

Subject Matter: Adoption of Animal Control Ordinance.

Date First Presented at Council Public Meeting:
01-21-03

Date of Second Reading and Adoption:
02-03-03

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

ORDINANCE NUMBER 03-01
(as enacted)
TOWN OF SHARPSBURG, GEORGIA

PREAMBLE

WHEREAS, the Town of Sharpsburg recognizes that certain animals create nuisance; and

WHEREAS, the Town of Sharpsburg recognizes that certain animals threaten the health, safety and welfare of the Town of Sharpsburg;

WHEREAS, the Town of Sharpsburg desires to regulate the ownership, control and disposal of animals so to prevent nuisances and to reduce the threat to health, safety and welfare created by certain animals.

WHEREFORE, THE MAYOR AND THE COUNCIL OF THE TOWN OF SHARPSBURG HEREBY ADOPTS, AS ITS CHAPTER 7 OF THE TOWN CODE OF ORDINANCES, AS FOLLOWS:

SECTION ONE

Chapter 7 of the Town of Sharpsburg’s Code of Ordinances, titled “Animals,” is hereby deleted in its entirety and restated as provided in Section Two of this ordinance.

SECTION TWO

Chapter 7, titled “Animals” is hereby adopted as follows:

CHAPTER 7: ANIMALS

ARTICLE I. IN GENERAL

Sec. 7-1. Definitions.

The following words and phrases have the following meaning for the purpose of this chapter:

Animal: Any description of vertebrate, excluding Homo sapiens.

Animal control authority: Designated employees or officers of the county charged with enforcing this ordinance.

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

Animal shelter: Any facility operated by any governmental entity, humane society, or other organization for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large: Any animal is at large when it is off the premises of the owner of the animal and is not under the control of a responsible person.

Auctions: 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 as herein defined.

County: Coweta County, Georgia.

Cruelty: Every act, omission or neglect whereby unjustifiable pain, suffering, maiming or death may be caused or permitted to any animals as defined in this section.

Fowl: Any warm-blooded, feathered, flying or non-flying animals.

Humane manner: Care of an animal, to include but not to be limited to safety, adequate heat, ventilation, sanitary shelter, wholesome 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.

Kennel: Any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals.

Livestock: Any animal that has hooves.

Neutered: Incapable of sexual reproduction.

Nuisance: 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 noisemaking;
- (4) Molests, 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: Any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Performing animal exhibition: Any spectacle, display, act or event other than circuses, in which performing animals are used.

Pet: Any animal kept for pleasure, excluding livestock.

Pet shop: Any person engaged in the business of buying or selling two or more species of live animals with the intent that they be kept as pets.

Responsible person: Any accountable human being.

Restraint: See "Under control."

Spayed: Incapable of sexual reproduction.

Under control: Any animal shall be considered under control if it is confined by fence, pen, cage, electronic device, chain, leash or secure enclosure to the premises of its owner, of sufficient strength to prevent it from escaping from the premises of its owner, or is restrained by leash, chain or lead or confined in an automobile when away from the premises of the owner.

Veterinary clinic or hospital: A clinic or hospital operated by a licensed veterinarian.

Vicious animal: 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 control authority, a potential danger to persons or property.

This phrase shall not be construed to include dogs that are part of a governmental operation, nor a trained guard dog in performance of its duties while confined to the property of the owner or other responsible person.

Sec. 7-2. Prohibited treatment.

It shall be unlawful for any person, either by commission or omission, to do any of the following:

- (1) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal.
- (2) Fail to provide any animal with proper food consistent with the normal requirements and feeding habits of the animal's size, species and breed.
- (3) Fail to provide any animal with access to shelter adequate to protect it from all types of weather, 24 hours daily.
- (4) Fail to provide any animal access to good and wholesome fresh water at all times.
- (5) Abandon any animal.
- (6) Intentionally poison any animal.
- (7) Allow or promote any fight between animals, or allow or permit any such fight in or upon any premises in such person's possession or under such person's control.
- (8) Allow an animal to be kept in unsanitary conditions.
- (9) Keep, confine or transport an animal in other than a humane manner.

State law reference – Cruelty to animals, O.C.G.A. § 16-12-4.

Secs. 7-3 – 7-30. Reserved.

ARTICLE II. VACCINATION*

Sec. 7-31. Generally.

No person shall own, keep or harbor any dog or cat within the town unless such dog or cat is vaccinated as herein provided.

Sec. 7-32. Rabies vaccination.

(a) All dogs and cats over four months of age within the town shall be vaccinated against rabies once each year by a licensed veterinarian, who will issue to the owner a durable metal tag and a certificate of vaccination approved by the Georgia Department of Human Resources. Tags must be attached to the collar or harness of the dog or cat and be worn at all times except by show dogs at showtime. Tags are not transferable from one dog or cat to another dog or cat.

(b) Any rabies control regulations hereafter adopted by the county are hereby adopted by the town and specifically made part of this chapter.

Sec. 7-33. Health regulations incorporated.

All rules and regulations of the county board of health and the Georgia Department of Human Resources presently existing or as adopted in the future pertaining to rabies control and vaccination are incorporated herein by reference as though fully set forth herein.

* State law reference – Control of rabies, O.C.G.A. § 31-19-1 et seq.

Secs. 7-34—7-60. Reserved.

ARTICLE III. RESTRAINT*

Sec. 7-61. Maintenance of premises.

An owner of an animal shall maintain such owner's premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors that could disturb any person residing nearby said premises.

Sec. 7-62. Animal or fowl enclosures.

Any pastures or enclosures shall at all times be kept and maintained in a proper, clean and sanitary condition, consistent with the needs of the animal involved.

Sec. 7-63. Confinement of animals generally.

(a) An owner of a dog or cat, whether vaccinated or unvaccinated, residing within the town limit boundaries, or in any platted subdivision in which the average lot size is two acres or less shall confine such dog or cat within an adequate fence or enclosure or electronic device or within a house, garage or other building, shall confine such dog or cat by a chain or leash affixed to the dog's or cat's collar and attached to some substantial stationary object adequate to prevent the dog or cat from running at large. It shall further be the duty of any owner or keeper of any dog or cat regardless of the size of the owner's lot or property, to keep such dog or cat under such control so as to:

- (1) Prevent such dog or cat from becoming a danger to persons or property at any location, or trespassing upon another person's property without that person's permission; and
- (2) Prevent such dog or cat from running at large upon the streets, roads, sidewalks, alleys, parks or other public places.

(b) 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 or under control in such a manner that such female dog or cat cannot come into contact with a male dog or cat, except for intentional breeding purposes.

*State law references – Livestock running at large, O.C.G.A. § 4-3-1 et seq.; permitting dogs in heat to run at large, O.C.G.A. § 4- 8- 6; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-7.

(c) It shall be unlawful to allow a dog or any other animal to enter any commercial establishment where food for human consumption is located or sold unless such dog or any other animal is trained to assist physically handicapped individuals.

(d) It shall be unlawful for any person owning or having control of any chickens, ducks, horses, cows, goats, pigs or any other type of animal, livestock or other fowl within the town to permit them to run at large or be a menace or nuisance to such person's neighbors or the public in general.

Sec. 7-64. Rabid animals or animals suspected of having rabies.

(a) Every veterinarian shall report promptly to the Georgia Department of Human Resources and the animal control authority all cases of rabies in animals treated by such veterinarian, giving the name and address of the owner. Every veterinarian shall also report 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 extent known, to the Georgia Department of Human Resources and the animal control authority.

(c) It shall be the duty of the owner, the health department, physicians, hospitals or other person or agency gaining information that any domestic animal has been bitten or is probably infected with rabies, to incarcerate or impound or have the animal incarcerated or impounded in the facility of some competent veterinarian within the county, 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. All costs of this incarceration shall be borne by the owner of the animal.

Secs. 7-65 – 7-90. Reserved.

ARTICLE IV. ANIMAL ESTABLISHMENTS*

Sec. 7-91. Compliance with chapter.

(a) An animal establishment shall not sell, trade or give away any dog or cat over four months of age unless the dog or cat has been vaccinated as required by this chapter.

(b) The animal control authority shall be permitted to inspect any animal establishment and 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.

*State law reference – Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.

Sec. 7-92. Standards for kennels.

All kennels shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Standards for kennels are as prescribed in this section.

- (1) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors, walls and interior runs of buildings shall be of an impervious material to permit proper cleaning and disinfecting.
- (2) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
- (3) Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or top of cages.

- (4) Cages are to be of material and construction that permit cleaning and *sanitizing*.
- (5) Cage floors shall be of an impervious material, unless radiantly heated, and shall have a resting board or some type of bedding.
- (6) Runs shall provide an adequate exercise area and protection from the weather.
- (7) All animals quarters and runs are to be kept clean, dry and in a sanitary condition.
- (8) The food shall be free from contamination, and shall be wholesome and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- (9) All animals shall have fresh water available at all times.

Sec. 7-93. Standards for pet shops.

All pet shops, including pet shops operated in conjunction with another holding facility, shall in addition to the other requirements of this chapter comply with the minimum standards of this section. Standards for pet shops are as prescribed in this section.

- (1) *Water:* There shall be available hot water at a minimum temperature of 160 degrees for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water and food for consumption shall be available to all spaces of animals at all times. Containers are to be cleaned and disinfected each day.
- (2) *Room temperature:* The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- (3) *Cages and enclosures:* All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to such animal's full length.

Secs. 7-94 – 7-120. Reserved.

Sec. 7-121. Impoundment.

(a) Any animal at large or otherwise in violation of the provisions of this chapter may be impounded in the animal shelter in a humane manner, for a period of not less than seven days. If within such time an animal so impounded has not been reclaimed

by its owner in accordance with the provisions of this chapter, such animal shall become the absolute property of the animal control authority, which may convey ownership of such animal to any responsible person on such conditions as the animal control authority may prescribe; or the animal control authority may humanely destroy such animal.

(b) Any impounded animal that is determined to be injured and in pain will be transported promptly to a veterinarian for appropriate medical care. The cost of that care shall be borne by the humane society. A reasonable effort shall be made to contact the animal's owner if the animal is to be destroyed prior to the expiration of the seven-day period.

(c) Animals that have been impounded for a minimum of seven days may be humanely destroyed by animal shelter personnel. The remains of which shall be disposed of in a manner consistent with the county's disposal of solid waste products.

(d) Following the impoundment of an animal found at large, which animal has displayed on its collar its owner's address, and prior to its destruction, the animal control authority shall give the owner five days' notice of the proposed destruction by certified letter, return receipt requested, or regular mail. A designated representative of the humane society may view impounded animals on the day prior to scheduled euthanasia and claim, at no charge, animals for the humane society's adoption program. Such animals must have been impounded for a minimum of seven days, or have been released to the animal shelter by their owners. The representative of the humane society shall be designated in writing by the humane society to the animal control authority for this purpose.

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

(f) Notwithstanding any provision of this chapter to the contrary, the animal control authority may humanely destroy any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that destruction of the animal is necessary to prevent disease or injury to the animals or to humans due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, the likelihood of danger or injury to humans or animals, or any other condition.

(g) Notwithstanding any provision of this chapter to the contrary, a veterinarian has determined that he may humanely destroy any animal impounded in the animal shelter when the animal control authority reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and/or severe suffering or death.

(h) Any owner or potential owner of any animal impounded in the county animal shelter must show identification to animal shelter personnel prior to release

showing the individual's photograph, full name and current address. Animal shelter personnel 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.

(i) No person shall adopt from the animal control division more than four cats or dogs in a 12-month period. 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.

Sec. 7-122. Reclaiming impounded animals.

(a) The owner of an animal impounded in the animal shelter may reclaim the animal, upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this chapter, and upon payment of fees and charges as hereinafter provided, credited to the account of the animal control authority, and which fees and charges shall not be in lieu of any fine or penalty otherwise provided by law.

(b) Fees for reclaiming impounded animals shall be as determined from time to time by the board of commissioners and listed in the schedule of fees and charges.

(c) Owners of animals impounded for rabies quarantine or for use as evidence in a criminal prosecution shall pay the actual cost of the animal shelter.

(d) In addition to the foregoing fees, the per-day board for each day the animal is impounded in the animal shelter shall be as set forth in the schedule of fees and charges.

(e) The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.

Sec. 7-123. Adoption.

(a) The animal control authority may convey ownership (permit adoption of) any animal which has become the property of the animal control authority to a responsible person subject to such conditions as may be prescribed by the animal control authority, including, but without limitation, the following:

(1) Payment of an adoption fee to be set by the county or other costs associated with the handling and care of the animal to be adopted.

(2) Adoption fees for dogs and cats shall be as determined from time to time by the board of commissioners and listed in the schedule of fees and charges.

- (3) For other animals, the fee is to be set by the director for animal control based on fair market pricing.
- (4) The adoption fee does not include costs for spaying or neutering, vaccinations or licensing; but an agreement must be signed by the adoptee that the animal will receive its spay/neuter within 14 days after the adoption, vaccination/shots within seven days after the adoption date.
 - (b) Evidence must be presented to the animal control authority that the animal has been examined by a veterinarian and vaccinations against rabies and other disease have been administered within seven days of the adoption date.
 - (c) Evidence must be presented to the animal control authority that the animal adopted has been neutered/spayed by a veterinarian within 14 days of the adoption date. The only exemption to this requirement is if a sworn statement from a veterinarian is presented that explains in detail that, for health or age reasons, the animal cannot be spayed or neutered.
 - (d) Any citizen adopting an animal from the animal control authority shall be required to sign an adoption agreement and abide by its provisions.
 - (e) The director of the animal control authority shall be allowed to make adoptions waiving all or part of the fees for cause. Cause must be stated in the adoption agreement but will not waive any other requirements for adoption of any animal for the animal control authority.

Sec. 7-124. Acceptance of animals for euthanasia and disposal.

The following policy for the acceptance of animals for euthanasia and disposal is adopted:

- (1) *Fees.* Fees for euthanasia and disposal of animals shall be as determined from time to time by the board of commissioners and listed in the schedule of fees and charges.
- (2) *Days of acceptance.* Animals which are brought to the animal shelter for euthanasia and disposal will be accepted on Wednesdays at 1:00 p.m. only. Dead animals which are brought to the transfer station for disposal will be accepted during the scheduled operating hours of the transfer station.
- (3) *Containment.* All dead animals brought to the transfer station for disposal must be placed in a cadaver bag designed for the purpose of disposing dead animals.
- (4) *Exclusions.*

- a. Large agricultural animals which exceed 250 pounds will not be accepted at these facilities.

State law references – Dead Animal Disposal Act, O.C.G.A. § 4-5-1 et seq.: sale of dog meat for human consumption prohibited. O.C.G.A. § 26-2-160.

Secs. 7-125 – 7-150. Reserved.

ARTICLE VI. ENFORCEMENT; PENALTIES

Sec. 7-151. Enforcement responsibility.

The provisions of this chapter shall be enforced by the county animal control authority and by the county sheriff's department.

Sec. 7-152. Interference.

No person shall interfere with, hinder or molest the animal control authority or any other officer in the performance of their duty or seek to release any animal in the custody of the animal control authority, except as herein provided.

Sec. 7-153. Right of entry.

(a) The animal control officers, sheriff's deputies and other enforcement officers of the county are hereby authorized to enter upon any premises or parcel of land for the purpose of seizing and impounding any animal found therein or thereon to be in violation of this chapter, including but not limited to an animal that has bitten a person within ten days.

(b) The animal control authority may take all necessary steps to remove any animal locked in a closed vehicle if the animal is subject to danger of injury due to temperature. The operator of the vehicle will be charged with cruelty to animals as defined in this chapter. No injunction or claim for damages may be placed against the animal control authority or its officers for this action.

Sec. 7-154. Summons.

Representatives of the animal control authority and officers of the county sheriff's department are hereby authorized to issue a summons to any person for violation of any provision of this chapter. The 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 municipal court on a date certain to answer the charges therein contained.

Sec. 7-155. Penalties for violations.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in the Town's Charter.

Sec. 7-156. Equipment.

The animal control authority is authorized to employ any equipment it deems necessary to enforce the provisions of this chapter, including, but without limitation to making available, humane wire box traps; and the animal control authority may, subject to conditions it may determine, loan such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

Sec. 7-157. Records to be kept.

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

Sec. 7-158—7-185. Reserved.

ARTICLE VII. DANGEROUS DOGS*

Sec. 7-186. Authority.

This article is enacted pursuant to the authority contained in the O.C.G.A. § 4-8-20 et seq., and any ambiguities or conflicts in this article shall be interpreted in light of those provisions of state law.

Sec. 7-187. Definitions.

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

Board of Commissioners means the Coweta County Board of Commissioners.

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

- (1) Inflicts a severe injury on a human being without provocation on public or private property at any time after March 31, 1989; or
- (2) Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

Dog control officer means an individual selected by the board of commissioners to aid in the administration and enforcement of the provisions of this article.

Governing authority means Coweta County, Georgia.

Local government means Town of Sharpsburg.

*State law reference – Dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.

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 a dangerous dog or potentially dangerous dog within this state.

Potentially dangerous dog means any dog that without provocation, bites a human being on public or private property at any time after March 31, 1989.

Proper enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such 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 whether from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

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

Sever 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.

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

Sec. 7-188. Dog control officer.

The board of commissioners shall appoint a dog control officer who shall have the following duties:

- (1) To make such investigations and inquiries as may be necessary to identify dangerous dogs and dangerous dog owners within the town.
- (2) To classify or reclassify dogs as dangerous dogs or as potentially dangerous dogs as defined in this article.
- (3) To follow all post-classification procedures as set out in this article and to present evidence at any hearings held pursuant to this article.
- (4) To issue certificates of registration to owners of dangerous and potentially dangerous dogs as provided in this article.
- (5) To assure that dangerous dogs and potentially dangerous dogs are properly enclosed in accordance with the terms of this article.
- (6) To confiscate and in certain cases in accordance with this article destroy certain dangerous and potentially dangerous dogs.
- (7) To prosecute violations of this article as provided by law.

Sec. 7-189. Animal control board.

The board of commissioners shall appoint an animal control board that shall be made up of five members who shall be appointed by the county commissioners and shall serve terms that run concurrently with the appointing commission. Members shall receive such compensation as may from time to time be established by the board of commissioners and shall conduct hearings as required by O.C.G.A. § 4-8-24 and section 7-191 of this article.

Sec. 7-190. Investigation and classification.

Upon receiving a report of a dangerous dog or potentially dangerous dog within a dog control officer's jurisdiction from a law enforcement agency, animal control agency, rabies control officer, or county board of health, the dog control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this article. Any local government shall be authorized but not required to provide by ordinance or resolution for additional duties of a dog control officer in identifying dangerous dogs or potentially dangerous dogs and their owners to carry out the provisions of this article.

Sec. 7-191. Classification; notice and hearing.

(a) As applied to the owners of potentially dangerous dogs, the procedures provided for in this section must be carried out as a necessary condition for the enforcement of the provisions of this article against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this section shall be an essential element of any offense provided for in this article.

(b) When a dangerous dog or a potentially dangerous dog is classified as such, the dog control officer shall notify the dog's owner of such classification.

(c) The notice to the owner shall meet all the following requirements:

- (1) The notice shall be in writing and mailed in duplicate by first class mail and by certified mail to the owner's last known address.
- (2) The notice shall include a summary of the dog control officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous 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 a hearing on the dog control officer's determination that the dog is a dangerous dog or potentially dangerous dog.
- (4) The notice shall state that the hearing, if requested, shall be before the animal control board.
- (5) The notice shall state that if a hearing is not requested, the dog control officer's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes under this article on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing.
- (6) The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such request to the agency.

(d) When the animal control board receives a request for a hearing as provided in subsection (c) of this section, it shall schedule such hearing within 30 days after receiving the request. The board shall notify the dog owner in writing by certified mail 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 dog control officer's classification of the dog.

(e) Within ten days after the date of the hearing, the board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

Sec. 7-192. Registration, insurance, notice and enforcement.

(a) The dog control officer shall issue a certificate of registration to the owners of dangerous and potentially dangerous dogs when the owner shows the dog control officer sufficient evidence of the following:

(1) *For potentially dangerous dog:*

a. A proper enclosure sufficient to confine the dog.

b. The posting on the premises where the dog is located with a clearly visible sign warning that there is a potentially dangerous dog located on the premises and containing a symbol reasonably calculated to inform children of the presence of the potentially dangerous dog.

(2) *For a dangerous dog:*

a. A proper enclosure sufficient to confine the dog.

b. The posting on the premises where the dog is located with a clearly visible sign warning that there is a dangerous dog located on the premises and containing a symbol reasonably calculated to inform children of the presence of the dangerous dog.

c. An insurance policy in the amount of at least \$15,000.00 issued by a surety company authorized to do business in the State of Georgia, payable to any person or persons injured by a dangerous dog.

(b) The annual fee for the certificate of registration shall be \$500.00. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, a dog control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous dog or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this article.

Sec. 7-193. Notification of death, escape, sale or donation.

The owner of a dangerous or potentially dangerous dog shall notify the dog control officer if the owner is moving from the dog control officer's jurisdiction. The

owner of a dangerous dog or potentially dangerous dog who is a new resident of the State of Georgia shall register the dog as required in this section within 30 days after becoming a resident. The owner of a dangerous dog or potentially dangerous dog who moves from one jurisdiction to another within the State of Georgia shall register the dangerous dog or potentially dangerous dog in the new jurisdiction within ten days after becoming a resident.

Sec. 7-194. Restrictions on taking dangerous and potentially dangerous dogs outside their enclosures.

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

(b) It is unlawful for the owner of a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and is under the restraint of a responsible person.

Sec. 7-195. Confiscation of dogs; grounds; disposition.

(a) A dangerous dog shall be immediately confiscated by the dog control officer or by law enforcement or by another person authorized by the dog control officer if the:

- (1) Owner of the dog does not secure the liability insurance or bond required by section 7-192;
- (2) Dog is not validly registered as required by section 7-192;
- (3) Dog is not maintained in a proper enclosure; or
- (4) Dog is outside a proper enclosure in violation of section 7-194.

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

- (1) Not validly registered as required by section 7-192;
- (2) Not maintained in a proper enclosure; or
- (3) Outside a proper enclosure in violation of section 7-194.

(c) Any dog that has been confiscated under the provisions of subsection (a) or (b) of this section shall be returned to its owner upon the owner's compliance with the

provisions of this article and upon the payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within 20 days of the date the dog was confiscated, the dog shall be destroyed in an expeditious and humane manner.

Sec. 7-196. Miscellaneous provisions.

(a) The dog control officer's authority to investigate shall include the power to enter onto public and private property for the purpose of periodic inspection.

(b) The dog control officer shall maintain a copy of all state and local laws applicable to dangerous dogs and potentially dangerous dogs, which records shall be available for inspection by the public during regular business hours. The dog control officer shall not be authorized to interpret these laws nor to give advice to the owners.

(c) This article is adopted pursuant to O.C.G.A. § 4-8-20 et seq. to implement the duties for which the town is responsible under state law. This article shall not be construed to impose any additional duties or liability on the town or on its officers, council members, and employees or to waive any immunity which is currently provided by law.

(d) All ordinances or parts of ordinances in conflict with this article are, to the extent of such conflict, hereby repealed.

(e) This article shall be null, void and without effect upon repeal of O.C.G.A. § 4-8-20 et seq. by the Georgia Legislature.

SECTION THREE

This Ordinance shall become immediately effective upon its second reading and adoption by the Town Council.

SECTION FOUR

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

SECTION FIVE

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION SIX

This ordinance is hereby codified as Chapter 7 in the Town of Sharpsburg's Code of Ordinances.

SECTION SEVEN

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG at a regular meeting of the Mayor and Council on the ____ day of _____ 2003, by the following voting for adoption:

J. Clay Cole, Council Member

Larry W. Hyde, Council Member

Attest:

J. David Mullins, Mayor Pro Tem

Robin L. Spradlin, Town Clerk