure capture of any dog in violation of this article. To effect the impounding of such a dog, if necessary, the Animal Control Officer shall have the right to muzzle or employ such other methods as may be reasonably necessary to impound such animal.

§22-114 Duty of Animal Control Officer. The Animal Control officer, upon finding an animal which appears to be abandoned shall provide written notice of complaint to the owner or custodian, if known, or at the place of residence where the animal was found. The Animal Control officer shall respond back to the residence within twenty-four (24) hours where notice of complaint was provided to owner or custodian of animal for the purpose of establishing ownership or determination of the status of the animal's health and safety. If the owner or custodian of the animal is not located, the Animal Control officer shall go upon the premises and take custody of said animal.

§22-115 Dogs Kept Five Days. Any dog impounded under the provisions of this article shall be kept for a minimum of five (5) days in some convenient place, to be known as the Animal Control shelter.

§22-116 Payment of Fees.

Within five (5) days after a dog and/or cat is impounded, the owner or possessor shall come forward and pay the annual license fee, if he has not paid the same, and an impoundment fee, and a boarding fee. Impoundment and boarding shall be paid before an impounded animal shall be released to the owner or possessor.

(a) The impoundment fee shall be \$35.00.

(b) The boarding fee shall be \$10.00 per day.

§22-117 Dogs Put to Death. Any dog impounded under this article whose owner, possessor or representative shall not come forward within five (5) days after the impoundment and pay the license tax and the fees specified in this article shall be put to death in some manner approved by the American Veterinary Medicine Association or said animal shall be adopted through licensed rescue and placement agencies.

§22-118 Delegation of Shelter of Dogs. The shelter and impounding of dogs and cats found, impounded or trapped

within Chatham County, to include all municipalities therein, in violation of this article may be delegated to and performed by such organization as shall be selected by the Board of County Commissioners.

§22-119 Disposal of Dog Excrement. It shall be unlawful for any person who possesses, harbors or is in charge of any dog not to immediately remove excrement deposited by any dog upon the common thoroughfares, streets, sidewalks, trees, lawns, playground areas, parks, squares, and upon other public premises and the failure to remove said excrement shall be deemed a public nuisance and is prohibited.

§22-120 Equipment for Removal of Dog Excrement. It shall be the duty of any person having custody of any dog on public property to have in such person's possession a device or equipment for the picking up and removal of dog excrement. An acceptable device shall include any plastic or metal mechanized or non-mechanized device constructed for scooping pet excrement; a hand shovel or trowel; a plastic or paper bag; a styrofoam, plastic or paper cup; or any similar device that can contain and remove the excrement. The use of sheet paper, newspaper, paper napkins, or handkerchief is deemed unacceptable and unsanitary for removing excrement and shall not be used. The provisions of this section shall not apply to a dog aiding the handicapped (i.e., guide dog) or to a dog when in police or rescue activities.

Failure of the person having custody of the dog to remove the dog excrement by acceptable device shall constitute a violation of this ordinance and be subject to a fine of not less than fifty (\$50.00) or greater than two-hundred (\$200.00) dollars.

§22-121 Dangerous/Potentially Dangerous Dogs. The following definitions shall apply in the interpretation and enforcement of this article, and the following words shall have the following meanings:

Dangerous dog - Means any dog that, according to the records of an appropriate authority:

(a) Inflicts a severe injury on a human being without provocation on public or private property; or

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

Owner - Means any 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 a dangerous dog or potentially dangerous dog within this state.

Potentially dangerous dog - Means any dog, according to the records of an appropriate authority, that:

(a) Without provocation, bites a human being on public or private property; or

(b) Without provocation, repeatedly chases any human being upon the street, sidewalk or any public or private property.

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

Records of an appropriate authority - Means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state, or local court; or records of a dog control officer provided for in this article.

Severe injury - Means 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.

Substantial chain or leash - Means a device used to restrain a dog that cannot be broken by the dog under its own power.

§22-122 Exemptions; Investigation of Reports.

(a) 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 potentially dangerous dog within the meaning of this article.

A dog shall not be a dangerous dog or a potentially dangerous 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.

(b) Upon receiving a report of a dangerous dog or potentially dangerous dog within the unincorporated Chatham County from a law enforcement agency, animal control agency, rabies control officer, or county board of health, an Animal Control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this article.

§22-123 Notice Generally. When an Animal Control officer classifies a dog as a dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the Animal Control officer shall notify the dog's owner in writing by certified mail to the owner's last known address of such classification or reclassification. Such notice shall be complete upon its mailing. In the alternative, at the sole discretion of the Animal Control officer, a personal service may be made.

§22-124 Scope of Procedures. As applied to the owners of potentially dangerous dogs, the procedures provided for in this article shall be carried out as a necessary condition for the enforcement of the provisions of this article against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this article shall not be an essential element of any crime provided for in this article.

§22-125 Notice to Owner of Classification. When a dangerous dog or potentially dangerous dog is classified as such, the Animal Control officer shall notify the dog's owner of such classification.

§22-126 Requirements of Notice to Owner. The notice to the owner shall meet the following requirements:

(a) The notice shall be in writing and mailed by certified mail to the owner's last known address or hand delivered;

(b) The notice shall include a summary of the Animal Control officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog;

(c) The notice shall be dated and shall state that the owner, within fifteen (15) days after the date shown on the notice, has

a right to request a hearing on the Animal Control officer's determination that the dog is a dangerous dog or potentially dangerous dog;

(d) The notice shall state that the hearing, if requested, shall be before the Health Department;

(e) The notice shall state that if a hearing is not requested, the Animal Control officer's determination that the dog is a dangerous dog or a potentially dangerous dog shall become effective for all purposes under this article on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and

(f) The notice shall include a form to request a hearing before the Health Department and shall provide specific instructions on mailing or delivering such request to the agency.

§22-127 Hearing. When the Health Department receives a request for a hearing as provided in this article, it shall schedule such hearing within thirty (30) days after receiving the request. The Health Department shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be sent by certified mail or personal service to the dog owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and in addition thereto the Health Department shall receive such other evidence and hear such other testimony as the health department may find reasonably necessary to make a determination either to sustain, modify, or overrule the Animal Control officer's classification of the dog.

§22-128 Notice of Determination After Hearing. Within ten (10) days after the date of the hearing, the Health Department shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the effective date will be 15 days from the date of the hearing.

§22-129 Certificate of Registration. It is unlawful for an owner to have or possess within this state a dangerous dog or potentially dangerous dog without a certificate of registration issued in accordance with the following provisions:

(a) The owner shall provide a proper enclosure to confine the dangerous or potentially dangerous dog.

(b) Any dog classified as dangerous or potentially dangerous shall be required to be micro chipped for permanent identification by a licensed veterinarian at the owner's expense.

(c) Any animal found to be a potentially dangerous dog or dangerous dog shall be spayed or neutered within fifteen (15) days of the Health Department's determination that said dog is a dangerous dog or a potentially dangerous dog.

(d) The owner shall be required to post the premises where the animal is located with a clearly visible sign, issued by the animal control agency, containing a symbol designed to warn all citizens, including children, that there is a dangerous or potentially dangerous dog on the property; the number of signs will be determined by the Animal Control officer.

(e) It shall be unlawful to display the above dangerous dog sign at locations or on premises where no such dangerous or potentially dangerous dog exists or is located.

(f) The registration fee shall be \$150.00 for a potentially dangerous dog annually and \$250.00 for a dangerous dog annually. It shall be a requirement that one warning signs shall be included in this fee and additional signs as may be required shall cost an extra \$35.00 per sign.

(g) In addition to the requirements above, the owner of a dangerous dog shall present to the Animal Control officer evidence that the dog has been spayed or neutered, and evidence of:

(1) A policy of insurance in the amount of at least \$25,000.00 or more issued by a surety company authorized to transact business in this state insuring the owner of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog; or

(2) A surety bond in the amount of \$25,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous dog.

(h) The owner of a dangerous or potentially dangerous dog shall notify the Animal Control officer as soon as possible, but in no case less than twenty-four (24) hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the animal control officer with the name, address, and telephone number of the new owner of the dog.

(i) The owner of a dangerous dog or potentially dangerous dog shall notify the Animal Control officer if the owner is moving from the dog control officer's jurisdiction. The owner of a dangerous dog or potentially dangerous dog who is a new resident of the State of Georgia shall register the dog as required in this Code section within thirty (30) days after becoming a resident. The owner of a dangerous dog or potentially dangerous dog who moves from one jurisdiction to another within the State of Georgia shall register the dangerous dog or potentially dangerous dog in the new jurisdiction within ten (10) days after becoming a resident.

(j) Issuance of a certificate of registration or the renewal of certificate of registration by Chatham County Animal Control shall not warrant or guarantee that the requirements specified are maintained by the owner of a dangerous dog or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

(k) An Animal Control officer shall be authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section. Law enforcement agencies of local governments and the sheriffs of counties shall cooperate with Animal Control officers in enforcing the provisions of this section.

§22-130 Restraint of Dangerous Dog. It shall be unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person.

§22-131 Restraint of Potentially Dangerous Dog. It shall be unlawful for the owner of a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and is under the restraint of a responsible person.

§22-132 Confiscation of Dangerous Dog. A dangerous dog shall be immediately confiscated by the Animal Control officer or by a law enforcement officer or by another person authorized by the Animal Control officer if the:

(a) Owner of the dog does not secure the liability insurance or bond required in this article;

(b) Dog is not validly registered as required;

(c) Dog is not maintained in a proper enclosure; or

(d) Dog is outside a proper enclosure without specified restraints.

(e) Should the owner fail to provide the documents outlined in §22-130 of this ordinance or the provisions of this subsection, the dangerous dog shall be impounded. The dangerous dog shall be held for ten (10) days during which time the owner may demonstrate compliance with §22-130 and subsections (a) through (d) above. Should the owner fail to comply with any provision of the aforementioned section and subsections, then the dog shall be subject to euthanasia.

§22-133 Confiscation of Potentially Dangerous Dog. A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

(a) Not validly registered as required;

(b) Not maintained in a proper enclosure; or

(c) Outside a proper enclosure without specified restraints.

§22-134 Return After Confiscation. Any dog that has been confiscated under the provisions of this article shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within ten (10) days of the date the dog was confiscated, said dog shall be put to death in accordance with an approved AVMA method of euthanasia administered by a certified technician.

22-135 Liability. 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 a local government or any employee or official of a local government which enforces or fails 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 or potentially dangerous dog or by a dog that a local government 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 prescribed manner or by a dangerous dog or potentially

dangerous dog whose [of which its] owner has not maintained insurance coverage or surety bond as required.

§22-136 Dogfighting. Dogfighting shall be enforced under the provisions of State law.

§22-137 Animal Neglect. A person that is the owner or custodian of any animal may be found to be guilty of animal neglect by a finding that any one or more of the following conditions were allowed to exist:

(a) Lack of immediately available proper drinking water or inadequate supply of drinkable water.

(b) Lack of wholesome, palatable, free from contamination food or sustenance to be provided in sufficient quantity.

(c) Failure to provide an animal sufficient space to stand to full height, turn around, lay down and make normal postural adjustments for comfort.

(d) The lack of providing a stationary shelter from weather such as sun, rain, wind or inclement weather or to maintain said shelter in a clean, sanitary condition free of excrement and unreasonable objectionable odors.

(e) To have an animal in possession that is known to or suspected to have an injury, accidental or deliberate, or to exhibit any signs of disease, shock, temperature fluctuations, tremors, swelling, open wounds, inability to eat, blistering or abnormal bleeding, partial paralysis, discharging blood or mucus. Failure to make arrangements for veterinary care.

§22-138 Animal Cruelty. A person commits an act of animal cruelty when such person causes the death or unjustified physical pain and suffering of an animal or maliciously causes the death, physical harm to the animal rendering parts of the animal useless or seriously disfigured or with knowledge or intent commits any of the acts set forth in Section 22-137. This provision shall not apply to any person euthanizing an animal due to a disease or action taken to avoid pain and suffering.

Any person convicted of said act shall pay a fine of not less than \$1,000 and be imprisoned for a period of not less than six (6) months or more than one year.

§22-139 Tethering. It shall be prohibited in unincorporated Chatham County to retain or confine to property of dogs or cats in a manner achieved by stationary or non-stationary dog

houses, barrels or other stationary object as such means of confinement within the property.

§22-140 Animal Transported by Vehicles. No animals shall be transported on a public road in an open vehicle including an open top vehicle or open truck bed unless housed in a secured container designed for that purpose and having a provision for adequate ventilation, food and water. Said container shall have an open grille on one end, a solid top and bottom and a minimum of 15% total accumulated side areas incorporated into an open grille for air circulation provisions. Chatham County Animal Control officers shall be entitled to impound and cite the owner or custodian of any animal being transported in violation of the term of this article.

§22-141 Animal Confinement and Left Unattended in Parked Car. It shall be unlawful to leave an animal unattended in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from dangerous temperatures, lack of food or lack of water. Chatham County Animal Control or any other law enforcement shall take such action as is necessary including entry of the vehicle by any means to remove an animal from such jeopardy and may impound said animal and secure medical treatment for said animal as needed at the owner's expense. Chatham County Animal Control officers may take possession of any deceased animal found in any parked vehicle for purposes of determining the cause of death in question pursuant to animal neglect or cruelty of this code.

§22-142 Limitation on Cats. No person who is the owner or custodian of any single family residence shall have greater than eight (8) cats, unless all animals are permanently confined to the actual living space of the family residence. The owner or custodian in violation must also be in compliance with Chatham County provisions as stated in this chapter. This prohibition shall not include any cat that has a litter less than four months of age which will be confined to the actual living space of the family residence.

§22-143 Stray Dog and Cat. Any person who intends to provide care and sustenance for any dog or cat shall be deemed to be the custodian of said dog or cat unless a true and rightful owner is located. No person shall feed or provide sustenance to any animal, dog or cat upon the public property or private property of others, except with the express permission of the owner of said animal or property owner upon which said food or sustenance is being provided.

All ordinances, or parts of ordinances, in conflict herewith are repealed.

ADOPTED AND APPROVED, this 12<sup>th</sup> day of August, 2005.