

## Chapter 10 ANIMAL SERVICES

### ARTICLE I. IN GENERAL

#### Sec. 10-1. Short title.

This chapter may be cited as the "Coweta County Animal Services Ordinance."

#### Sec. 10-2. Purpose.

The purpose of the provisions of this chapter is to alleviate the potential for health hazards as they relate to the keeping of animals, and to provide a healthy atmosphere in which the citizens of the county may enjoy their prospective pursuits and rights in their individual properties.

#### Sec. 10-3. Definitions.

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

*Abandon* means deserting or intending to give up absolutely any animal without providing adequate food, water, or sanitary shelter for 24 hours or longer.

*Aggressive animal* means an animal that attacks or fights with another animal excluding wild and exotic animals, outside of the property of the owner/keeper of the animal and causes severe injury or death to the other animal. An animal which is defending itself or its owner/keeper from attack shall not constitute an aggressive animal.

*Animal* means any description of vertebrate, excluding Homo Sapiens.

*Animal services* means the county animal services division or an animal services officer.

*Animal establishment* means any pet shop, kennel, grooming shop, auction, performing animal exhibition; any facility 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; or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

*Animal Services officer* means an individual selected by a local government pursuant to the provisions of O.C.G.A. § 4-8-22(b) to aid in the administration and enforcement of the provisions of this chapter.

*Animal shelter* means any facility operated by any government entity for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

*At large* means any animal not lawfully on the owner/keeper's property or not under the immediate control of a competent person by way of leash or other similar restraining device. Voice command or use of audible signals or hand signals is not deemed to be sufficient control.

*Auction* means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. Individual sales of animals by owners are not auctions.

*Breeder* means any person owning unaltered animals with the intent of selling the animal's offspring.

*Cat* means all members of the domestic feline family.

*Commercial kennel* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals, excluding veterinarians, veterinary clinics and veterinary hospitals.

*Community cat* means an unowned, free-roaming cat that has been spayed or neutered, vaccinated and marked by surgical ear-tip pursuant to the community cat program. A community cat shall not be classified as a stray cat.

*Community cat program* means a comprehensive process whereby unowned free-roaming cats are captured humanely, transported to a veterinarian for evaluation, spay/neuter surgery, rabies vaccination and marking by surgical ear-tip, and returned to the area or location where the cat was captured.

*Cruelty* means every act, omission or neglect whereby unjustifiable pain, suffering, including poisoning, maiming, or death may be caused or permitted to any animal.

*Dangerous dog* means any dog that, according to the records of an appropriate authority:

- (1) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this definition; or
- (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 definition; or
- (3) While off the owner's property, kills a pet animal; provided, however, that this definition shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

*Dog* means any member of the canine genus.

*Dog control.* See *Animal Services officer*.

*Domestic animal* means any normal household pet, such as but not limited to, dogs, cats, nonnative birds, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, small nonvenomous reptiles, or nonvenomous snakes.

*Feral cat* means an abandoned, lost or unowned cat, other than a community cat, left to fend for itself and the offspring of such cat.

*Free roaming* cat means any feral, stray or unowned cat.

*Fowl* means any feathered, flying, or non-flying animal.

*Health officer* means the department of public health of the county or their authorized representative.

*Humane manner* means care of an animal to include, but not be limited to, adequate heat, ventilation, sanitary shelter, wholesome fresh food, and access to fresh, clean wholesome water at all times, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

*Humane euthanasia* means the termination of an animal by a method which causes the animal minimal pain and suffering and is approved by the American Veterinary Medical Association.

*Humane society* means any nonprofit organization duly registered with the Department of Agriculture existing for the purpose of prevention of cruelty to animals.

*Keeper* means any person who:

1. Has temporarily accepted and been temporarily provided by the owner of an animal right of property in that animal or
2. Agrees to temporarily keep or harbor an animal for the owner or temporarily agree to have the animal in his or her care for the owner.

*Licensing authority* means the agency or department of the county, or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter.

*Livestock* means any animal that has hooves.

*Neutered* means any male that has been surgically sterilized.

*Nuisance* means an animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property (other than the property of the owner of the animal), or public property and recreational areas;
2. Causes unsanitary, dangerous, or offensive conditions;
3. Causes a disturbance by excessive barking or other noise making;
4. Attacks or interferes with persons on public or private property, unless the animal is a guard dog actively performing its duties while confined to the property of the owner or responsible person; or
5. Chases vehicles or attacks other animals.

*Owner* means any natural person or any legal entity including, but not limited to, a corporation, partnership, firm or trust owning, possessing, harboring, keeping, or having custody or control of an animal or fowl within this state. An animal shall be deemed to be harbored if it is fed and/or sheltered for three (3) consecutive days or more. In the case of an animal owned by a minor, the term 'owner' includes the parents or person in custody of the minor. The term owner shall also include a custodian as defined in O.C.G.A. § 4-8-4.

*Performing animal exhibition* means any spectacle, display, act, or event other than circuses in which performing animals are used.

*Pet* means any domestic animal kept for companionship, excluding livestock.

*Private kennel* means any person, excluding commercial kennels, pet shops, and veterinary clinics or hospitals, who keeps, harbors, or knowingly permits to remain on or about his premises more than five dogs or five cats or more than a combination of five dogs and cats over four months of age.

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

*Public place* means any place where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household.

*Rabies Certificate* means a certificate issued at the time of vaccination of a dog, cat, or ferret, which certificate shall bear thereon the signature of a licensed veterinarian; the license number; the name, color, breed, and sex of the dog or cat; the name and address of the dog's or cat's owner; and the date of the vaccination.

*Rabies Vaccination* means the injection by an authorized person of a specified dose of anti-rabic (rabies) vaccine into the body of a dog, cat, or ferret which vaccine shall have the U.S. government license number approval stamp on the label of the vaccine container.

*Records of an appropriate authority* mean the records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state or local court; or records of an Animal Services Officer provided for in this chapter.

*Rescue groups.* See *Humane society.*

*Responsible Dog Ownership Law* as provided for in O.C.G.A. § 4-8-20 et seq. and in article VII of this chapter.

*Responsible person* means any accountable human being.

*Restraint*. See *Under control*.

*Sanitary Conditions* mean any animal living space, shelter, or exercise area that is not contaminated by health hazards, irritants, pollutants, dangerous items, or conditions that endanger or pose a risk to an animal's health,

*Serious injury* means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

*Service Animal* means any canine that is trained to perform a task related to a person's disability, it is a service animal under the ADA. For example:

1. If the canine has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, the canine is a service animal.
2. If the canine's mere presence provides comfort (emotional support), it is not a service animal under the ADA

*Spayed* means any female which has been surgically sterilized.

*Stray cat* means any cat at large, other than a community cat, whether lost by its owner or otherwise, that may be in or on the common areas of apartments, condominiums, trailer parks or other multi-residential premises, any single-family residential property, or any other property or public area without being controlled by its owner, and that does not have an identification tag or microchip, or otherwise has no identifiable owner.

*Under control* means any animal shall be considered under control if it is confined by fence, pen, cage, trolley system, or secure enclosure on the premises of its owner or is secured by a leash when not confined or off the premises of the owner. When secured by leash, the animal must be under the direct control of a person of sufficient size and maturity to restrain the animal from trespassing or causing injury, death, or damage to property.

*Unowned cat* means a cat, other than a community cat, that is found on the property of a natural person or legal entity disclaiming ownership of the cat, and the cat has no microchip or other traceable form of identification.

*Veterinarian* means any person who holds a license to practice the profession of veterinary medicine in the state.

*Veterinary clinic or hospital* means a clinic or hospital operated by a licensed veterinarian.

*Vicious animal* means any animal that:

1. Bites or attempts to bite indiscriminately;
2. Has been involved in more than one biting incident; or
3. Is, in the opinion of an agent of the Animal Services Authority, a potential danger to persons or 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 and exotic animals* mean any untamed animal living in its natural habitat. Wild and exotic animals are not regulated by this code of ordinances.

## **Sec. 10-5. Adoption of chapter by municipalities within county boundaries.**

In accordance with state law, Coweta County may enter into agreements with the municipalities located within the territorial limits of the county to provide animal control services within the corporate limits of such municipality.

Pursuant to such agreement, any municipality in the county may adopt this chapter. Any municipality adopting this chapter must authorize enforcement by the Coweta County Animal Services. Municipal ordinances must provide that the incorporated areas shall be subject to the fees charged by animal services and that all fees charged by the Coweta County Animal Services shall be retained by the county to defray the costs.

**Secs. 10-6.—10-30. Reserved.**

***ARTICLE II. ANIMAL CONTROL GENERALLY***

**Sec. 10-31. Enforcement responsibility.**

The animal services operate under the Coweta County Board of Commissioners and is under the direction of the director of the corrections division or their designee and shall be responsible for:

1. Ensuring that all animals in the county or city that has adopted the county ordinance and has a signed agreement with the county for animal services are duly licensed and are inoculated against rabies as required by this chapter.
2. Cooperating with the county health officer or the Georgia Department of Agriculture, animal protection investigators in the enforcement of the laws of the state with regards to animals, the vaccinations of dogs and cats against rabies, and the disposition of animals found to be kept in violation of this article or the laws of the State of Georgia or federal law.
3. Investigating all complaints with regard to dogs, cats and other animals based upon written and signed complaint by a person willing to testify in cases that may be heard in the appropriate court. In case of animal cruelty the animal control officer may investigate based upon what he feels is reliable anonymous information without requiring a written complaint from the person reporting the alleged animal cruelty.
4. Obtaining a search warrant to enter any premises upon which there is probable cause to believe that a violation of this chapter exists. With the search warrant, the animal control officer may enter the premises to examine and take custody of animals whenever the animal control officer determines that the action is appropriate to achieve the purpose of this chapter.
5. Pursuit of animals. In exigent circumstances the animal control officer shall be authorized to follow and enter upon any enclosure or lot, public or private, within the county when the animal control officer has probable cause to believe that an animal is rabid, abused, neglected, aggressive, dangerous, vicious, or an imminent threat to the health, welfare or safety of the general public, and to take custody of the animal, when appropriate, to achieve the purpose of this chapter.
6. Health and animal protection regulations incorporated. All rules and regulations of the county board of health and the Georgia Department of Human Resources and the Georgia Department of Agriculture - Animal Protection Division presently existing or as adopted in the future are incorporated herein by reference as though fully set forth herein.

**Sec. 10-32. Interference.**

No person shall interfere with, hinder, or prevent animal services or any other officer in the performance of his or her duty or to seek to release any animal in the custody of animal services, except as otherwise specifically provided in this chapter.

### **Sec. 10-33. Right of entry.**

- (a) The animal services officers and other enforcement officers of the county are hereby authorized to enter upon any private premises or parcel of land for the purpose of investigating, impounding, inspecting, or seizing any animal found to be in violation of this chapter.
- (b) Animal services may use any force necessary to remove any animal locked in a closed vehicle. The operator of the vehicle may be charged with cruelty to animals. No injunction or action may be placed against animal services or its officers for this action.

### **Sec. 10-34. Equipment.**

Animal services is authorized to employ any equipment it deems necessary to enforce the provisions of this chapter, including, but not limited to, humane wire box traps; and animal services may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.

### **Sec. 10-35. Wildlife.**

All complaints and matters concerning wild animals not of a domestic nature and complaints involving game animals or protected species and/or hunting, shall be forwarded to the Georgia Department of Natural Resources, Game and Fish Division or the U.S. Department of Agriculture, Law Enforcement Division, for proper disposition, i.e., compliance, apprehension, control and/or enforcement, as may be necessary and as provided by state and federal rules and regulations.

### **Sec. 10-36. Dead animals.**

- (a) Animal services officers are authorized to remove dead animals from public property.
- (b) Carcasses on private property must be disposed of by the animal or property owner or keeper in accordance with state laws and regulations. The animal or property owner or keeper shall not allow under any circumstances, a dead animal to remain outdoors on their property for more than 24 hours unless buried. It shall be unlawful for any person to dispose of a dead animal, its parts, or blood on the land of another without the permission of the owner of the land. It shall be unlawful for any person to dispose of a dead animal in a well or open pit of any kind, on private or public land. All dead livestock, including horses, cattle and any other large animal must be disposed of by the animal owner or property owner/possessor in accordance with state and local regulations.

### **Sec. 10-37. Animals or fowl as prizes forbidden.**

It shall be unlawful to offer as a prize or give away any live animal or fowl in any contest, raffle, lottery, or as enticement for fund raising or for entry into any place of business.

### **Sec. 10-38. Penalties for violations.**

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and punished as provided in Section 1-15. - General Penalty of the Code of Ordinances. Each violation of the provisions of this chapter shall constitute a separate offense.

### **Sec. 10-39. Summons.**

Animal Services Officers, Code Enforcement Officers, and Deputies of the county Sheriff's office are hereby authorized to issue a summons to any person for violations of any provision of this chapter. This summons shall be in a form approved by the county magistrate court, shall designate the offense charged, and shall require the

person so charged to appear before the county magistrate court on a date certain to answer the charges therein contained.

**Secs. 10-40.—10-55. Reserved.**

**ARTICLE III. RABIES VACCINATION**

**Sec. 10-56. Rabies vaccination required.**

No person shall own, keep, or harbor any dog, cat, or ferret within the county unless such dog, cat, or ferret is vaccinated against rabies.

**Sec. 10-57. Rabies vaccination.**

- (a) All dogs, cats, and ferrets over three (3) months of age within the county shall be vaccinated against rabies by a licensed veterinarian, who will issue to the owner a durable metal tag and a certificate of vaccination.
- (b) A dog, cat, or ferret less than three (3) months of age shall not be required to be vaccinated as is otherwise required by subsection (a) of this section, but such dog, cat, or ferret must be confined to its owner's premises until it has been vaccinated.
- (c) It shall be the duty of all persons owning or having charge of any dog, cat, or ferret brought into the county from outside the county to have the animal vaccinated and to obtain a vaccination certificate and metal tag within fourteen (14) days from the date of entry; however, when the owner or person having charge of such a dog, cat, or ferret produces evidence satisfactory to the county's animal services officer that the ~~dog~~ animal has been vaccinated by a person duly licensed to practice veterinary medicine, the ~~dog or cat~~ animal shall not be required to be vaccinated again until the most recent vaccination expires.
- (e) All animals required to be vaccinated under this section shall be vaccinated only by a licensed veterinarian using rabies vaccine approved by the applicable state agencies. An owner or person having charge of such animal may request a three-year vaccination be administered. In the judgment of the veterinarian, the animal may be vaccinated with a one-year or three-year vaccine. The rabies vaccination certificate issued by the veterinarian must state the expiration of the vaccination period. The rabies certificate issued will reflect the expiration year certified by the veterinarian but in no case shall this be more than three (3) years from the date of vaccination.
- (f) Animal services may adopt such other rabies control regulations as it deems necessary for the protection of the public health and safety.

**Sec. 10-58. Vaccination clinics.**

The county department of public health may conduct clinics for the vaccination of dogs and cats against rabies, when an epidemic of rabies has been declared by the state department of epidemiology. A notice of the place and time thereof shall be posted prior to the event. In addition to the place and time, the notice shall state:

“All dogs and cats not previously vaccinated during the year will, if brought to the vaccination clinics, be vaccinated against rabies and a suitably numbered tag and certificate furnished, at a cost per dog or cat, the tag to be attached to the dog's or cat's collar or harness and a certificate given the owner or custodian of the dog or cat. Any owner or custodian of any dog or cat not previously vaccinated by an authorized veterinarian who does not bring his/her dog or cat to be vaccinated against rabies at the clinic held for such purpose shall be subject to have the animal impounded and to be prosecuted for violation of law.”

**Sec. 10-59. Health regulations incorporated.**

All rules and regulations of the county board of health and the state department of human resources presently existing or as adopted in the future pertaining to rabies control and vaccination are incorporated in this article by reference as though fully set forth herein.

**Sec. 10-60. Misuse of tag.**

It shall be unlawful for any person to attach a vaccination or license tag to any dog, cat, or ferret for which it is not issued, or to remove a vaccination or license tag or collar from any dog, cat, or ferret without the consent of its owner or custodian.

**Sec. 10-61. Rabies vaccination required for reclaim of an animal.**

An owner reclaiming an animal three (3) months of age or older from the animal shelter shall present proof of a current rabies vaccination at time of reclaim. If proof is unavailable, owner will provide proof within seven (7) days of reclaim or a citation shall be issued for violation of this section.

**Sec. 10-62. Rabid animals or animals suspected of having rabies.**

- (a) Every veterinarian shall report promptly to the department of public health and animal services all cases of rabies in animals treated by such veterinarian, giving the names and addresses of the owner of any animals bitten by such rabid animal, so far as known.
- (b) Any person who knows that an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knows that an animal has been bitten by a rabid animal, shall promptly report such information to the department of public health and animal services.
- (c) It shall be the duty of the owner, the department of public health, physicians, hospitals, or other persons or agencies gaining information that any domestic animal or person has been bitten or is probably infected with rabies to notify animal services, which will impound the animal where the animal shall be held for observation for such period of time as may be reasonably necessary to determine whether the animal is infected with rabies.

**Sec. 10-63. Heads of rabid animals to be submitted for examination.**

The heads of all animals having had rabies, or which were suspected of having had rabies at the time of their deaths shall be submitted to the department of public health for examination. These specimens will be collected and delivered to the proper authorities by the department of public health.

**Secs. 10-64—10-80. Reserved**

**ARTICLE IV. CONFINEMENT AND RESTRAINT**

**Sec. 10-81. Confinement of animals generally.**

- (a) *Confinement of dogs generally.* An owner of a dog shall confine such dog:
  1. Within an adequate fence or enclosure of sufficient height and construction to prevent the dog from escaping by jumping, digging or any other means, provided such fence or enclosure shall be at least twice as high as the dog measured from the ground to the top of the dog's head when standing on all paws but not more than six (6) feet in height;



2. Within a house, garage, or other building, with adequate ventilation and fresh air to avoid overheating or cold;
  3. On a running cable line or trolley system and only one animal may be attached to each running cable or trolley system; no animal may be attached to a running cable line or trolley system for more than four (4) hours in a 24-hour period. No animal may be attached to a running cable line or trolley system between the hours of 10:00 p.m. and 6:00 a.m. Dogs on running cables must have access to adequate shelter, food, and water as required in this chapter;
  4. It shall be unlawful for the owner or person in control of a dog to restrain any dog by means of a tether, chain, cable, rope, leash, or cord which is attached to a fixed object or staked to the ground.
- (b) *Control of dogs when off owner's premises.* When a dog is off the premises of the owner, the dog must be controlled by means of a leash. The leash shall not be more than six (6) feet in length and the dog shall be under the immediate control of a competent person, who must be at least 14 years of age, of sufficient size and strength to maintain control of the dog.
  - (c) *Preventing animals from becoming a danger or from trespassing.* An owner of an animal, whether vaccinated or not vaccinated, shall prevent such dog or cat from becoming a danger to persons or property at any location or trespassing upon another person's property.
  - (d) *Preventing animals from running at large.* An owner of an animal, whether vaccinated or not vaccinated, shall prevent such dog from running at large upon the streets, sidewalks, alleys, parks, or public places in the county or on the property of another.
  - (e) *Impoundment/confinement of animals which attack without provocation.* An animal, whether vaccinated or not vaccinated, not under control as provided in this chapter which attacks or attempts to attack, without provocation, a human being or domestic animal is hereby declared a nuisance and may be impounded pursuant to the provisions of this chapter by animal services pending court order.
  - (g) *Confinement of female dogs or cats in heat.* Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat. An exception to this requirement is authorized for intentional breeding purposes but only with a permit issued by animal services as required by section 10-87 of this chapter.
  - (h) *Entrance into food establishment prohibited; exception.* It shall be unlawful for any owner to allow such owner's animal to enter any food store, restaurant, or place where food is exhibited for sale except those animals certified as a service animal or law enforcement animals.
  - (i) *Fowl, livestock, etc., prohibited from running at large.* It shall be unlawful for any owner of any fowl, livestock, or any other type of animal within the county to permit such animal to run at large or be a menace or nuisance to such person's neighbors or the public in general.

**Sec. 10-82. Breeding of animals.**

- (a) The board of commissioners deems it in the best interest of the county to encourage pet owners to spay and neuter their pets to control the production of unwanted animals, to encourage the adoption of available animals from the county's shelter and to promote the health and wellbeing of our citizens and their pets.
- (b) The animal owner must comply with all state laws regulating animal breeding.

**Secs. 10-83—10-90. Reserved.**

**ARTICLE V. NUISANCE**

**Sec. 10-91. Nuisance animals.**

All persons owning or controlling or in possession of an animal within the county shall keep the animal in such a manner so as to not create a nuisance as defined in this chapter. The owner or keeper, or if no owner or keeper can be found, the responsible person or the custodian exercising care and control.

**Sec. 10-92. Animal noise.**

No person shall keep or maintain a dog or any other animal that barks, howls, or otherwise makes or causes noise in an excessive, continuous, or untimely fashion. Excessive shall mean noise that is discernable and can be heard inside a neighboring residential dwelling by persons of ordinary sensibilities. The court shall consider untimely fashion in individual cases and in general, consider hours that persons are at rest.

**Sec. 10-93. Animal waste.**

An owner or keeper walking, exercising or otherwise having an animal outside the confines of their own property, whether public or private, shall carry a means to pick up and dispose of excreta deposited by the animal by way of, but not limited to, a scoop and a bag. The excreta shall be placed in a proper receptacle for disposal. No animal excreta shall be placed on public or private property that will cause a public or private nuisance.

**Secs. 10-94—10-100. Reserved.**

**ARTICLE VI. IMPOUNDMENT AND ADOPTION**

**Sec. 10-101. Impoundment authorized.**

Any owner or potential owner of any animal impounded in the county animal shelter must show identification to animal services prior to release showing the individual’s photograph, full name and current address. Animal services shall photocopy this identification and attach it to the impoundment/adoption certificate for further reference. All animals adopted from the shelter shall be accomplished by an adult of at least the age of 18 years. If a person is considered a renter or tenant in a property owned by other parties such as an apartment or mobile home park, the written approval of the landlord or tenant representative must be obtained and presented to animal services prior to adoption.

- (a) Any animal at large or otherwise in violation of the provisions of this chapter may be impounded in the animal shelter. The animal must be claimed by the owner or their representative within three (3) days.
- (b) The following animals in the unincorporated areas of the county and those incorporated areas which have a written agreement with the county for the enforcement of this chapter may be impounded, but are not limited solely to the following:
  - (1) Animals running at large.
  - (2) Animals, the ownership of which is unknown.
  - (3) Aggressive, Dangerous or Vicious dogs.
  - (4) Female dogs/cats in heat and off the premises of their owners.

- (5) Animals which have bitten a person or another animal.
  - (6) Dogs, cats, and ferrets not vaccinated for rabies within the preceding 12 months.
  - (7) Animals which have strayed from the premises of their owners.
  - (8) Dogs, cats, and ferrets suspected of having rabies.
  - (9) Unconfined animals in quarantine areas.
- (c) An animal impounded that has not been reclaimed by its owner or their representative within three (3) days in accordance with the provisions of this chapter, such animal shall become the absolute property of animal services, which may convey ownership of such animal to any responsible person on such conditions as the animal services may prescribe or animal services may humanely euthanize the animal.

#### **Sec. 10-102. Notice to owner.**

Animal services shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter. The notice shall include how the animal may be reclaimed, that the animal shall become the property of animal services and be adopted out, and that the animal may be humanely euthanized.

#### **Sec. 10-103. Notice of Humane Euthanasia**

Following impoundment of an animal found at large with its owner's address, and prior to its euthanasia, animal services shall provide the owner with written notice at least five (5) business days prior to the proposed euthanasia.

#### **Sec. 10-104. Holding animals due to quarantine or evidence of criminal prosecution.**

Notwithstanding any provision of this chapter to the contrary, animal services may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for the use as evidence of criminal prosecution for such time period as animal services may determine.

#### **Sec. 10-105. Euthanasia of animals due to disease or likelihood of danger or injury to humans or other animals.**

Notwithstanding any provision of this chapter to the contrary, animal services may humanely euthanize any animal impounded in the animal shelter when the animal services veterinarian believes that euthanasia of the animal is necessary to prevent disease or injury to other animals or to humans, the presence or threatened presence of contagious disease, the likelihood of danger or injury to humans or animals, or any other condition.

#### **Sec. 10-106. Euthanasia of animals at the animal shelter due to overcrowding.**

Notwithstanding any provision of this chapter to the contrary, animal services will humanely euthanize animals to ensure compliance with state law regulations and prevent overcrowding at the animal shelter. Once the animal shelter exceeds 90% of its capacity, animal services will generate a list of animals that will be humanely euthanized after ten (10) business days if they are not adopted or rescued. The list of animals shall be selected based various factors, with the priority being length of impoundment.

#### **Sec. 10-107. Reclaiming impounded animals.**

The owner of an animal impounded in the animal shelter may claim the animal, upon presenting evidence satisfactory to animal services of compliance with all provisions of this chapter and upon payment of fees and charges as provided in this section, such fees and charges shall not be in lieu of any fine or penalty otherwise provided by law. The owner must show identification to animal services personnel prior to release showing the

individual's photograph, full name, and current address. Animal services personnel shall photocopy this identification and attach it to the reclaim agreement for further reference. All animals reclaimed from the shelter shall be accomplished by an adult of at least the age of 18 years.

- (a) Fees for reclaiming impounded animals shall be as follows:
  - (1) *Vaccinated dogs or cats:*
    - a. First offense \$50.00
    - b. Second offense \$100.00
    - c. Third offense \$200.00
    - d. Subsequent offense \$300.00
  - (2) *Unvaccinated dogs or cats:*
    - a. First offense \$100.00
    - b. Second offense \$200.00
    - c. Third offense \$300.00
    - d. Subsequent offense \$400.00
  - (3) Any animal being reclaimed from the shelter which has not been spayed or neutered will be spayed or neutered at the owner's expense, provided that any registered breeding animal that is impounded will be returned to the owner without being spayed or neutered, subject to the applicable impoundment fees.
  - (4) Rabbits, poultry, birds, and other animals each offense \$50.00
  - (5) Livestock shall be assessed in accordance with State law
  - (6) In addition to the foregoing fees, the owner of an impounded animal shall pay a kennel fee of \$25.00 per day for each day the animal is boarded at the shelter.
- (b) The owner of an animal impounded at the animal shelter will be liable for the foregoing fees and charges notwithstanding the euthanasia or adoption of the animal.
- (c) At the discretion of the animal services officer, any animal in violation of this section may be returned to its owner/keeper provided that the owner/keeper is present while the officer is still in the vicinity, and the owner/keeper is able to safely and humanely confine/restrain the animal.
- (d) Animal Services personnel are authorized to waive impound, boarding, and medical fees with approval from the director.

**Sec. 10-108. Microchip implant of dogs and cats impounded for running at large, etc.**

- (a) When claimed by the owner, any dog or cat that was impounded for being at large shall have a microchip identifier implanted and the owner's contact information recorded by animal services before the dog or cat is released to the owner. The cost of the microchip implanting shall be paid by the owner before the animal is released. The microchip implant will facilitate the return of the animal to its owner should the animal be impounded again. If the animal already has a microchip that is readable by animal services with existing technology, the owner's information shall be updated to facilitate the future return of the animal to the owner.
- (b) Animal services shall enter the owner's contact information and the identification number of the microchip implanted into the animal into an animal recovery database so that the owner can be located should the animal be impounded again by animal services.

- (c) In addition to dogs impounded for running at large, any dog impounded for an unprovoked attack, bite dogs and vicious dogs, shall likewise have a microchip implanted at the owner's expense when the dog is reclaimed by the owner.
- (d) Any animal that has had a microchip implanted pursuant to this section that is later sold, adopted, traded, or otherwise released to new owners, persons, kennels, or any other businesses or shelters shall be reported by the original registered owner to animal services within ten days of such sale or release excluding vicious dog.
- (e) Any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purposes of providing and promoting the welfare, protection, and humane treatment of animals shall be exempt from this provision.

**Sec. 10-109. Microchip of dogs at owner's request.**

- (a) The owner of any dog may request animal services to microchip and record the owner's name and contact information to facilitate the return of the pet to the owner at the owner's expense.
- (b) Animal services shall charge a fee for this service.

**Sec. 10-110. Adoption.**

- (a) Except for dogs which have been involved in bite cases or declared aggressive, dangerous, or vicious, animal services may permit adoption or rescue of any animal which has become the property of animal services. The adoption will be subject to such conditions as may be prescribed by animal services.
- (b) Animal services may develop rules for the adoption of animals including but not limited to the requirement of spay or neutering of pets, vaccination against rabies and examination by a veterinarian and such other rules for the protection of the public and the safe operation of unit.
- (c) Animal services is authorized to waive a portion of any adoption fees to offset the cost of spay/neutering and vaccination upon satisfactory evidence of completion of the same.
- (d) Generally, an adoption fee may be charged for the adoption of any animal.
- (e) All animals adopted from the shelter shall be accomplished by an adult of at least the age of 18 years and must show identification to animal shelter personnel prior to adopting, showing the individual's photograph, full name, and current address. Animal shelter personnel shall photocopy this identification and attach it to the adoption agreement for further reference. Any person adopting an animal from an animal shelter shall be required to sign an adoption agreement and abide by its provisions.
- (f) Animal services officers may impound any animal adopted from the shelter for failure to comply with the adoption agreement.
- (g) Humane Societies and Rescue Groups are required to provide proof of current shelter license received from the Department of Agriculture annually and also an original Department of Agriculture Agency Transfer forms.
- (h) Individuals failing to comply with the above requirements will be revoked from being allowed to adopt any animals from the shelter and may be charged for failure to comply by the issuance of citations and prosecution in magistrate court.

**Sec. 10-111. Limiting adoptions.**

- (a) Animal services reserves the right to refuse to allow any person to adopt an animal in its custody or control.
- (b) No person shall adopt more than four (4) animals in a 12-month period from animal services. Any person who adopts an animal from the shelter and does not complete the requirements of the adoption may be prohibited from adopting any further animals from the shelter unless the person can show cause as to why the animal adoption agreement could not be completed.

- (c) Any person convicted of a violation of this ordinance will be prohibited from adopting from the animal shelter for a three (3) year period.

**Sec. 10-112. Records required to be kept.**

It shall be the duty of the animal services division to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.

**Sec. 10-113. Unlawful to remove microchip.**

- (a) It shall be unlawful for anyone to remove a microchip placed by animal services.
- (b) When medically necessary for the wellbeing of the dog, a licensed veterinarian may remove the microchip. In such a case, the registered owner must provide written documentation from the veterinarian to animal services with one week from the removal of the microchip.

**Sec. 10-114. Owner surrendered animals.**

Except for approval from the director or court order, it shall be unlawful for the owner of an animal to surrender an animal to the custody of animal services.

**Secs. 10-115.—10-125. Reserved.**

***ARTICLE VII. QUARANTINE***

**Sec. 10-126. Desegregation of quarantine area; confinement of animals.**

Where rabies has been found to exist in any warm-blooded animal or where its existence is suspected, the animal services officer may designate an area within which the quarantine of all such animals shall be maintained and all such animals shall thereupon be immediately confined to the premises designated by the animal services officer, in a manner approved by the animal services officer, whether or not the animal has been vaccinated against rabies.

**Sec. 10-127. Movement into or out of quarantine area.**

No animal shall be removed from or brought into a quarantined area or premises without written approval of the animal services officer.

**Sec. 10-128. Duration.**

A quarantine ordered by the animal services officer shall be maintained for such a period of time as the animal services officer deems necessary to protect public health.

**Sec. 10-129. Notice to be given by signs on affected areas.**

Quarantine areas or premises and areas where rabid animals or animals suspected of rabies remain at large may be posted by the animal services officer with signs which read as follows: "Rabies suspected," or "Rabies—keep away from animals." Such signs shall be conspicuously displayed in a place designated by the animal services officer and shall not be defaced or removed except by the animal services officer. Signs furnished and approved by the animal services officer shall be used.

**Secs. 10-130.—10-145. Reserved.**

## ***ARTICLE VIII. DANGEROUS AND VICIOUS DOG CONTROL***

### **Sec. 10-146. Title and purpose.**

- (a) The purpose of this article shall be to implement the provisions of O.C.G.A. § 4-8-1, et seq. (the "Act"), relating to dangerous and vicious dog control, and in some instances, to strengthen the requirements of the Act in furtherance of a community that is safe and secure from the harms of dangerous and vicious dogs. Nothing contained in this article shall be deemed to amend or supersede any other ordinances relating to animal services. Violations of this article shall be punishable as provided in this chapter and in the Act.
- (1) Any dog classified prior to July 1, 2012 as a potentially dangerous dog in Georgia shall on and after that date be classified as a dangerous dog under this article.
- (2) Any dog classified prior to July 1, 2012 as a dangerous dog or vicious dog in Georgia shall on and after that date be classified as a vicious dog under this article.
- (b) The owner of any dog referred to in subsection (b) of this section shall come into compliance with all current provisions of this article by January 1, 2013.

### **Sec. 10-147. Appointment of dog control officer.**

The board of commissioners hereby designates the animal services officers, as dog control officers to aid in the administration and enforcement of the provisions of Georgia's 'Responsible Dog Ownership Law,' O.C.G.A. § 4-8-20 et seq.

### **Sec. 10-148. Prohibition of dogs causing harm or damage.**

It shall be unlawful for the owner, possessor, guardian, or custodian in control of a dog, either by commission or omission, to:

- (1) Allow a dog to bite, attack, or otherwise directly cause any harm to a person; or
- (2) Allow a dog to bite, attack, or otherwise directly cause any harm to a domestic animal or livestock; or
- (3) Allow a dog to cause damage to real property or to damage or to destroy personal property belonging to someone other than the dog's owner.

### **Sec. 10-149. Exceptions.**

A dog that inflicts an injury upon a person shall be exempt from the meaning of a dangerous or vicious dog as defined in this chapter in the following instances:

- (1) A law enforcement officer carrying out the law enforcement officer's official duties; or
- (2) A dog used for agricultural purposes while herding livestock; or
- (3) If the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime; or
- (4) If the injury inflicted by the dog was sustained by a domestic animal or livestock which was trespassing on the property of the dog's owner or the property of person who was in control of the dog.

### **Sec. 10-150. Animal services board.**

- (a) The board of commissioners shall appoint a board known as the animal services board, to hold hearings provided for in O.C.G.A. § 4-8-33. The board so designated is authorized and shall have jurisdiction to conduct hearings and determine matters provided for in O.C.G.A. § 4-8-33.
- (b) The animal services board shall consist of five (5) members who shall serve a term consisting of four (4) years. The terms shall be staggered so that the term of office of three members shall expire together, and the remaining two members' terms shall expire in a subsequent year. Members may serve consecutive terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members may be removed for cause by the board of commissioners, including but not limited to more than three (3) absences per year.
  - (1) The animal services board shall elect a chairman, vice-chairman, and secretary from its members who shall serve for one year or until reelected or their successors are seated.
  - (2) The chairman shall call meetings of the board, decide upon points of order and procedure, administer oaths, and command the appearances of witnesses. The vice-chairman shall, in the absence of the chairman, administer the office of the chairman. The board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be immediately filed as a record of the board and shall be public record. Animal services shall maintain the files of the animal services board and shall be the records custodian of all such records.
- (c) The animal services board will conduct hearings as provided by O.C.G.A. § 4-8-23 and section 10-139 of this Code. All meetings shall be open to the public and be governed by Georgia's Open Meeting law, as enumerated in Chapter 14 of Title 50 of the Official Code of Georgia.
- (d) The animal services board shall meet as often as it deems necessary but not fewer than once per quarter. The board shall meet, set its meeting schedule for the upcoming calendar year no later than December 31st of each calendar year, and notify the board of commissioners in writing of said schedule.

### **Sec. 10-151. Investigations and Inspections.**

Upon receiving a report of a dog believed to be subject to classification as a dangerous or vicious dog within the county, an animal services officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous or vicious dog. The animal services officer may make such investigations and inquiries as may be necessary to identify dangerous and vicious dogs and their respective owners within the unincorporated areas of the county and those incorporated areas which have an agreement with the county for the enforcement of this article.

### **Sec. 10-152. Classification of a dangerous or vicious dog; notice to owner.**

- (a) When an animal services officer classifies any dog as a dangerous or a vicious dog under this article, the animal services officer shall notify the dog's owner within 72-hours of such classification. 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.
  - (2) The notice shall include a summary of the animal services officer's determination of the dog's classification as a dangerous or a vicious dog.
  - (3) The notice shall be dated and shall state that the owner has a right to request a hearing on the classification within seven (7) days after the date shown on the notice.
  - (4) The notice shall state that the animal services board shall conduct the hearing.



- (5) The notice shall state that if the owner does not request such a hearing within the allotted time, the classification of the dog as a dangerous or vicious dog shall become effective for all purposes under this article.
  - (6) The notice shall include a form to request a hearing before the animal services board and shall provide specific instructions on mailing or delivering such a request.
  - (7) The notice shall include the requirements for possession and confinement of a dangerous or vicious dog in accordance with state and local laws, which may be amended from time to time.
- (b) A dog that is found, after notice and opportunity for hearing as provided in this section, to have caused 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.

**Sec. 10-153. Hearing; Judicial Review.**

When the animal services board receives a request for a hearing from a classified dog owner in accordance with Sec. 10-152, the animal services board shall schedule such a hearing within thirty (30) days of receipt of the request, provided that such hearing may be continued by the animal services board for good cause shown. The animal services board shall notify the owner in writing by certified mail or statutory overnight delivery of the date, time, and place of the hearing; such notice shall be made to the owner at least ten (10) days prior to the date of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence.

The animal services board shall also receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination to sustain or overrule the classification of the dog by the animal services officer. Within ten (10) days of the date of the hearing, the animal services board shall notify the owner in writing, by certified mail or statutory overnight delivery, of its determination on the matter. If the determination is made that the dog is a dangerous or vicious dog, the notice shall specify the date upon which that determination is effective. If the determination is that the dog is to be euthanized pursuant to this article, the notice shall specify the date by which the euthanasia shall occur. Unless the board determines that a later date is appropriate in a particular case, the effective date of the determination shall be the date of the animal services officer's classification.

**Sec. 10-154. Requirements for possession and confinement of a dangerous or vicious dog.**

- (a) Any owner, possessor, guardian, or custodian of a dangerous or vicious dog shall be jointly and severally responsible with all other owners, possessors, guardians, or custodians of such dog for compliance with the requirements of this chapter: i) within thirty (30) days from the date of the dog being declared, or ii) within thirty (30) days from the hearing.
- (b) No person shall own, possess, keep, harbor, be issued a certificate of registration for, or have custody or control of a dangerous dog or vicious dog except in compliance with all the following requirements:
  - (1) In addition to the requirements set forth in Article IV, owners, possessors, guardians, or custodians who maintain their dangerous or vicious dog out-of-doors shall install or maintain a perimeter fence no less than six (6) feet in height above ground on their property. Within this perimeter fence, the dangerous or vicious dog must be humanely confined inside a pen or kennel consisting of the minimum dimensions of ten (10) feet by ten (10) feet and at least six (6) feet in height above ground). The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two (2) feet into the ground or sunken into a concrete pad. The gate to the kennel shall be inward-opening and shall be kept locked, except when tending to the animal's needs such as providing food and water or cleaning the kennel.
  - (2) It shall be unlawful for the owner, possessor, guardian, or custodian of a dangerous or vicious dog to allow the dog to be outside of its Proper Enclosure as provided for in Article IV and subsection (b)(1), above, unless the dog is properly muzzled by a muzzle or device constructed so as to prevent the

animal from biting, and the dog is attended by the owner, possessor, guardian, or custodian, and the dog is restrained by a secure collar and leash of sufficient strength to prevent escape and under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary. The leash shall be no longer than six (6) feet in length. It shall be unlawful for the owner of a dangerous or vicious dog to permit the dog to be unattended with minors.

- (3) The premises where a dangerous dog or vicious dog is kept shall be posted with clearly visible signs purchased from animal services as follows:
  - (a) Driveway entrance signs. These signs shall be conspicuously displayed at all driveway entrances to the premises where the dog is kept.
  - (b) Residential ingress/egress. These signs shall be displayed at each ingress/egress where the dog is being kept.
  - (c) Perimeter fence signs. These signs shall be displayed every fifty (50) feet, with a minimum of two (2) signs, as well as a sign on each ingress and egress point.
  - (d) Kennel/Pen signs. These signs shall be displayed on each side of the enclosure with a minimum of four signs as well as a sign on each ingress and egress point to the enclosure.
- (4) The owner of a dangerous or a vicious dog shall maintain a policy of general or specific liability insurance in a minimum amount of \$1,000,000.00 insuring the owner of the dangerous or vicious dog against liability for any bodily injury or property damage caused by the dog, which policy shall be issued by an insurer authorized to transact business in the state.
- (5) Animal services officers shall have the right to inspect randomly and without notice a dangerous or a vicious dog which is required to be confined pursuant to this chapter.
- (6) The owner of a dangerous or vicious dog shall have a microchip containing an identification number and capable of being scanned and injected under the skin between the shoulder blades of the dog.
- (7) The owner of a dangerous or vicious dog shall register the animal annually with animal services. The annual fee for registration shall be \$500.00 for a dangerous dog and \$1,000.00 for a vicious dog.

#### **Sec. 10-155. Registration of dangerous and vicious dogs.**

- (a) No dangerous or vicious dog shall be permitted to remain within the county without a certificate of registration issued in accordance with the provisions of this section. The owner of a dangerous or vicious dog shall pay an annual registration fee and shall register such dog as a dangerous or vicious dog according to the classification and determination previously made under this article. No dangerous or vicious dog shall be registered unless the owner can provide sufficient evidence that all the applicable provisions of this article have been and are being met.
- (b) Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile. The registration shall be renewed annually or upon the earlier transfer of ownership or possession of a dangerous dog or a change in the location of the dangerous dog's primary habitat. At the time of renewal of a certificate of registration for a vicious dog, the animal services officer shall verify that the owner is continuing to comply with the provisions of this article. Failure to renew a certificate of registration within ten (10) days of the renewal date or initial classification date shall constitute a violation of this article.
- (c) The owner of a classified dog who moves from one jurisdiction within the State of Georgia to the county shall register the classified dog with the county within ten (10) days of becoming a county resident and notify the animal services of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into the county from another state shall register the dog as required by this article within thirty (30) days of becoming a county resident.

- (d) Issuance of a certificate of registration, or the renewal of a certificate of registration by the county, does not warrant or guarantee that the requirements of this article are maintained by the owner of a dangerous dog or vicious dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.
- (e) No certificate of registration shall be issued to any person who has been convicted of two or more violations of the Act.
- (f) No person shall be the owner of more than one classified dog.
- (g) No certificate of registration for a vicious dog shall be issued to any person (or to any person residing with such person) who has been convicted (from the time of conviction until two years after completion of his or her sentence) of:
  - (1) A serious violent felony as defined in O.C.G.A. § 17-10-6.1;
  - (2) 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
  - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. § 16-13-31.1.

**Sec. 10-156. Transfer of ownership or possession.**

- (a) Upon the transfer of ownership or possession of any dangerous dog, the transferor shall provide animal services officer with the name, address, and telephone numbers of the new owner of the dog and of the effective date of the transfer. It shall be unlawful to transfer ownership or possession of any dangerous dog to any transferee residing in Coweta County, Georgia.
- (b) Any transferee of a dangerous dog shall be presumed to have notice of the dog's classification as such.
- (c) 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.

**Sec. 10-157. Notice to animal services.**

The owner of a dangerous or vicious dog shall notify animal services in writing within 24 hours of the occurrence of any one of the following events:

- (1) The dog has escaped or has otherwise ceased to be in the custody of the owner for any reason, unless the owner knows such dog to be physically secured and restrained or confined in the custody of another competent adult.
- (2) Such dog has attacked a human being or other animal.
- (3) Such dog has been sold, given, or otherwise transferred to the ownership or possession of another person.
- (4) The dog has died or has been euthanized.
- (5) The dog is leaving Coweta County.

**Sec. 10-158. Confiscation and disposition of dogs.**

- (a) Animal services shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.
- (b) A dangerous or vicious dog shall be immediately confiscated by any animal services officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.

- (c) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of reasonable confiscation and housing costs and proof of compliance with the provisions of this article. All fees and charges for services shall be paid prior to owner recovering the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.
- (d) In the event the owner has not complied with the provisions of this article within fourteen (14) days of the date the dog was confiscated, such dog shall be humanely euthanized in an expeditious and humane manner and the owner may be required to pay the costs of housing and euthanasia.
- (e) The provisions of this section shall govern, as to dangerous or vicious dogs, over any contrary provisions of this chapter.

**Sec. 10-159. Report to district attorney and solicitor.**

- (a) Animal services shall report to the district attorney the conduct of any owner which the animal services officer believes may constitute a felony under the Act.
- (b) Animal services shall report to the solicitor the conduct of any owner that the animal services officer reasonably believes may constitute a misdemeanor under the Act.

**Sec. 10-160. Penalties for violations.**

In addition to any other penalty that is available under this chapter, the owner, possessor, guardian, or custodian of a dangerous or vicious dog who violates this article shall be subject, at a minimum, to the penalties as set forth in the Act, as such may be amended from time to time.

**Secs.10-161—10-164. Reserved.**

***ARTICLE IV. AGGRESSIVE ANIMALS***

**Sec. 10-165. Aggressive animal ownership.**

The owner or keeper, or if no owner or keeper can be found, the responsible person or the custodian exercising care and control over, any animal which causes severe injury or death to another animal shall be in violation of this Code section.

**Sec. 10-166. Classification of aggressive animals.**

Animal Services has the authority to order the confiscation and holding of any animals that, in the opinion of the animal services officer, constitute an aggressive animal. The animal services officers’ decision to confiscate an animal may be appealed within two (2) business days of the confiscation to the county warden, who shall set a hearing within three (3) business days of the written notice of the appeal. The county warden shall investigate the circumstances surrounding the confiscation prior to the hearing and, at the hearing, shall hear evidence from the owners, possessors, guardians, or custodians. At the conclusion of the hearing, the warden shall confirm or reverse the animal services officers’ decision to confiscate and hold the animal.

- (a) Upon finding that an animal is an aggressive animal by the magistrate court, the animal’s owner, keeper, responsible person, or custodian shall be required within thirty (30) days to:
  - (1) In addition to the requirements set forth in Article IV, owners, possessors, guardians, or custodians who maintain their aggressive animal out-of-doors shall fence a portion of their property. Within this perimeter or area fence, the aggressive animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two (2) feet into the ground or sunken into a concrete pad. The gate to the kennel

shall be inward-opening and shall be kept locked, except when tending to the animal's needs, such as providing food and water or cleaning the kennel.

- (2) It shall be unlawful for the owner, possessor, guardian, or custodian of an aggressive animal to allow the animal to be outside of its proper enclosure as provided for in Article IV unless the animal is on a leash. The leash shall be no longer than six (6) feet in length.
- (3) The premises where an aggressive animal is kept shall be posted with clearly visible signs purchased from animal services, warning that there is a dog on the premises that presents a danger to other animals. The signs shall be conspicuously displayed as follows:
  - (i) Residential ingress/egress. These signs shall be displayed at each ingress/egress where the dog is being kept.
  - (ii) Perimeter fence signs. These signs shall be displayed on all sides of the perimeter fence where the dog is being kept, as well as a sign on each ingress and egress point (gate).
- (4) Register the animal with the animal services office. The annual fee for registration shall be \$500.00. The animal shall be registered annually. At any time of registration, an animal services officer shall require evidence from the owner and make an investigation as may be necessary to verify that the aggressive animal is continuing to be confined in a proper kennel and that the owners, possessors, guardians, or custodians is continuing to comply with the provisions of the section.
- (5) Animal services officers shall have the right to inspect randomly and without notice an aggressive dog which is required to be confined pursuant to this chapter.
- (6) The owner of an aggressive dog shall have a microchip containing an identification number capable of being scanned and injected under the skin between the shoulder blades of the dog.
- (7) Failure to renew a certificate of registration within ten (10) days of the renewal date or initial classification date shall constitute a violation of this article.

### **Sec. 10-167. Transfer or ownership or possession**

- (a) Upon the transfer of ownership or possession of any aggressive animal, the transferor shall provide the animal services officer with the name, address, and telephone numbers of the new owner of the dog and of the effective date of the transfer. It shall be unlawful to transfer ownership or possession of any aggressive animal to any transferee residing in Coweta County, Georgia.
- (b) Any transferee of an aggressive animal shall be presumed to have notice of the dog's classification as such.

### **Sec. 10-168 Notice to animal services**

The owner of an aggressive animal shall notify animal services in writing within 24 hours of the occurrence of any one of the following events:

- (1) The dog has escaped or has otherwise ceased to be in the custody of the owner for any reason, unless the owner knows such dog to be physically secured and restrained or confined in the custody of another competent adult.
- (2) Such dog has attacked a human being or other animal.
- (3) Such dog has been sold, given, or otherwise transferred to the ownership or possession of another person.
- (4) The dog has died or has been euthanized.
- (5) The dog is leaving Coweta County.

**Sec. 10-169. Confiscation and disposition of dogs.**

- (a) Animal services shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.
- (b) An aggressive animal shall be immediately confiscated by any animal services officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.
- (c) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of reasonable confiscation and housing costs and proof of compliance with the provisions of this article. All fees and charges for services shall be paid prior to owner recovering the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.
- (d) In the event the owner has not complied with the provisions of this article within fourteen (14) days of the date the dog was confiscated, such dog shall be humanely euthanized in an expeditious and humane manner and the owner may be required to pay the costs of housing and euthanasia.
- (e) The provisions of this section shall govern, as to aggressive animals, over any contrary provisions of this chapter.

**Secs.10-170—10-175. Reserved.**

***ARTICLE X. CRUELTY***

**Sec. 10-176. Prohibited treatment.**

It shall be unlawful for any person, either by commission or omission:

- (1) To confine an animal in a vehicle in an inhumane manner such that the animal becomes overheated or lacks adequate ventilation or is otherwise harmed.
- (2) For any owner to fail to provide any animal under his control with adequate proper food, adequate fresh water, or veterinary care. For the purpose of this subsection, owner shall mean any person, legal entity, corporation, partnership, firm, or trust owning, possessing, or having custody and control of the premises where the animal is located. For the purpose of this subsection, adequate food shall mean food of a sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian; which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food. Adequate water means clean, fresh, potable water sufficient to prevent dehydration and properly sustain health presented in a clean dish, free from contamination. Examples of inadequate water include, but are not limited to, snow, ice and rancid or contaminated water.
- (3) To fail to provide any animal under his care with access to adequate shelter to protect it from all types of weather, 24 hours daily. For the purpose of this subsection adequate shelter means a protective covering for a domestic animal that provides adequate space and protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four sides, a constructed floor, and a roof with a door opening. It must be maintained clean, dry and compatible with current weather conditions, in addition to age, size, species and condition of the animal. The structure must be of sufficient size to allow the animal to stand, turn around, lie down, and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below freezing. The shelter shall be raised at least two inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to,

pet carriers, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

- (4) To abandon any animal.
- (5) To allow an animal under his control to be kept in unsanitary conditions.
- (6) To keep or confine an animal under his control in other than a humane manner.
- (7) To allow any animal to be transported in any moving vehicle without the vehicle being enclosed or the animal confined so that it may not jump or fall out or be injured in any manner.
- (8) To unjustifiably cause death or physical pain or suffering to any animal.

#### **Sec. 10-177. Exemption.**

This section does not apply to working animals or the killing of animals raised for the purpose of providing food, nor does it apply to any person who hunts wild animals in compliance with the laws of this state, or the killing or injuring of any animal for humane purposes or any other circumstance exempted by O.C.G.A. § 16-12-4(e) or (f).

#### **Sec. 10-178. Animal fighting and training.**

- (1) No person shall instigate, cause to, attend, or permit any dogfight, cockfight, or any other fighting between animals or between animals and humans.
- (2) No person shall train, have equipment to train, or permit the training of, any animal to attack, fight, or cause injury to any domestic animal or human on any property, public or private within the county or within any city so contracted to have animal services provided by the county. Examples of training include, but are not limited to:
  - (a) Any activity designed to torment, badger, or bait any animal for purpose of encouraging animals to fight.
  - (b) The use of any weights on the animal, on the animal's tethering device, or on any kind of pulling structure.
  - (c) The use of any other animals for blood sport training.
  - (d) Any other activity that the primary purpose is to train animals to be aggressive or vicious. This does not apply to animals used for law enforcement purposes.

#### **Secs.10-179—10-190. Reserved.**

### ***ARTICLE XI. ANIMAL ESTABLISHMENTS***

#### **Sec. 10-191. Businesses and prohibited activity.**

- (a) *Required.* All animal establishments located in unincorporated Coweta County must comply with the code of ordinances regarding businesses.
- (b) *Selling, bartering, or gratuitously distributing animals prohibited; exception.* It shall be unlawful for any person to sell, barter or gratuitously distribute any animal, fowl, or reptile in a public place without a business license as set forth in this article. This prohibition shall include but shall not be limited to such distribution in commercial areas and along public roadways. Nothing in this section shall be construed to prohibit the gratuitous distribution of pets from private residential areas.

**Sec. 10-192. Compliance.**

- (a) An animal establishment shall not sell, trade, or give away any dog or cat over three months of age unless the dog or cat has been vaccinated as required by this chapter.
- (b) Animal services shall be permitted to inspect all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this chapter.

**Sec. 10-193. Standards for commercial kennels, pet shops, and private kennels.**

All commercial kennels shall comply with the Georgia Department of Agriculture rules and regulations.

**Sec. 10-194. Standards for humane societies or nonprofit organizations.**

Any facility operated by a duly incorporated humane society, animal welfare society, or nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals shall, in addition to the other requirements of this article, comply with the Department of Agriculture rules and regulations.

**Secs. 10-195.—10-200. Reserved.**

***ARTICLE XII. COMMUNITY CAT PROGRAM***

**Sec. 10-201. Purpose.**

The county board of commissioners finds that control of the feral cat population in the county can best be managed through a program of trap-neuter-return. The alternative program of trap and euthanize, has failed to adequately address the problem as the removed cats are replaced by reproduction. Studies show that trap-neuter-return programs are more cost effective, practical, and humane way to address the problem of community cats within the county.

**Sec. 10-202. Community cat program.**

- (a) The community cat program is administered by one or more Humane Societies, not Animal Services.
- (b) Any healthy roaming cat that is impounded or surrender to animal services, may be placed into the community cat program.
- (c) Cats selected for the program shall be taken to a veterinarian to be spayed/neutered, vaccinated for rabies, and ear-tipped for identification. The community cat shall then be returned to the neighborhood where it was trapped.
- (d) A community cat may be impounded and released to any qualified rescue or euthanized for any of the following conditions:
  - (1) The community cat is found to be un-healthy; or
  - (2) The community cat damages the personal or private property of a person or legal entity that seeks its impoundment; or
  - (3) The community cat creates unsanitary conditions, or offensive or objectionable odors and a citizen has complained to the county and seeks its impoundment; or



- (4) Any other condition that in the opinion of animal services warrants removal of the community cat from the program.

**Secs. 10-203.—10-299. Reserved.**