

COUNTY OF WALKER
STATE OF GEORGIA

ORDINANCE NO. R-12-18

AN ORDINANCE AMENDING CHAPTER 10 OF THE COUNTY CODE OF ORDINANCES ON ANIMALS; TO ESTABLISH AN ORDINANCE SETTING CLEAR STANDARDS FOR PET OWNERSHIP AND CONTROL; TO PROVIDE FOR CARE OF ANIMALS; TO PROVIDE FOR PROCEDURES FOR THE CONTROL AND CLASSIFICATION OF DANGEROUS ANIMALS; TO UPDATE CHAPTER 10 OF THE COUNTY CODE OF ORDINANCES TO COMPORT WITH STATE LAW; AND FOR OTHER SUCH PURPOSES

WHEREAS, the Sole Commissioner of Walker County is the county governing authority for Walker County, Georgia (1939 Georgia Laws No. 39); and

WHEREAS, O.C.G.A. § 4-8-1 *et seq.*, and especially O.C.G.A. § 4-8-22, requires counties to designate officers charged with enforcement of state law regarding classification of dangerous and vicious dogs; and

WHEREAS, O.C.G.A. § 4-11-1 *et seq.*, and especially O.C.G.A. § 4-11-18, provides for enactment and enforcement of county ordinances concerning care of domestic animals; and

WHEREAS, the public has made an outcry about problems relating to roaming dogs, dangerous and vicious dogs, and mistreatment of animals within Walker County, Georgia; and

WHEREAS, the governing authority has hosted four public hearings to listen to the public regarding an amended animal ordinance on this subject matter and has posted drafts on the county website and elicited public feedback regarding the proposed changes; and

THEREFORE BE IT ORDAINED BY THE COMMISSIONER AS FOLLOWS:

Chapter 10 - ANIMALS

Footnotes:

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Cross References— Environment, ch. 26; health and sanitation, ch. 30.

State Law reference— Dogs generally, O.C.G.A. § 4-8-1 et. seq.; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; authority to exercise animal control, Ga. Const. art. IX, § II, ¶ III(a)(3).

ARTICLE I. - IN GENERAL

Secs. 10-1—10-10. - Reserved.

ARTICLE II. - ANIMAL CONTROL ORDINANCE

TABLE OF CONTENTS

DIVISION 1 - GENERALLY

DIVISION 2 - PROVISIONS RELATING TO THE HUMANE CARE OF ANIMALS

DIVISION 3 - DANGEROUS ANIMALS

DIVISION 4 - IMPOUNDMENT; HEARING ; APPEAL

DIVISION 5 - ORDINANCE VIOLATIONS

DIVISION 6- LEGAL PROVISIONS

DIVISION 1. - GENERALLY

Sec. 10-11. - Title.

This chapter shall be known as the "Walker County Animal Care Ordinance."

Sec. 10-12. - Purpose and intent

The purpose of this chapter is to provide for the humane treatment of animals by regulating the care and control of animals within Walker County; to provide for the classification of dangerous dogs and vicious dogs; to provide for the investigation of cruelty to animals; to provide for emergency procedures pertaining to sick or injured animals; to provide appropriate restrictions on the keeping of animals; to provide standards for the care and treatment of animals; to provide for enforcement of these provisions;

and to promote the public health, safety and general welfare of the citizens of Walker County by restricting nuisances and preventing unwholesome, unhealthy, or unsanitary living conditions for animals.

Sec. 10-13. - Definitions.

When used in this chapter, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means to leave an animal with no intent to continue to provide care or shelter for the animal, or no intent to return and reclaim the animal. Intent to abandon can be inferred if an animal is left unattended for more than 24 hours.

Adequate food and water means uncontaminated food and water which is sufficient in amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of food or water.

Animal means any live creature, both domestic and wild, except humans. Animal also includes fowl, fish and reptiles.

Animal control means the Animal Control Department of Walker County.

Animal control director means the official who is the head of the Walker County Animal Control Department, or his or her designee, who is in charge of administering and enforcing this chapter. The animal control director is designated by the county as the dog control officer, pursuant to O.C.G.A. § 4-8-22.

Animal control officer means an employee of animal control designated by the animal control director to administer and enforce the requirements contained within this chapter. Such officers shall be authorized to enforce all provisions of this chapter, including the provisions relating to dangerous dog control.

Animal shelter means the Walker County Animal Shelter & Adoption Center or other facility operated by a government entity, where animals impounded under the terms of this chapter shall be kept.

Animal shelter, private means any facility operated for the purpose of harboring stray, homeless, abandoned or unwanted dogs, cats, and other animals, which facility is operated, owned or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals. Private animal shelter also means a facility for the care and keeping of animals, rehabilitation of animals, or for providing other treatment and humane care to animals without fee or compensation or not on a commercial basis. Operation of a veterinary hospital or clinic by a licensed veterinarian shall not constitute a private animal shelter.

Anti-climbing device means angled metal braces at least 12 inches long, securely attached to the top of a fence with at least three strands of equally separated barbed wire stretched between them. All anti-climbing devices shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular. Other designs may be approved by the animal control director.

At large means that an animal is off the premises of the owner and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

Building means any structure intended for shelter, housing, or enclosure of persons, animals, chattels or property, and usually having a roof supported by columns or by walls.

Cat means any domestic cat, male or female, of pure or mixed breed.

Classified dog means any dog that has been classified as dangerous or vicious under this chapter.

Commissioner means the sole commissioner of Walker County.

Contagious disease means any sort of illness, sickness, virus or infection that is communicable to other persons or animals.

County means Walker County, Georgia. For the purposes of this chapter only, it shall also mean and include any participating municipality, as the same is defined by this chapter.

Custodian means a person in whose care or supervision an animal is placed. It shall also mean any person who cares for a stray dog or cat or abandoned animal.

Dangerous dog means any dog that:

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

Disposition means adoption, quarantine, voluntary or involuntary custodianship or placement, transfer to rescue groups, or euthanasia humanely administered to an animal in accordance with O.C.G.A. § 4-11-5.1. Disposition also includes placement or sale of an animal to the general public.

Dog means any domestic dog, male or female, of pure or mixed breed.

Domestic animal means dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, chickens, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

Enclosure means a pen or other structure designed to hold an animal and capable of preventing the animal enclosed from escaping the boundaries of the enclosure.

Enclosure, secure or secure enclosure means an enclosure for keeping a dangerous dog or vicious 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 pen or structure shall have secure sides and a secure top. Any pen, structure or fenced area shall be lockable by a keyed or combination lock. If the dog is enclosed within a fence, the bottom of the fence shall be secured to the ground in such a manner as to prevent the dog's escape. The fence shall be topped with anti-climbing devices sufficient to prevent the dog from escaping over the top, or the enclosure shall have a secure top. The fence shall be a minimum of six feet high for any dog exceeding 23 inches in height, and shall be a minimum of four feet high for any other dog. Any secure enclosure shall also provide protection from the elements for the dog.

Equine means any member of the Equidae species, including horses, mules, zebras, and asses.

Exotic animal means any live alligator, crocodile, cayman, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat, member of the canine species other than domestic dog, or any other animal that would require a standard of care and control greater than that required for customary domestic animals or household pets sold by commercial pet shops, or required for traditional farm animals. Exotic animal also means those animals as defined in Chapter 5 of Title 27 of the Official Code of Georgia Annotated.

Governing authority means the governing authority of Walker County.

Humane care means, but is not limited to, the provision of adequate heat, ventilation, and sanitary shelter; sufficient wholesome and adequate food and water consistent with the normal requirements and feeding habits of the animal's size, species, and breed; veterinary care needed to prevent suffering and prevent or treat disease; and any other treatment needed to prevent suffering.

Impoundment means the taking into custody of an animal by any law enforcement officer, animal control officer, or any authorized representative thereof.

Kennel means any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, breeding, or similar purposes for a fee or compensation. Operation of a veterinary hospital or clinic by a licensed veterinarian shall not constitute a kennel.

Litter means the offspring at one birth of an animal.

Livestock means all animals of the equine, bovine, or swine type (or similar animals), including, but not limited to, goats, sheep, mules, horses, hogs, pigs, and cattle; all poultry, including chickens, roosters, hens and similar birds; other birds raised or kept such as pigeons; other grazing animals; all ratites, including, but not limited to, ostriches, emus, and rheas; non-traditional livestock including, but not limited to, bison, deer, buffalo, alpaca and llamas; and other similar animals raised for profit or use, but not including dogs, cats, rabbits or honey bees. Livestock shall also include, but not be limited to, definitions under O.C.G.A. § 4-4-1.1 for "livestock" and O.C.G.A. § 4-4-80 for "poultry."

Notice means the manner of making affected persons aware of proceedings under this chapter. Whenever a provision of this chapter requires notice upon an animal owner, notice shall be accomplished by personal service to the owner of the animal or by certified mail to the animal owner's last known address, unless the provision expressly requires another form of notice. If the animal owner or their address is not known, notice shall be accomplished by conspicuously posting the notice information at the location the animal was picked up and at the animal shelter.

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

Participating municipality means any municipality in Walker County which by ordinance or resolution agrees to participate in the county's animal control program as set forth in this chapter through an intergovernmental agreement and which agrees to share the expenses of said program.

Person means any person, firm, corporation, partnership, association, or other legal entity; any public or private institution; the State of Georgia; or any county, municipal corporation, or political subdivision of the state.

Pet dealer means any person who sells, offers to sell, exchanges, or offers for adoption any of the following animals: dogs, cats, birds, fish, reptiles or other animals customarily obtained as pets in this state. A person who sells only animals that he has produced and raised, not to exceed one litter per household per year, shall not be considered a pet dealer; however, selling more than one litter, either from the same animal or different animals, in the same year shall make the seller a pet dealer. Operation of a veterinary hospital or clinic by a licensed veterinarian shall not make the veterinarian a pet dealer.

Pet dealing means acts such as selling, offering to sell, exchanging, or the offering for adoption of any of the following animals: dogs, cats, birds, fish, reptiles or other animals customarily obtained as pets in this state. Selling only animals that a person has produced and raised, not to exceed one litter per household per year, shall not be considered pet dealing; however, selling more than one litter, either from the same animal or different animals, in the same year shall constitute pet dealing.

Private animal shelter: See, "Animal shelter, private."

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

Residential structure means a structure designed, arranged, or used for living quarters for one or more persons that is lawfully constructed and permitted under all applicable zoning ordinances and building codes.

Responsible person means a person of sufficient strength and capability to restrain and manage the animal under their control.

Sanitary means a condition of good order and cleanliness to minimize the possibility of disease transmission.

Sanitary shelter means an animal enclosure in good order; clean; without an accumulation of waste, garbage or feces on the property; and that does not expose the animals sheltered within to disease, diseased animals, dangerous or hazardous conditions, or other threats to animal health and welfare.

Secure enclosure: See, "Enclosure, secure."

Serious injury means any physical injury that: 1) creates a substantial risk of death; 2) results in death; 3) broken or dislocated bones; 4) lacerations requiring sutures, or disfiguring avulsions; 5) requiring plastic surgery or admission to a hospital; or 6) results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

Sexually mature animal means any dog or cat that has reached the age of 180 days or six months or more.

Stable means any building, structure, pasture or other enclosure where equines are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other similar purposes and (a) a fee is charged for boarding, holding, training, breeding, lodging, or other similar purposes for such equine; or (b) a fee is charged for riding, pulling vehicles, or other similar purposes.

Stray cat means any cat that is not claimed by anyone as its owner.

Stray dog means any dog without a collar with proof of rabies vaccination attached and that is not claimed by anyone as its owner.

Sterilization means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

Structure means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Tether means any chain, cord, cable, rope, leash, wire, tie out, running cable line, trolley system, or similar device designed to restrain an animal, which is attached to a stationary object or objects and is also attached directly to the animal, or to a collar, harness, halter, or similar device attached to the animal's body. "Tethering" means to restrain an animal with a tether. See subsection 10-14(h).

Unattended means left without direct human supervision or control.

Under restraint means that an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's property.

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.

Wild animal means any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic

cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds. Wild animal shall also mean those animals as defined in Chapter 5 of Title 27 of the Official Code of Georgia Annotated.

Wild carnivore means any meat-eating wild animal (as defined above), including, but not limited to, members of any species in the order carnivora, the order primates, or the class reptilia if the species eats meat as a part of a normal diet.

Sec. 10-14. - Control of animals.

- (a) *Control of animals.* Every animal shall be restrained and controlled so as to prevent it from molesting passersby, chasing vehicles, or attacking persons or other animals. It shall be a violation of this section for the owner of an animal, or for the person having possession of, responsibility for, or custody of an animal, to not have the animal under secure control whether on the premises of such person or off the premises.

Secure control: When the animal is on the premises of the owner or the person having possession of, responsibility for, or custody of an animal, "secure control" shall mean: the animal is enclosed in a fence or other enclosure sufficient to contain the animal; the animal is contained by an electronic fence and shock collar or similar technology; the animal is tethered consistent with subparagraph (b); or the animal is under direct voice command.

When an animal is off the premises of the owner or the person having possession of, responsibility for, or custody of an animal, "secure control" shall mean: the animal is secured by a leash or other device held by a competent person; the animal is tethered consistent with subparagraph (b) with the permission of the person upon whose property the animal is tethered; the animal is safely confined within a vehicle, consistent with subparagraph (d); the animal is enclosed in a fence or other enclosure sufficient to contain the animal with permission of the owner of the property where the enclosure is located; or the animal is under direct voice command where explicitly allowed by the property owner.

On the premises means the animal is on the parcel or in the home where it normally resides and which is the home of the person who owns or has possession, custody or control of the animal.

Off the premises means anywhere other than the parcel where the animal normally resides, including the immediately adjacent road or right-of-way and common areas of an apartment complex, other multi-family housing or neighborhoods.

A competent person means a person with the strength and ability to control the animal.

Direct voice command. To qualify as under direct voice command, the person must be 1) outside with the animal, 2) in close proximity to the animal, and 3) the animal must be demonstrably responsive to voice commands. A person inside a structure shall not be considered under this section to have voice command over an animal that is outside.

Close proximity shall mean within a distance where the animal can respond to spoken (not shouted) commands.

Exempt Dogs. This subsection shall not apply to hunting dogs, herding dogs and predator control dogs.

- (b) *Tethering.* Animals may only be tethered under the following circumstances:

- (1) A person restraining an animal with a tether shall attach the tether to a properly fitting collar or harness worn by the animal. A person may not use choke collars, pinch collars, prong collars or similar devices, nor may a person wrap a tether directly around an animal's neck;

- (2) A person may not restrain an animal with a tether in a manner that does not allow the animal to access adequate food and water and shelter, including shade when the temperature is above 80 degrees Fahrenheit;
 - (3) The length of the tether should be no less than five times the length of the animal, measured from the tip of the animal's nose to the base of its tail. In any event, a person may not restrain an animal with a tether less than ten feet in length;
 - (4) The animal must be tethered in a safe manner and not in a fashion that subjects the animal to tangling and choking risks; and
 - (5) A person restraining an animal with a tether shall ensure that the area in which the animal is confined is free of garbage, fecal matter, or other debris that can cause harm to the animal.
- (c) *Tethering on public property.* No person shall tie, stake or fasten any animal within any street, alley, sidewalk or in such manner that the animal has access to any portion of any street, alley, sidewalk.
 - (d) *Dogs in heat.* Every female dog in heat shall be confined in a building or other enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding.
 - (e) *Animals in vehicles.* No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

Sec. 10-15. - Keeping of exotic or wild animals.

- (a) *Exotic or wild animals unlawful.* It shall be unlawful for anyone to own, harbor, or permit at large any exotic animal or wild animal within the unincorporated areas of Walker County without the written permission of the director of animal control who may impose upon the owner reasonable conditions of confinement to assure the protection and safety of the general public. Such conditions shall be imposed pursuant to and in relation to the threat posed by the species to other animals and to humans from attacks, bites, disease, nuisance, noise, odor or any similar harm. If a question arises as to the status of an animal as domestic or exotic, the animal control director shall make the determination.
- (b) *Wild carnivores not permitted.* No wild carnivores (including, but not limited to, tigers, cheetahs, pumas, leopards, jaguars, lynx, bobcats, mountain lions, wolves, bears, raccoons, weasels, badgers, skunks, mongooses, and hyenas) shall be kept as pets nor for any other purpose in Walker County.

Sec. 10-16. - Public nuisance prohibited.

It shall be unlawful for any person to keep any animal on any property located within the unincorporated limits of Walker County when the animal is kept in such condition to constitute a public nuisance animal, as defined below, or to constitute a menace to public health or safety.

Public nuisance animal means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:

- (1) Any animal that is repeatedly found running at large;
- (2) Any dog or cat in any section of a park or public recreation area, unless the dog or cat is controlled by a leash or similar physical restraint;

- (3) Any animal that damages, soils, defiles or defecates on any property other than that of its owner;
- (4) Any animal that continuously (exceeding 15 continuous minutes) or repeatedly (numerous times totaling 15 minutes over the course of one hour) howls, barks, whines or makes other disturbing noises that can be heard from within any adjacent or nearby residential structure owned by anyone other than the animal owner;
- (5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. Agricultural enterprises in compliance with recognized best management practices and applicable state law are exempt from this subsection;
- (6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- (7) Any animal, whether or not on the property of its owner, that without provocation molests, chases, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (8) Any animal that attacks or injures a domestic animal or pet;
- (9) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
- (10) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

Sec. 10-17. - Animal breeding; pet dealers.

- (a) *Breeding restrictions.* It shall be permissible for any household to breed and offer for sale up to thirty animals per year in accordance with O.C.G.A. § 4-11-2. Any more than thirty animals per household per year shall make such person a pet dealer.
- (b) *Livestock breeding restrictions.* Persons breeding livestock shall comply with applicable state regulations and laws.
- (c) *Operations requiring licensing.* It shall be unlawful for any person to act as a pet dealer or operate a kennel, stable or private animal shelter unless such person has a valid license issued by the Georgia Department of Agriculture, pursuant to O.C.G.A. § 4-11-1 et seq., and applicable state regulations.
- (d) *Care of operations.* It shall be unlawful to fail to keep the pet dealership premises, breeding operation, animal shelter, kennel or stable in a good state of repair, in a clean and sanitary condition, adequately ventilated, or disinfected when needed.
- (e) *Impoundment of animals from unlicensed operations.* Animals kept by or at any unlicensed pet dealer, private animal shelter, stable, or kennel are subject to immediate impoundment, at the owner's expense.

Secs. 10-18—10-40. - Reserved

DIVISION 2. - PROVISIONS RELATING TO THE HUMANE CARE OF ANIMALS

Sec. 10-41. - Violations relating to caring for animals.

- (a) *Failure to provide humane care.* It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal humane care.

- (b) *Animal suffering.* It shall be unlawful for any owner or custodian of any animal to permit the animal to live in conditions that cause suffering to the animal, or to directly cause any suffering of an animal.
- (c) *Abandonment.* It shall be unlawful for the owner or custodian of any animal to abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.
- (d) *Unattended animals.* It shall be unlawful for the owner or custodian of any animal to leave such animal in any location unattended for longer than reasonably necessary to ensure the animal has adequate food, water and shelter.
- (e) *Accumulation of waste matter.* It shall be unlawful for any owner or custodian of any animal to permit the accumulation of waste matter from animals to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others. It shall be unlawful to allow animal waste matter to run off into any river, stream, lake, pond or other watercourse in Walker County, or to run off onto any other person's property.
- (f) *Failure to provide adequate shelter.* It shall be unlawful for any owner or custodian of any animal to fail to provide adequate shelter from the elements for that animal, as appropriate to the species. Providing adequate shelter requires providing sufficient food and water, disposing of waste, providing sufficient temperature control (whether heat, ventilation, or cooling) to prevent suffering by the animal, and not maintaining conditions conducive to disease and infection. In respect to dogs, adequate shelter means at least a dog house or shelter meeting the requirements of subsection (k). For example, tethering a dog outside during summer without shade or water would be a violation of this section, as well as potentially subsections 10-41(a) and (b).
- (g) *Unsanitary, dangerous or offensive conditions.* It shall be unlawful for any owner or custodian of any animal to permit or cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.
- (h) *Rabies tag.* Dogs shall wear current, valid rabies tags attached to their collars except when removal is necessary for cleaning, grooming or other veterinary care. It shall be unlawful for any owner or custodian of a dog to allow the animal to be off premises without wearing a collar with a current rabies tag showing that the animal has been inoculated for rabies within 1-3 years depending on the vaccine given and the manufacturer's listed duration.
- (i) *Proper disposal.* It shall be unlawful for any owner or custodian of any animal to fail to properly dispose of that animal upon its death. Proper disposal means in a method provided by the Georgia Code at O.C.G.A. § 4-5-5, and includes burning, incineration, burial or rendering of the carcass within 24 hours after death or discovery. Dead animals that are buried must be buried at least three feet below the ground level, have not less than three feet of earth over the carcass, and must not contaminate groundwater or surface water.
- (j) *Separate violation per animal.* Each animal kept in violation of this section shall count as a separate violation.
- (k) *Kennel and dog enclosure requirements.* All kennels or other enclosures to house more than three dogs constructed or maintained in Walker County after June 1, 2018, shall be well-ventilated and provide heat and water sufficient to provide humane care for the dogs, and runs with facilities and size sufficient to provide humane care for the dogs. Prior to erecting a kennel maintaining more than eight dogs, a person shall check with the zoning department and secure necessary permission.

Sec. 10-42. - Sick, injured, or contagious animals.

- (a) *Impoundment of sick or injured animals.* In any situation deemed appropriate by the animal control officer involving a sick or injured animal whose owner cannot be located and the condition of such

animal is such that death or great suffering to the animal is likely, the animal control officer may take custody of such animal and may secure veterinary services for such animal. The owner of such animal shall be responsible for reimbursement of all expenses related to treatment and boarding of the animal.

- (b) *Destruction of sick or injured animals.* Any sick or injured animal, deemed by a licensed veterinarian to be suffering to such an extent that the humane euthanasia of the animal is appropriate and the owner of the animal cannot be located, shall be humanely euthanized by the veterinarian in accordance with O.C.G.A. § 4-11-5.1.
- (c) *Infected or contagious animals.* Any animal impounded by the animal control officer that is, in the opinion of a licensed veterinarian, infected with a disease likely to cause death or great suffering to the animal, or which is a contagious disease, or which will likely spread to other animals, shall be isolated and the owner of such animal shall be notified. If the owner cannot be located or the owner fails to take immediate steps to remove the animal from impoundment, the infected animal shall be humanely euthanized in accordance with O.C.G.A. § 4-11-5.1.
- (d) *Reimbursement.* The owner of the animal shall be responsible for reimbursement to the county for all expenses involving the boarding, treatment and destruction of any such animal.
- (e) *Notification of bites.* It shall be the duty of any person bitten by a wild or domestic animal to immediately notify the Walker County Health Department and the Walker County Animal Control Department. It shall be the duty of the owner, custodian, or any person having possession and knowledge of any animal which has bitten any person or animal, or of any animal which exhibits any signs of rabies, to notify the animal control department and the Walker County Health Department and to confine such animal in accordance with this chapter.
- (f) *Impoundment and quarantine.* Any animal control officer shall be authorized to impound and quarantine dogs that have been bitten by wild animals or bitten by dogs or cats that do not have current records of vaccination against rabies. Management of animals exposed to rabies shall be according to the procedures set forth in the Georgia Rabies Control Manual, latest edition, which is incorporated herein by reference as if set forth fully herein. The protocols for livestock, dogs, cats and ferrets possibly exposed to rabies, as well as the protocols for animal to animal exposure and human exposure shall be enforced as set forth in the Georgia Rabies Control Manual, latest edition. The animal control officer shall be authorized to take any and all steps set forth in said manual up to and including euthanizing and testing of animals.
- (g) *Animals impounded for rabies quarantine.* Animals impounded for rabies quarantine shall be isolated pursuant to the procedures of the Georgia Rabies Control Manual, latest edition. If the animal shows signs of rabies or dies during confinement, it will be sent off for testing. If the animal survives and does not show signs of rabies, it will be returned to the owner upon payment of fees.
- (h) *Quarantine/isolation procedures.* In certain circumstances, the animal control officer may allow the animal owner to quarantine the animal that has been bitten in lieu of the animal being euthanized and tested. The quarantine period varies depending on the circumstance, as set forth in the Georgia Rabies Control Manual, latest edition. In that case, the animal must be placed in a secure enclosure where no other animal or person can be exposed to the virus which can be transmitted into bite wounds, open cuts in skin, and onto mucous membranes. The animal must be kept in a secure enclosure approved by the animal control department. If the animal escapes from the enclosure, it will be impounded and euthanized for testing.

Sec. 10-43. - Cruelty to animals.

- (a) *Cruelty to animals.* It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, intentionally run down with a vehicle, or cause or inflict unnecessary pain, injury, suffering or death to an animal through any act, omission or willful neglect, except that reasonable force may be used to

defend one's person or property, or the person or property of another, from injury or damage being caused by a dog; or kill any dog causing injury or damage to any livestock, poultry, or pet animal as authorized by Georgia law. "Willful neglect" includes the intentional withholding of food and water required by an animal to prevent starvation or dehydration.

- (b) *Poisoning.* No person, except a licensed veterinarian for humanitarian purposes, shall intentionally administer poison to any animal or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. This provision is not applicable to licensed exterminators using poisons as part of a pest control program, and this provision is not applicable to any person's use of commercial insecticides and rodent baits used to control insects and wild rodents.
- (c) *Investigation.* The animal control officer shall investigate complaints pertaining to cruelty to animals. The animal control officer may request the assistance of the sheriff's department or the appropriate law enforcement officers of a participating municipality.
- (d) *Necessary pain.* In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, failure to employ the most humane method used in the course of the practice shall constitute cruelty to animals and shall be unlawful.

Secs. 10-44—10-65. - Reserved

DIVISION 3. - DANGEROUS ANIMALS

Sec. 10-66. - Dog classification.

- (a) *Classification levels.* "Classified dog" means any dog that has been classified as either a dangerous or vicious dog pursuant to this article. Classifications are as follows:
 - (1) *Dangerous dog.* Any dog that:
 - a. Causes a puncture of a person's skin by teeth without causing serious injury (see section 10-13); provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;
 - b. Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury (see section 10-13) to such a 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
 - c. While off the owner's property, kills a domestic animal; provided, however, that this subparagraph shall not apply where the death of such domestic animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.
 - (2) *Vicious dog.* Any dog that inflicts a serious injury on a person or causes serious injury (see section 10-13) to a person resulting from reasonable attempts to escape the dog's attack.
 - (3) *Euthanasia for causing serious injury on more than one occasion.* Pursuant to O.C.G.A. § 4-8-26, a dog that is found, after notice and opportunity for hearing as provided below, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this subsection.

- (4) *Judge authorized to order euthanasia.* Pursuant to O.C.G.A. § 4-8-25, the judge of any superior court of competent jurisdiction within this state may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided by this section, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:
- a. The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or
 - b. Any local governmental authority has filed with the court a civil action requesting the euthanasia of the dog.
- (5) *Previously classified animals.* Any dog classified prior to the adoption of this ordinance, as a potentially dangerous dog in this state shall on and after that date be classified as a dangerous dog. Any dog classified prior to the adoption of this ordinance, as a dangerous dog or vicious dog in this state shall on and after that date be classified as a vicious dog under this chapter. The owner of any dog classified prior to the adoption of this ordinance, shall come into compliance with all current provisions of this chapter by December 1, 2018.
- (b) *Confiscation.* If an animal control officer has reason to believe that a dog has acted in a manner that justifies a classification as a dangerous dog or a vicious dog, the dog may be confiscated, impounded, classified, and notice provided as set forth below. A law enforcement officer or animal control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.
- (c) *Exceptions.* An animal shall not be classified within the meaning of this section if it inflicts injury upon a person when the animal is being used by a law enforcement officer or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous or vicious dog if the person injured by such dog was a person who, at the time, was: 1) committing a trespass; 2) was abusing the dog; or 3) was committing or attempting to commit an offense under O.C.G.A. Chapter 5 of Title 16.
- (d) *Classification by animal control.* The animal control officer shall make a determination whether the dog shall be classified as a dangerous dog or vicious dog. The owner shall be given notice of the classification pursuant to paragraph (e) below. If an owner is unknown or cannot be found, notice shall be made by posting the notice in a conspicuous place at the location where the animal was confiscated.
- (e) *Notice of determination.* The notice to the owner shall meet the following requirements:
- (1) The notice shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address within 72 hours, and notice shall be complete upon mailing;
 - (2) 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 dog or vicious dog;
 - (3) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has a right to request an appeal hearing on the animal control officer's classification of the dog;
 - (4) The notice shall state that the hearing, if requested, shall be before the Walker County Animal Control Board;
 - (5) The notice shall state that if a hearing is not requested, the classification of the dog as a dangerous dog or vicious dog will become effective for all purposes under this chapter 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
 - (6) The notice shall include a form to request a hearing and shall provide specific instructions on mailing or delivering such request to animal control.

- (f) *Response to notice.* If no owner comes forward in response to the notice provided in paragraph (e), the animal shall be kept for five days, and then may be disposed of by animal control, including by humane destruction in accordance with O.C.G.A. § 4-11-5.1. If the owner comes forward and no appeal hearing is requested, the animal may be returned to the owner provided the owner complies with the requirements of this division, including payment of fees set forth in paragraph (j) and the requirements of section 10-67. If a hearing is requested, the provisions of paragraph (g) shall apply.
- (g) *Appeal hearing.* When the animal control board receives a proper and timely request for an appeal hearing of a classification, it shall schedule such hearing within 30 days after receiving the request; however, such hearing may be continued by the authority for good cause shown. The board shall notify the dog owner in writing by certified mail or statutory overnight delivery of the date, time, and place of the hearing, and such notice shall be mailed 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 governing authority or board shall receive such other evidence and hear such other testimony as the governing authority or board may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal control officer's classification of the dog, including the power to impose conditions on continued possession of the dog.
- (h) *Decision.* After hearing the evidence, the animal control board shall be empowered to take the following actions:
- (1) Sustain the animal control officer's classification;
 - (2) Modify the animal control officer's classification;
 - (3) Overrule the animal control officer's classification;
 - (4) Impose conditions or restrictions in addition to the required conditions set forth in this chapter for keeping a classified dog; or
 - (5) Order that the dog be euthanized pursuant to subsection 10-66(a)(3) if the requirements are met.
- (i) *Notice of decision.* The decision shall be made at the hearing, and within ten days after the date of the hearing, the animal control board shall notify the dog owner in writing by certified mail or statutory overnight delivery of its determination on the matter. If such determination is that the dog is a dangerous dog or vicious dog, the notice shall specify the date upon which that determination is effective. Any specific additional conditions or restrictions shall be set forth in the notice. If the determination is that the dog is to be euthanized pursuant to subsection 10-66(a)(3), the notice shall specify the date by which the euthanasia shall occur.
- (j) *Return to owner.* In the event the dog is classified as a dangerous or vicious dog, (and the dog is not ordered euthanized), the animal shall not be returned to the owner until payment of reasonable confiscation costs, such fees as the animal control director may impose for impoundment, boarding and veterinary care. In the event the owner has not complied with the provisions of this paragraph and also satisfied the requirements set forth in section 10-67 within ten days of the date the dog was classified, said dog shall be destroyed in an expeditious and humane manner in accordance with O.C.G.A. § 4-11-5.1; provided, however, upon a showing for good cause, the director of animal control may extend said time, up to an additional 15 days, upon the payment by the owner of the per diem boarding costs for said dog. In the event the dog is ordered euthanized, the animal shall be humanely destroyed any time after five business days after the date of the decision of the animal control board in accordance with O.C.G.A. § 4-11-5.1.
- (k) *Judicial review.* Judicial review of the animal control board's final decision may be had in accordance with O.C.G.A. § 50-13-19, except that venue shall be limited to the Walker County Superior Court. The filing of the petition for judicial review in superior court does not itself stay enforcement of the

board's decision. Except as otherwise provided in this subsection, the animal control director may grant, or the reviewing court may order, a stay upon appropriate terms for good cause shown.

Sec. 10-67. - Requirements for possessing a classified dog.

- (a) *Unlawful without certificate.* It is unlawful for an owner to have or possess within Walker County a classified dog without a certificate of registration issued in accordance with the provisions of this section. All requirements set forth in subsection (b) below must be satisfied before a certificate of registration shall be issued. No certificate of registration shall be issued to any person who has been convicted of two or more violations of this division.
- (b) *Requirements for possessing classified dogs.* The animal control officer shall issue a certificate of registration to the owner of such dog if the owner is 18 years of age or older, no previous certifications has been issued to the same domicile, and all of the following applicable criteria have been satisfied:
- (c) *Dangerous dog.* Unless otherwise specified, a certificate of registration for a dangerous dog shall be issued if the animal control officer determines that the following requirements have been met:
 - (1) *Secure enclosure.* The dog must be confined in a secure enclosure (see section 10-13), which shall remain locked when the dog is inside and its owner or other responsible person (see section 10-13) is not present. The secure enclosure must be located at least ten feet from all property lines.
 - (2) *Warning signs.* All entrances on the premises where dog resides must be posted with a clearly visible sign warning that there is a dangerous dog on the property which sign shall substantially conform to the design provided by the Georgia Department of Natural Resources.
 - (3) *Dog off owner's property.* It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:
 - a. The dog is muzzled and restrained by a substantial chain or leash no longer than six feet and is under the physical restraint of a responsible person (see section 10-13). The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person; or
 - b. The dog is contained in a closed and locked cage or crate; or
 - c. The dog is working or training as a hunting dog, herding dog, or predator control dog.
 - (4) *Location restriction.* The dog cannot be kept, and the secure enclosure cannot be located, at any location within 300 feet of a public or private elementary, middle or high school or school facility. Such distance shall be measured from the exterior wall or fence of the enclosure in a direct line to the nearest property line of the parcel or lot containing the school or school facility.
- (d) *Vicious dog.* A certificate of registration for a vicious dog shall be issued if the dog control officer determines that the following requirements have been met:
 - (1) *Secure enclosure.* The dog must be confined in a secure enclosure (see section 10-13), which shall remain locked when the dog is inside and its owner or other responsible person (see section 10-13) is not present. The secure enclosure must be located at least ten feet from all property lines.
 - (2) *Warning signs.* All entrances on the premises where dog resides must be posted with a clearly visible sign warning that there is a dangerous dog on the property which sign shall substantially conform to the design provided by the Georgia Department of Natural Resources.

- (3) *Dog off owner's property.* It shall be unlawful for an owner of a vicious dog to permit such dog to be unattended with minors. It shall be unlawful for an owner of a vicious dog to permit the dog to be off the owner's property unless:
- a. The dog is muzzled and restrained by a substantial chain or leash no longer than six feet and is under the physical restraint of a responsible person (see section 10-13). The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person; or
 - b. The dog is contained in a closed and locked cage or crate.
- Pursuant to O.C.G.A. § 4-8-29, any person who violates this section of this Code shall be guilty of a misdemeanor of high and aggravated nature.
- (4) *Location restriction.* The dog cannot be kept, and the secure enclosure cannot be located, at any location within 300 feet of a public or private elementary, middle or high school or school facility. Such distance shall be measured from the exterior wall or fence of the enclosure in a direct line to the nearest property line of the parcel or lot containing the school or school facility.
- (5) *Microchip identification.* A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog.
- (6) *Liability insurance.* The owner of a vicious dog must maintain and provide proof of general or specific liability insurance in the amount of a 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.
- (7) *Criminal violations.* No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:
- a. A felony as defined in O.C.G.A. § 17-10-6.1;
 - b. The felony of dogfighting as provided for in O.C.G.A. § 16-12-37, or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or
 - c. A felony involving trafficking in cocaine, illegal drugs, methamphetamine, or ecstasy as provided for in O.C.G.A. §§ 16-13-31 and 16-13-31.1 from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.
- (8) *Only one permitted.* No person shall be the owner of more than one vicious dog.
- (e) *Notification requirements.* The owner of a classified dog shall notify animal control immediately or as soon as possible, and in no case later than 24 hours after the event, in the following circumstances:
- (1) The dog is on the loose, is unconfined, or has attacked a human.
 - (2) The dog has died, been sold or been donated. If the dog has been sold or donated, the owner shall also provide animal control with the name, address, and telephone number of the new owner of the dog. The owner shall be required to notify the new recipient of the dog of its classification. A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.
 - (3) The owner is moving from the address shown on the registration. The owner must provide animal control with the new address.
 - (4) The owner of a classified dog which was classified by another jurisdiction in Georgia, who moves into Walker County, shall register the dog as required in O.C.G.A. § 4-8-28 within ten days after becoming a resident, and shall notify the dog control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into this state and county from another state shall register the dog within 30 days of becoming a resident.

- (f) *Investigation and compliance.* The animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section. Law enforcement agencies of the municipalities and county shall cooperate with the animal control officers in enforcing the provisions of this section.
- (g) *Fees; renewal.* An annual fee of \$60.00 shall be charged to register classified dogs as required in this section. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, the animal control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the classified dog is continuing to be confined in a proper secure enclosure and that the owner is continuing to comply with other requirements of this chapter. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.
- (h) *Liability; sovereign immunity.* Issuance of a certificate of registration or the renewal of a certificate of registration by Walker County does not warrant or guarantee that the requirements specified in this section are maintained by the owner of a classified 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. Pursuant to O.C.G.A. § 4-8-31, under no circumstances shall the county or any county employee be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of failure to enforce the provisions of this chapter. Nothing in this Chapter is intended to be or shall be construed as a waiver of Walker County's sovereign immunity.

Sec. 10-68. - Confiscation of dangerous dogs; grounds; disposition.

- (a) *Confiscation.* A classified dog shall be immediately confiscated by the animal control officer, by a law enforcement officer, or by another person authorized by the animal control officer in the case of any violation of this division. A refusal to surrender a dog subject to confiscation shall be a violation of this division.
 - (1) The owner of any dog that has been confiscated pursuant to this division may recover such dog upon payment of reasonable confiscation and housing costs and proof of compliance with the provision of this division. All fines and charges for services performed by a law enforcement or animal control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of dog.
 - (2) In the event the owner has not complied with the provisions of this division within 20 days of the date the dog was confiscated, such dog shall be destroyed in an expeditious and humane manner and the owner may be required to pay the costs of housing and euthanasia.
- (b) *Return.* Any dog that has been confiscated under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this section and upon the payment of such fees as the animal control director may impose for confiscation, boarding and veterinary care. In the event the owner has not complied with the provisions of this section within 20 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner in accordance with O.C.G.A. § 4-11-5.1; provided, however, upon a showing for good cause, the director of animal control may extend said time, up to an additional 15 days, upon the payment by the owner of the per diem boarding costs for said dog.

Sec. 10-69. - Violations.

- (a) The owner of a previously classified dog who violates any provision of this division shall be guilty of a misdemeanor and be subject to minimum fines of \$250.00 for a first offense and up to \$1,000 for subsequent offenses.

- (b) Pursuant to O.C.G.A. § 4-8-29, an owner with a previous conviction for violation of the classified dog provisions whose classified dog causes serious injury may be charged with a felony.

Sec. 10-70. - Dangerous or vicious animals other than dogs.

The provisions of sections 10-66 to 10-69 may be applied to animals other than dogs. Animals may be classified as dangerous or vicious. In the event a hearing is requested, the hearing shall be to determine if the animal shall be destroyed or if there is any other option to spare the animal's life. Any such option shall require restrictions at least as severe as the restrictions on a dangerous dog and shall prevent the public from any contact with the animal, such as donation to a zoo.

Secs. 10-71—10-80. - Reserved.

DIVISION 4. - IMPOUNDMENTS, HEARINGS, APPEALS

Sec. 10-81. - Animal control board.

- (a) *Members.* The animal control board shall consist of five members and three alternates, appointed by the commissioner, who is empowered to sit on the board in the absence of any member of the board.
- (b) *Terms.* The terms of the members shall be three years and until a successor is appointed; provided that the initial terms of the members may be for less than three years so that the terms of the members of the board will be staggered. The board existing on the date of amendment of this chapter shall continue in office pursuant to its members' prior appointments.
- (c) *Compensation.* Members shall be paid \$25 per day for each day of attendance.
- (d) *Hearings.* The animal control board shall conduct hearings when requested by the owner of a dog which has been classified as a dangerous dog or a potentially dangerous dog; a dog which has been confiscated as vicious; in disputes involving the requirements imposed by an animal control officer for the ownership and care of a wild or exotic animal; and in disputes involving the proper calculation of costs and fees.
- (e) *Quorum.* Three members of the board shall constitute a quorum. A decision shall be rendered by a majority vote of the members present.
- (f) *Continuance.* The panel hearing a matter within the jurisdiction of the board shall have the authority to continue or reschedule a hearing to a day and time certain. Said hearing may be continued or rescheduled by the action of one member of the panel in the event there is no quorum.

Sec. 10-82. - Impoundment.

- (a) *Impoundment.* In addition to any other remedies provided in this chapter, the animal control officer may seize and impound at the animal shelter, or at any location including private animal shelters, kennels, stables, veterinary offices, private residences, public property, or other places where violations are found, any of the following animals:
 - (1) Any dog without a valid rabies tag and identifying tag, in violation of subsection 10-41(h);
 - (2) Any animal at large, or improperly kept, confined or restrained as required by sections 10-14, 10-15;

- (3) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased or has been arrested or evicted from his regular place of residence, and there is no other person who will take custody of the animal;
 - (4) Any public nuisance animal or any animal considered a nuisance or danger to the public, in violation to sections 10-13, 10-16 or subsection 10-42(c);
 - (5) Any dog or cat that bites such that skin is broken shall be immediately impounded and quarantined for ten days for observation;
 - (6) Any animal that the animal control officer reasonably suspects of having rabies;
 - (7) Any animal in violation of any quarantine or confinement order issued by the Walker County Board of Health or the public health director;
 - (8) Any unattended animal that is ill, injured or otherwise in need of care, pursuant to sections 10-41 or 10-42;
 - (9) Any animal that is vicious, or that the animal control officer reasonably believes constitutes an immediate threat to public safety, pursuant to section 10-66;
 - (10) Any animal charged under section 10-67 or in violation of section 10-68; any animal that is charged with being dangerous where the animal control officer determines that there is an immediate threat to public health and safety;
 - (11) Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
 - (12) Any animal that is reasonably believed to have been subjected to cruelty, in violation of section 10-43;
 - (13) Any animal that has been used to commit the offense of dogfighting, pursuant to O.C.G.A. § 16-12-37;
 - (14) Any animal that has not received humane care, in violation of section 10-41;
 - (15) Any stray dog or stray cat.
- (b) *Citation.* The animal control officer or law enforcement officer may also, in lieu of or in addition to impoundment, issue to the owner a notice of violation, or citation. Such notice will cite the owner to appear on a date certain before the Magistrate Court of Walker County as provided in this chapter.
- (c) *Animals at large.* Any person finding an animal at large upon his property may remove the same to the animal shelter or hold the animal in his own possession, and as soon as possible, notify animal control. The property owner shall provide a description of the animal and the name of the owner, if known. Animal control shall dispatch an animal control officer to take possession of the animal as soon as possible.
- (d) *Outsourcing services.* Any animal control officer or other designated person who seizes and impounds an animal that cannot be housed at the animal shelter shall be authorized to contract with and arrange transportation of the animal to a private farm or other appropriate facility which agrees to accept and humanely care for such animal. The disposition of the animal shall be handled in the same manner as though the animal were confined at the animal shelter except that, in addition to the fees charged for redemption, the owner shall also pay the actual transportation and boarding costs incurred while said animal was impounded.

Sec. 10-83. - Notice of impoundment; procedures.

- (a) *Specific impoundments.* Impoundment for violation of subsection 10-41(a) (failure to provide humane care) or section 10-43 (cruelty to animals) of this chapter, or for violations of O.C.G.A. § 16-12-4 (cruelty to animals) or § 16-12-37 (dogfighting), shall be subject to the following procedures:

- (1) *Veterinary determination.* A licensed, accredited veterinarian approved according to O.C.G.A § 4-11-9.2(d) shall examine and determine the condition or treatment of the animal prior to impoundment.
 - (2) *Notice.* Notice shall be provided to the owner and shall include the description of the animal, the location where the animal was impounded, the reason for impoundment, the citation number if a citation was issued, the name and business address of the officer impounding the animal, the name and business location of the animal shelter, the hours during which the animal can be reclaimed, and fees to be charged to the owner. The notice shall state that the failure to claim the animal or request a hearing as hereinafter provided within five business days following the date notice was provided may result in the disposition of the animal. The notice shall be delivered personally or by certified mail, return receipt requested. If an owner is unknown or cannot be found, notice shall be made by posting the notice in a conspicuous place at the location where the animal was impounded. In addition, if the owner is unknown, notice shall be published once in a newspaper of general circulation in the county.
 - (3) *Appeal hearing.* If an animal is impounded pursuant to subsection 10-41(a) or section 10-43 and the owner thereof refuses to enter into a consent agreement with the animal shelter that such animal will be given humane care and adequate and necessary veterinary care, the owner may request, in writing, a hearing within five business days of the date the notice of impoundment was served on such owner, or, if the owner is unknown or could not be found, within 30 days of the date of publication of the notice of impoundment in a newspaper of general circulation in the county. Hearing shall be in accordance with section 10-84. Such request for hearing shall be served upon the animal shelter. If no hearing is requested within the time limits herein specified and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the owner, the right to a hearing shall have been waived. For impoundments under state charges, see paragraph (c) below.
 - (4) *Consent agreement.* Prior to release of an animal impounded under this section, the owner must enter into a consent agreement providing that, among other things, the animal will be given humane care and veterinary treatment; the animal will not be subject to mistreatment or illegal activity; and the owner will comply with all terms of this chapter. Animal control may specify additional terms as required.
 - (5) *Permanent impoundment.* The animal control officer shall have the discretion to refuse to return an animal in cases of severe inhumane treatment causing serious injury to the animal.
- (b) *Impoundment for other reasons.* Impoundments for reasons other than specified in subsection 10-83(a) shall be subject to the following procedures.
- (1) *Determination.* The animal control officer shall make a determination whether the animal should be impounded under this chapter.
 - (2) *Notice.* Notice shall be provided to the owner and shall include the description of the animal, the location where the animal was impounded, the reason for impoundment, the citation number if a citation was issued, the name and business address of the officer impounding the animal, the name and business location of the animal shelter, the hours during which the animal can be reclaimed, and fees to be charged to the owner. The notice shall state that the failure to claim the animal or request a hearing as hereinafter provided within five business days following the date notice was provided may result in the disposition of the animal. The notice shall be delivered personally or by certified mail, return receipt requested. If an owner is unknown or cannot be found, notice shall be made by posting the notice in a conspicuous place at the location where the animal was impounded.
 - (3) *Reclaim animal.* The owner of an impounded animal, unless otherwise specified in this chapter, shall have the option to pay the violation fines and impoundment fines and retrieve the animal, once the condition or circumstance causing the impoundment has been cured or corrected. Owners shall have no more than five days from the date of notice to cure or correct the

violation, or the animal shall be deemed unclaimed; this time limit may be extended by animal control, to no more than 20 days. Return to the owner upon payment of fees shall not be an option for animals that are a threat to public safety or health, require quarantine, or where impounded for cruelty, inhumane treatment, dog-fighting, other illegal action, vicious attacks, or other circumstances requiring a hearing under this chapter.

- (4) *Appeal hearing.* The animal owner may request, in writing, a hearing within five business days of the date the notice of impoundment was served on such owner or being posted in the case of abandoned animals. Hearings shall be in accordance with section 10-84. Such request for hearing shall be served upon the animal shelter. If no hearing is requested within the time limits herein specified and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the owner, the right to a hearing shall have been waived.
 - (5) *Consent agreement.* Prior to release of an animal impounded under these provisions, the owner must enter into a consent agreement providing that, among other things, the animal will be given humane care and veterinary treatment; the animal will not be subject to mistreatment or illegal activity; and the owner will comply with all terms of this chapter. Animal control may specify additional terms as required.
- (c) *Criminal matters; bond.* The provisions of paragraphs (a)4. or (b)5. of this section shall not apply to an animal that was an object or instrumentality of a crime nor shall any such animal be returned to the owner without the approval of the prosecuting attorney and animal control. If dogs are impounded for violation of O.C.G.A. § 16-12-4 (cruelty to animals) or 16-12-37 (dogfighting), they shall not be returned to the owner until the case is completed, or unless otherwise ordered by the court. In such cases, the owner shall be required to post a surety bond for the costs of impoundment of the dog for the duration of the proceeding, in the amount of \$1,500.00 per animal impounded, or shall release the animals to animal control for disposal. The surety bond shall be issued by a surety company authorized to transact business in this state, or the bond may be paid in cash. If bond is not posted within 30 days of impoundment, animal control shall apply to the court for permission to dispose of the animal prior to trial of the criminal case as provided by law.
 - (d) *Owners liable for fees.* In the event an animal is not claimed from impoundment and is therefore destroyed or the animal otherwise dies, and the owner is known, the owner shall still be responsible for the impoundment charges, including boarding fees and veterinary care costs, for the period the animal was held.

Sec. 10-84. - Appeal hearings on impoundments.

Procedures. Within 30 days after receiving a written request for a hearing, the animal control board shall hold a hearing following the procedures established in this chapter:

- (1) The scope of the hearing shall be limited to whether the impounding of the animal was authorized under this chapter or state law;
- (2) If the board finds that the animal was improperly impounded, the animal shall be returned to the owner and the costs incurred in providing reasonable care and treatment for the animal from the date of impoundment to the date of the order shall not be charged to the owner. If the animal is impounded under contract with a third party, the animal shelter shall pay for such costs of boarding and treatment;
- (3) If the board finds that the animal was lawfully impounded, the board may (a) recommend the shelter dispose of the animal in accordance with this section or (b) unless, in a prior administrative or legal action, the owner has been found to have failed to provide humane care to an animal, committed cruelty to animals, or engaged in dog fighting in violation of the laws of this state or of the United States or any of the several states, recommend conditions under which the animal may, upon payment by the owner of all costs of impoundment and care, be

returned to the owner. Such conditions shall be reduced to writing and served upon the owner and the animal shelter.

Sec. 10-85. - Return of animal to owner.

- (a) *Return of animals at large.* If the name of the owner of an animal found at large is known or can be obtained with reasonable dispatch, and there are no other violations of this chapter, the animal control officer shall return the animal to the residential address of the owner. If there is no one present, the officer shall impound the animal and leave written notice of whom the owner must contact to reclaim the animal. The owner shall be cited for violation of this chapter.
- (b) *Return of animals with violations.* If an animal is impounded for a violation, and the procedure for return is not otherwise specified in this chapter or a hearing is not otherwise requested or required, the animal shall be returned once all fees for the violation and impoundment are paid and the conditions necessitating the impoundment have been cured or corrected, if applicable.
- (c) *Impoundment fees.* An owner reclaiming an impounded animal shall pay such fees as the animal control director may impose for impoundment, boarding and veterinary care if impounded at the shelter (or the actual costs of impoundment if impounded off-site).
- (d) *Second impoundment.* An owner reclaiming an impounded animal for a second impoundment within one year shall pay an impoundment fee double the amount of the fee charged for the first impoundment, plus such fees as the animal control director may impose for boarding and veterinary care (or the actual costs of impoundment if impounded off-site).
- (e) *Third and subsequent impoundment.* An owner reclaiming an impounded animal for a third or subsequent impoundment within one year shall pay an impoundment fee quadruple the amount of the fee charged for the first impoundment, plus such fees as the animal control director may impose for boarding and veterinary care (or the actual costs of impoundment if impounded off-site). If an animal is impounded for third time, the animal control director may withhold reclamation of the animal.

Sec. 10-86. - Unclaimed animals.

- (a) *Disposal of unclaimed animals.* Except as provided below, after five business days, any animal unclaimed by its owner, after such owner has been notified of the impoundment of such animal or the conclusion of proceedings before the animal control board, shall be placed for adoption or humanely destroyed in accordance with O.C.G.A. § 4-11-5.1.
- (b) *Disposal of animals without known owners.* Except as provided below, after five business days, any animal whose owner cannot be ascertained shall be placed for adoption or humanely destroyed in accordance with O.C.G.A. § 4-11-5.1.
- (c) *Disposal of animals without known owners for certain specific violations.* If the animal has been impounded pursuant to subsection 10-83(a) of this chapter and if the owner is unknown or could not be found within 30 days of publication of the notice of impoundment, the animal shelter may dispose of the animal through sale by any commercially feasible means, at a public auction or by sealed bids. If in the opinion of a licensed accredited veterinarian or a veterinarian employed by the state or federal government any animal impounded pursuant to this chapter has a temperament or condition such that euthanasia is the only reasonable course of action, the animal shelter shall dispose of the animal in accordance with O.C.G.A. § 4-11-5.1.
- (d) *Owners liable for fees.* In the event an animal is not claimed from impoundment and is therefore destroyed or the animal otherwise dies, and the owner is known, the owner shall still be responsible

for the impoundment charges, including boarding fees and veterinary care costs, for the period the animal was held.

Sec. 10-87. - Sterilization of dogs and cats placed for adoption.

- (a) *Sterilization required.* Every sexually mature dog or cat placed for adoption by the animal shelter or a humane society shall be sterilized by a licensed veterinarian before adoption.
- (b) *Costs.* The costs of sterilization incurred by the animal shelter or a humane society may be included in any fees charged by the animal shelter or humane society for such animal.
- (c) *Written agreement.* Every person adopting a dog or cat shall enter into a written agreement at the time of the adoption with the animal shelter or humane society guaranteeing that sterilization will be performed by a licensed veterinarian within 30 days of the sexual maturity of the animal. Failure to comply with this agreement shall be grounds for the animal control officer to reclaim the animal.
- (d) *Evidence required.* Any person acquiring an animal from the animal shelter or humane society, which animal is not sterile at the time of acquisition, shall submit to the animal shelter or humane society a signed statement from the licensed veterinarian performing the sterilization required by subsection (a) within seven days after such sterilization attesting that such sterilization has been performed.

Sec. 10-88. - Variances; appeals.

- (a) *Variances.* Variances may be granted by animal control in cases where undue hardship would result from the strict enforcement of this chapter and where the protection of the health and well being of the citizens of Walker County can be achieved with reasonable mitigating actions. Hardships created by action of the applicant shall not be considered as a justification for a variance. Denial of a request for a variance may be appealed to the animal control board by filing a notice of appeal specifying the grounds for appeal with the animal control board within 15 days of the denial.
- (b) *Notice of variance appeal.* Persons who appeal to the animal control board the denial of a variance from any requirement of this chapter shall notify adjacent property owners of their application for a variance and the time and location of the hearing on the variance appeal. Adjacent property owners shall be determined by the records of the tax assessor, on the date of the application for variance.
- (c) *Appeals.* Any person aggrieved by any decision of an animal control officer or other enforcement officer as it pertains to the classification of a dog, a confiscation of a vicious dog, status as or requirements for maintaining wild or exotic animals, or the calculation of costs may appeal the same to the animal control board by filing an appeal with the board on forms furnished by animal control, within five days of receiving notice of the decision.
- (d) *Abandonment of appeal.* Any person who files an appeal but who, after receipt of notice of the hearing, fails to appear at said hearing shall be deemed to have abandoned the appeal, and the decision of the animal control officer shall be affirmed.
- (e) *Fees for boarding.* The owner filing an appeal shall pay the additional daily boarding fees as established in this chapter during the pendency of the appeal. Failure to pay the fees and costs assessed against the owner, if affirmed by the board, shall constitute an abandonment of any claim to the animal and will result in the animal being placed for adoption or euthanized.
- (f) *Finality.* All decisions of the board are final.

Secs. 10-89—10-120. - Reserved.

DIVISION 5. - ORDINANCE VIOLATIONS

Sec. 10-121. - Enforcement.

- (a) *Authorization.* Animal control officers, code enforcement officers, and law enforcement officers of the various jurisdictions within the county shall be enforcement officials for this chapter. These officials shall have the authority to act on behalf of the county and the participating municipalities and the animal control board in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful action as required to enforce the provisions of this chapter. It shall be a violation of this chapter to interfere with any animal control officer or other enforcement official in the performance of his duties.
- (b) *Citations upon affidavit.* Upon the sworn affidavit of any citizen alleging a violation of this chapter, an animal control officer or law enforcement officer may issue a citation to the owner of the animal requiring the owner to appear before the magistrate court of Walker County for an adjudication of the complaint on a date and time certain.
- (c) *Citation requirements.* Citations issued hereunder shall be pursuant to O.C.G.A. § 15-10-63, and shall be personally served upon the person accused. Each citation shall state the time and place at which the accused is to appear for trial.
- (d) *Interference with officer.* It shall be a violation of this chapter to interfere with, hinder, disrupt, or obstruct an animal control officer in the performance of his or her duty or the enforcement of this chapter. See also, O.C.G.A. § 4-1-6 for state felony charge for obstruction.

Sec. 10-122. - Search and seizure warrants; inspection warrants.

Animal control officers may apply for search and seizure warrants, or inspection warrants, when they reasonably believe a violation of subsection 10-41(a) or section 10-43 of this chapter is occurring. The officer shall apply to a judge of magistrate court only upon cause and with an affidavit particularly describing the place, dwelling, structure, premises, or vehicle to be inspected and the purpose for which the inspection is to be made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent. Cause shall be deemed to exist if there is reason to believe that a condition of nonconformity with the provisions of subsection 10-41(a) or section 10-43 exists with respect to the particular place, dwelling, structure, premises or vehicle.

Sec. 10-123. - Violations and penalties; remedies.

- (a) *Violations.* It shall be a violation of this chapter to:
 - (1) Fail to comply with any provision of this chapter;
 - (2) Fail to comply with any lawful order of an animal control officer or law enforcement officer unless such order is lawfully stayed or reversed; or
 - (3) Fail to pay costs imposed by the animal control officer unless payment thereof is lawfully stayed.
- (b) *Multiple animals.* When multiple animals are in violation of this chapter or are maintained in circumstances that violate this chapter, each animal shall constitute a separate violation, or in the alternative, a higher fine shall be imposed on the single violation. In addition, multiple violations on the same animal shall result in a higher fine.

- (c) *Penalties.* Any person violating the terms of this chapter, or rules and regulations promulgated pursuant thereto, may be punished by civil penalty or by criminal citation and fine, not to exceed \$1,000.00. Separate offenses shall be deemed to be committed on each day during or on which a violation occurs or continues. Each animal shall constitute a separate offense, and each violation of a specific provision of this chapter shall constitute a separate offense.
- (d) *Fines; minimum fine amounts.* The following fines may be imposed pursuant to magistrate court criminal citation or superior court civil action. The minimum fines imposed under this chapter shall be as listed below and shall be imposed as the minimum fine for listed violations. A higher fine may be imposed at the discretion of the court. Maximum fines shall be \$1,000.00. Higher minimum fine levels shall be imposed for second violations and third and subsequent violations, or for multiple violation circumstances, or aggravating circumstances, as detailed below:

(1) *Table of fines.*

Particular offense	Fine amounts		
	Level I	Level II	Level III
For violation of subsection 10-41(a) or section 10-43, inhumane care or cruelty	\$250.00	\$500.00	\$750.00
For violation of any other provision of this chapter (other than specifically discussed above)	\$150.00	\$300.00	\$450.00

- (2) *Level I.* Fines of Level I are the minimum required for the first violation of this chapter.
- (3) *Level II.* Fines of Level II are the minimum required for the second violation of this chapter, and they shall also be imposed when one animal is subject to two or more citations (e.g., a dog with no rabies tag, also running loose). Level II fines shall also be imposed when two or more animals are the subject of one citation (e.g., two dogs running loose).
- (4) *Level III.* Fines of Level III are the minimum required for the third or subsequent violation of this chapter. Level III fines shall be imposed when an animal is subject to aggravating circumstances, such as extreme cruelty.
- (5) *Repeat citation.* Level II and Level III fines shall be imposed when the same person is cited for further violations of any sort under this chapter, whether they be for the same offense or a different offense, or the same animal or different animals, provided they occur on a separate day.
- (e) *Procedure; citations; civil actions.* The animal control office may issue criminal citations to be heard in magistrate court with or without a prosecuting attorney as designated by the county attorney. The county attorney or other attorney as designated by the county may bring a civil action in superior court for civil fines, attorney's fees, injunctive relief to enjoin violations and prohibit future violations, and all other relief necessary to enforce this chapter, including mandamus or abatement of nuisance. The county shall be entitled to its attorney's fees for any successful action brought in superior court. Civil penalties may be imposed pursuant to citation issued by the animal control officer and heard in magistrate court with or without a prosecuting attorney.
- (f) *Restitution.* Restitution for any injury inflicted on another by violation of this chapter may also be sought as relief and ordered by the magistrate or superior court, including recovery of costs incurred by the county for testing, housing, feeding and other costs.

- (g) *Continuing civil penalty.* In the event that an injunction or other equitable relief is instituted against a person under this chapter, and in addition to any finding of contempt by the superior court, the continued violation of the chapter shall result in the accrual of a civil penalty at the rate of at least \$250.00 per day so long as the violation continues. A higher rate may be imposed by the court.
- (h) *Notice of felony issues.* Under O.C.G.A. § 4-8-29(d), repeated violations of the dangerous dog provisions can constitute a felony. Such charges shall be referred to the district attorney.
- (i) *Additional penalties.* The magistrate court and superior court shall be authorized to impose additional penalties for violation of this chapter at its discretion, to include the following:
 - (1) Confinement up to 60 days in the Walker County Jail.
 - (2) Training and/or pet education classes. The animal control department shall maintain a list of approved training and/or pet education classes for obedience training and for education of pet owners. No training requirement costing more than \$250.00 shall be imposed.
 - (3) Community service up to 240 hours.
 - (4) For vicious animal convictions, the person may be required to relinquish control of the animal in question to animal control, and the animal will be dealt with in the discretion of the department.

Secs. 10-124—10-140. - Reserved

DIVISION 6. - LEGAL PROVISIONS

Sec. 10-141. - Participating municipalities.

Any municipality within the county may by reciprocal ordinance or resolution participate in a "Joint Animal Control Program" with the county utilizing the county's animal shelter, the animal control officer and animal control board. Such reciprocal ordinances or resolutions must provide for animal control requirements at least as stringent as the county's. Participating municipality must provide funding for its share of operational expenses of the animal control program and animal shelter on a per capita basis, based upon the 2010 census and adjusted after each subsequent census.

Sec. 10-142. - Severability.

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this chapter as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the portions of this chapter not so held to be invalid, or the application of this chapter or other circumstances not so held to be invalid. It is hereby declared to be the intent of the commissioner to provide for separable and devisable parts, and he does hereby readopt any and all parts hereof as may not be held invalid for any reason.

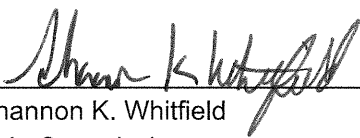
Sec. 10-143. - Conflict with other ordinances.

To the extent any provision of this chapter conflicts with any provision of an applicable zoning ordinance or any other ordinance, statute or law, the stricter requirement shall control.

Sec. 10-144. - Effective Date and Repealer.

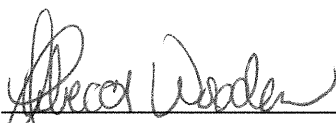
Upon June 1, 2018, this chapter replaces the prior animal control ordinance. In the event this entire chapter is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinance shall be considered to not have been repealed and shall therefore still be in effect. In the event the prior ordinance is declared void, unconstitutional or invalid, the next prior ordinance shall be considered to not have been repealed, and shall therefore still be in effect; and so on.

PASSED AND ADOPTED THIS 24th DAY OF MAY, 2018.



Shannon K. Whitfield
Sole Commissioner
Walker County, Georgia

ATTEST:



Rebecca Wooden
Clerk of Walker County