

ORDINANCE NO. 091917A

CHAPTER 24: **ANIMAL CONTROL ORDINANCE**

CHAPTER 25:

CHAPTER 26:

Section

30-101 Animal Control Ordinance

ARTICLE 2. 1 Animal Control Ordinance

1. Administration and Definitions.

A. The responsibility for the control of animals within the county shall rest with the Newton County Board of Commissioners.

B. The responsibility for the control of rabies and other zoonos shall rest with the Newton County Board of Commissioners and the Newton County Board of Health.

C. For the purpose of this proposed code, the following words and phrases shall have the meanings herein ascribed to them, unless clearly indicated to the contrary by the context.

(1) **Animal.** The term "animal" is defined as any live vertebrate creature, domestic or wild.

(2) **Director.** The "director" is defined as a full-time animal control officer of the Department of Animal Control whose duty is to administer and manage the county's animal control program. He/she will be responsible to the Chairman, Newton County Board of Commissioners.

(3) **Animal Control.** The term "Animal Control" shall not be understood to be limited in practice, or interpretation, to the extermination of unwanted or deserted animals in Newton County. In practice it imposes an obligation upon the administrators to also develop and implement an aggressive program promoting responsible pet ownership within Newton County. The program shall include, but not be limited to:

(a) The development of an educational program on the need for responsible treatment, ownership, and the need for spaying and neutering of dogs and cats to prevent undesirable and unwanted litters;

(b) An active, concerted and responsible adoption program in conjunction with the Newton County Humane Society, which might also include an adoption contract between the parties. All revenues collected by the Animal Control Center will be credited to their account by the county to help defray the implementation of these programs. The additional income shall not reduce this department's annual budget. Newton County pet owners should be advised that the Animal Control Center was never intended to be a dumping ground and extermination center, to serve irresponsible pet owners at the expense of all taxpayers in the county. The current and increasing trend of the extermination of thousands of pets every year is unacceptable.

(4) **Animal Control Center.** A structure or physical plant, which is constructed or renovated specifically to be the center of the county's animal control activities. The center will contain facilities for housing animals in a humane manner, administrative areas for animal control personnel, a clinic and euthanasia room, a cold storage area for animal cadavers, and adoption area, facilities for humane education programs, and other responsibilities as determined by the director.

(5) **Animal Control Officer (ACO).** An individual employed either full or part-time by the Department of Animal Control whose duty is to enforce the county's animal code. The ACO should have the authority to issue citations, be familiar with local and state animal laws, and be sensitive to the needs of animals.

- (6) **Senior Animal Control Officer.** A full-time employee of the Department of Animal Control whose duty is to supervise and evaluate animal control officers assigned to field duty in addition to normal animal control officer duties.
- (7) **Animal Control Attendant.** An individual employed either full or part-time by the Department of Animal Control whose duty is to provide humane care for the animals housed in the animal control center.
- (8) **Animal Welfare Agency.** Independent humane agencies such as SPCA's, Animal Welfare Leagues, Humane Societies, etc. The majority of these agencies are dependent on public contributions for sustaining their programs. Many, especially in large cities, operate animal shelters and, often, contract with the local governments to conduct animal control activities and/or house animals. The Humane Society of Newton County is a state approved, incorporated animal welfare agency whose goals include assisting the department of animal control on a voluntary basis.
- (9) **Control.** Restrained by fence (electronic or physical), leash, or otherwise contained.
- (10) **Dog.** The word "dog" shall mean a domestic dog, of either sex, vaccinated or not vaccinated against rabies, registered or not registered in Newton County, Georgia.
- (11) **Cat.** The word "cat" shall mean a domestic cat, of either sex, vaccinated or not vaccinated against rabies, registered or not registered in Newton County, Georgia.
- (12) **Vaccine.** The word "vaccine" shall mean an injectable material containing killed or attenuated rabies virus, licensed by the United States Department of Agriculture, Veterinary Biologies Division and approved by the Georgia Department of Human Resources. Vaccine used for the purpose of immunizing animals against rabies shall be stored at the temperature prescribed on the package label.
- (13) **Vaccinate or Inoculate.** The words "vaccinate" and "inoculate" shall mean the injection of a specified dose of antirabic vaccine by a veterinarian or properly supervised animal health technician into the proper site of an animal.
- (14) **Veterinarian.** Any person duly licensed to practice veterinary medicine in the State of Georgia.
- (15) **Veterinary Hospital or Clinic.** A place where medical and surgical treatment is administered to animals by or under the supervision of a veterinarian.
- (16) **Vaccination Tag.** A tag furnished or approved by the Georgia Department of Human Resources and the Newton County Department of Animal Control. This tag will certify the year, county, and vaccination number. The tag shall be worn at all times by the vaccinated animal.
- (17) **Registration Tag.** A tag approved by the Newton County Department of Animal Control, which signifies the dog, or cat has been duly registered. The tag will be worn at all times by the registered animal.
- (18) **Rabies Certificate.** A certificate of vaccination on a form furnished or approved by the Georgia Department of Human Resources.
- (19) **Registration Certificate.** A certificate signed by the director or his designated representative certifying that a dog or cat has been properly registered in Newton County, Georgia.
- (20) **Owner.** Any person having a right of property in an animal, or any person whom permits an animal to remain on his or her premises.
- (21) **Person.** Any individual, firm, corporation, partnership, municipality, county, society, or association.
- (22) **Neutered.** The surgical sterilization of a female animal (ovariohysterectomy or spay) or male animal (orchidectomy or castration).
- (23) **Running at Large.** The term "to run at large" or "running at large" means the going upon public or private property by an animal without the owner or person in charge thereof having control over such animal, and includes any animal whatsoever which may be staked, tied or hobbled in any manner as to allow such animal to go or get upon the public streets or sidewalks.

2. **Enforcement and Violations.** The director, the animal control supervisor and officers, and other authorized employees of the county shall have all of the powers and authority of police officers to the extent only and no further of enforcing this animal code of law and other laws of the county relating to animals and fowl.

- A. All duly appointed and qualified law enforcement officers and animal control officers and other designated persons are authorized to issue written notices to persons violating this animal code of law or any other laws governing the regulation and/or disposition of animals, which notices shall, among other things describe the violation complained of. Any person violating this code, obstructing qualified animal control personnel, and/or their equipment or any other laws governing the regulation of animals within Newton County shall be subject to a fine not less than one-hundred dollars (\$100.00) and not more than five-hundred dollars (\$500.00) and/or sixty (60) days imprisonment. Imprisonment and/or fine may be substituted with mandatory spay/neuter of the animal by a licensed veterinarian at the expense of the owner, except in circumstances where state law provides for harsher penalties.
3. **Dogs and Cats.**
- A. **Rabies Vaccination.** All dogs or cats in Newton County over three (3) months of age will be inoculated annually for rabies with an approved vaccine. All dogs and cats which are brought into the county and which are more than three (3) months of age and which have not been inoculated shall be inoculated within thirty (30) days after their arrival in the county. Any person owning, keeping, harboring or maintaining a dog or cat in the county who fails or refuses to comply with the vaccination requirements herein set out shall be deemed guilty of an offense. A certificate of a veterinarian certifying that the vaccine was administered as required by this code, bearing the date and type of vaccine and the identification of the dog or cat by breed, color, and sex and the vaccination tag number and the name and address of the owner, shall be evidence of such vaccination.
- B. **Dogs Running at Large.** It shall be unlawful for any person owning or having in his or her possession any dog to allow such dog to be at large without the owner or person in charge thereof having control over such dog*. An owner or person having in his possession a dog may allow the dog to be at large on the owner's property or on other property by permission of an owner that does not provide the animal with access to a sidewalk or street. *Hunting dogs shall be deemed under control while on land with the consent of the owner thereof and engaged in normal hunting activity for the particular type of hunt involved.
- C. All female dogs and cats that have not been spayed and are in heat, must be securely confined in such a way that they not only cannot run loose, but also cannot be reached by other dogs or cats.
- D. **Impoundment of Dogs and Cats.** Where the animal control director, supervisor or officer(s) either observes or receives a proper citizen complaint of a dog running at large, it shall be the duty of said director, supervisor or officer (s) to take up and take charge of all dogs found to be running at large as defined in section C(3) above within the boundaries of Newton County, and to capture and take such animals to the animal control center or other designated place, there to be impounded and detained for a period of three (3) calendar working days. Cat traps will be made available free of charge to citizens of Newton County with nuisance cat complaints. If a dog or cat which has been delivered or admitted to the animal control center is wearing a vaccination or registration tag not more than two (2) years old or any other type of identification, the person in charge of the center shall notify the owner of this animal by telephone, door hanger, or by mail that such animal has been received by the animal control center. The mailing of notice shall be deemed sufficient notice under this sections if it is mailed to the owner at the address shown in other types of identifications. Dogs and cats wearing a vaccination or registrations tag not more than two (2) years old shall be held in designated pens for the owner for six (6) calendar working days from the date the owner was notified by telephone, door hanger, or notice was mailed to the owner. On the seventh (7) day following such notice, the animal may be placed for adoption or euthanized at the discretion of the animal control officer director or his/her designated representative. The director is authorized to negotiate with other local government agencies for the handling of animals under this code. Any contract, which is the subject to such negotiations, must be approved and its execution authorized by the Board of Commissioners as in other contracts entered into by the county. Dogs or cats, three (3) months of age or older, can be subject to impoundment if said dog or cat does not display a current vaccination.
- E. **Redemption or Adoption after Impoundment.** Any animal adopted may be redeemed by its rightful owner at the animal control center, after said owner proves ownership beyond a reasonable doubt. The person entitled to redeem said animal shall be entitled to have the animal delivered to them at the animal control center upon presentation of satisfactory evidence of ownership (regulations paper, bill-of-sale, photographs, registration and/or vaccination certificates,

etc.), and payment of the following charges and/or fees if applicable, provided such animal is not infected or reasonably believed to be infected with rabies or any other infections or contagious diseases:

- (1) Except as otherwise provided in this code, an impoundment fee of twenty-five dollars (\$25.00) shall be charged for each animal impounded. The impoundment fee shall double for each successive impoundment of any animal belonging to one owner. However, an adoption-handling fee shall be charged for each cat or dog surrendered to the Newton County Animal Shelter by its owner or authorized agent.
 - First Adult cat or dog.....written warning,
 - First litter of puppies or kittens.....written warning
 - The owner surrendering a second litter shall be charged the following:
 - Adult cat or dog.....ten dollars (\$10.00)
 - Litter of puppies or kittens.....twenty dollars (\$20.00)
 Additional, they must either qualify for or obtain a kennel license, or have the parents spayed and neutered by a licensed veterinarian at the owner's expense, with proof to be furnished to Newton County Animal Control within thirty (30) days. Failure to comply shall be in violation of this code and subject to a fine of not less than one hundred dollars (\$100.00) and/or imprisonment not to exceed five (5) days. An exception may be made in the case of indigent owner son an individual basis if confirmed by the supervisor.
- (2) Payment for a current rabies vaccination not to exceed twelve dollars (\$12.00), provided the dog or cat has no valid vaccination. The owner will be issued a receipt to take to a participating clinical veterinarian who authorizes the veterinarian to inoculate the animal. The veterinarian will submit the receipt to the animal control department indicating that the vaccine was administered and the number of the vaccination tag issued. The animal control department will send the veterinarian a sum not to exceed twelve dollars (\$12.00) per animal vaccinated.
- (3) Except as otherwise specifically provided in this code, a boarding fee not to exceed ten dollars (\$10.00) per day shall be charged for each animal impounded. However, when a person seeks delivery of an animal on the first regular working day after a Sunday and/or a county holiday, no boarding fee shall be charged for the immediately preceding Sunday and/or holiday unless such Sunday and/or holiday was within the period of quarantine for rabies observation.
- (4) Impounded or sick animals will be treated for injury or illness when such treatment is found to be reasonably necessary in the judgement of the animal control director or supervisor.

F. **Adoptions.** It will be the duty of the ACO director to offer for adoption to the public, or transfer to rescue agencies licensed by the Georgia Department of Agriculture, after verification, any and all healthy animals impounded in accordance with this code and not redeemed as provided for in code section C.4. The person entitled to redeem the animal will be required to exercise such option within a period of (30) days from the date the animal was adopted, and will be required to reimburse the adopter double the adoption fee, three dollars (\$3.00) per day for the days the animal was held and cared for by the adopter and any verified expenses incurred for qualified veterinary services. Any animal not redeemed in accordance with the provisions set forth above shall, after the (30) thirty-day period, become the property and responsibility of the adopter. No animal determined to be dangerous shall be offered for adoption. It shall be unlawful to remove any animals from the animal control center except as provided for in this code.

G. Dogs, cats and other animals taken up and impounded under the terms of this code which are not redeemed or adopted as provided in this code shall be disposed of by the department of animal control. These animals shall be humanely destroyed in the most humane method of euthanasia currently recognized.

H. If, in the opinion of the animal control director or designated employee the release of an impounded animal could impair the health or safety of the public, such animal shall be held at the animal control center or an approved veterinary clinic at the expense of the owner pending a court order disposition.

4. **Dangerous Dogs.**

A. 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:

- (1) **Animal control officer.** An individual employed either full or part-time by the Department of Animal Control whose duty is to enforce the County's animal code. The ACO should have the authority to issue citations, be familiar with local and state animal laws, and be sensitive to the needs of animals.
- (2) **Animal shelter.** Any facility operated by or under contract for the State of Georgia or any county, municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs; any veterinary hospital or clinic operated by a veterinarian or veterinarians that operates for such purpose in addition to its customary purposes; and 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.
- (3) **Classified dog.** Any dog that has been classified as either a dangerous dog or vicious dog pursuant to this article. County animal control board means a board consisting of (1) two individuals nominated and approved by the Board of Commissioners with the only qualification being that the individual be an adult resident of Newton County and (2) a third appointee that is selected by the following methodology; (i) the first and second appointees above shall nominate no less than two and no more than five individuals, (ii) each such nominees shall be an active member of a Newton County animal rescue organization, and (iii) the pool of nominees shall be presented to the Board of Commissioners who shall select one of the nominees as a board member. For purposes of clarifying the terms of all board members, those members serving on the board as of November 1, 2017 may remain on the board until January 1, 2019 at which point their terms shall be deemed expired. Appointments shall then be made for all three board members, with the initial term for members being for two-year terms running from January 1, 2019 to January 1, 2021. Following the expiration of those initial terms, reappointments shall occur and those appointed shall serve two-year terms. During the term of service, an appointee may be removed by the Board of Commissioners with or without cause.
- (4) **Dangerous dog.** Any dog that:
 - (a) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;
 - (b) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or
 - (c) While off the owner's property, kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.
- (5) **Mail.** To send by certified mail or statutory overnight delivery to the recipient's last known address.
- (6) **Owner.** Any natural person or any legal entity, including, but not limited to a corporation, partnership, firm, or trust, owning, possessing, harboring, keeping or having custody or control of a dog within the County. In the case of a dog owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.
- (7) **Pet.** Any domesticated animals and fowl.
- (8) **Proper Enclosure.** An enclosure on the owner's property for keeping a dangerous dog or vicious dog in a 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, in the case of a vicious dog, a secure top, and if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

- (9) **Serious Injury.** Any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.
- (10) **Vicious Dog.** 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.

B. Applicability of provisions.

Any dog classified prior to July 1, 2012 as a potentially dangerous dog in this state shall on and after that date be classified as a dangerous dog under this article. Any dog classified prior to July 1, 2012 as a dangerous dog or vicious dog in this state shall on and after that date be classified as a vicious dog under this article. The owner of any dog referred to in this section shall come into compliance with all current provisions of this article by January 1, 2013.

C. Liability of county; liability of owner.

Pursuant to State law, under no circumstances shall the County or any employee or official of the County be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

D. Investigations by animal control officer; owner's responsibilities.

- (1) **Duty to investigate.** Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within an animal control officer's jurisdiction, such officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
- (2) **Owner's responsibilities for dog without current valid rabies vaccination.** If a dog, without a current and valid rabies vaccination, bites any person, it shall be the duty of the owner having possession and knowledge of such to arrange for and bear the cost of confinement of such dog in a veterinary hospital for a period of ten days in order to observe the dog for rabies. If the veterinary hospital determines the dog to be rabid, then the dog is to be destroyed in an expeditious and humane manner. If the dog is found to not be rabid, such dog may be claimed upon proof of a current rabies vaccination and an enclosure deemed proper by the animal control officer. When the ten-day observation period is satisfied, the owner of such dog shall have 72 hours to claim such dog.
- (3) **Owner's responsibilities for dog with current valid rabies vaccination.** If a dog, with a current and valid rabies vaccination, bites any person, it shall be the duty of the owner, or person having possession of such dog and knowledge of such bite, to confine such dog for a ten-day period in an enclosure deemed proper by the animal control officer.
- (4) **Removal from enclosure after confinement period generally.** A dog, which has not been classified a dangerous or vicious dog, may be removed from the proper enclosure restriction after satisfying the requirements of the ten-day confinement period.
- (5) **Continued confinement for dangerous or vicious dog.** The owner of a dog, which has been classified a dangerous dog or a vicious dog, must continue confinement of the dog in a proper enclosure as long as the dog is so classified.
- (6) **Refusal to comply.** In the event an owner of a dog fails or refuses to abide by this section, the animal control officer is hereby authorized and empowered to confiscate such dog, confine it at the expense of such owner at a veterinary hospital for such time it deems necessary in order to observe whether the dog is rabid. In the event the veterinary hospital determines the dog to be rabid, then such dog is to be destroyed in an expeditious and humane manner.

E. Procedures for classification as dangerous dogs or vicious dogs.

- (1) **Applicability for enforcement purposes.** Any irregularity in classification proceedings shall not be a defense to any prosecution under this Article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.
- (2) **Notice requirement.** When an animal control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the animal control officer's determination and shall state that the owner has a right to request a hearing from the animal control board on the animal control officer's determination within seven days after the date shown on the notice. The notice shall also provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the animal control officer's determination shall become effective for all purposes under this article. If an owner cannot be located within ten days of an animal control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the animal control officer. No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. tit. 16, ch. 5.
- (3) **Confinement during pendency of hearing or appeal.** During the pendency of any hearing or appeal of a determination that a dog is a dangerous or vicious dog as provided for in this section, the owner of such dog shall cause such dog to be confined at the expense of such owner of such dog, at a veterinary hospital, licensed kennel facility, or in a proper enclosure deemed suitable by the animal control officer.
- (4) **Authority of animal control officer to confiscate and confine.** If an owner fails or refuses to abide by subsection (3) of this section, the animal control officer is authorized and empowered to confiscate such animal, confine it at the expense of such owner at a veterinary hospital, kennel facility, or proper enclosure deemed suitable by the animal control officer during the pendency of any hearing or appeal mentioned in the subsection (3) of this section.
- (5) **Hearing.** When a hearing is requested by a dog owner in accordance with subsection (2) of this Code section, such hearing shall be scheduled within 30 days after the request is received, provided, however, that such hearing may be continued by the animal control board for good cause shown. At least ten days prior to the hearing, the animal control board shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the animal control board shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the animal control officer's determination.
- (6) **Notice of determination by animal control board.** Within ten days after the date of the hearing, the animal control board shall mail written notice of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to subsection (8), the notice shall specify the date by which the euthanasia shall occur.
- (7) **Retrieval of dog from veterinary hospital.** After notification from the hearing board that a dog has been determined to be a dangerous or vicious dog, the owner of such dog shall have three business days within which to pick up his dog from the veterinary hospital, provided the owner is in compliance with all requirements of the animal control ordinance. After such notification, the owner may appeal from any adverse decision rendered by the hearing board in such manner as provided by the

laws of the state. Written notification of such an appeal shall be given immediately to the Animal Control Director or his/her designee.

- (8) A dog that is found, after notice and opportunity for hearing as provided in this section, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012 shall count for purposes of this subsection.

F. Requirements for possessing classified dogs.

- (1) It is unlawful for an owner to have or possess within the County a classified dog without a certificate of registration issued in accordance with the provisions of this section. Certificates of registration shall be nontransferable and shall be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.
- (2) Subject to the additional requirements of this article, a certificate of registration for a dangerous dog shall be issued animal control officer determines that the following requirements have been met:
 - (a) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and
 - (b) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides.
- (3) Except as otherwise provided in this article, a certificate of registration for a vicious dog shall be issued if the animal control officer determines that the following requirements have been met:
 - (a) The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property;
 - (b) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
 - (c) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
 - (d) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 or the maximum amount authorized by State law issued by an insurer authorized to transact business in this State insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the vicious dog.
- (4) The owner of a classified dog shall notify the animal control officer, within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died or been euthanized, or has been sold or relocated. If the dog has been sold or relocated, the owner shall also provide the animal control officer with the name, address, and telephone number of the new owner of the dog. 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.
- (5) The owner of a classified dog shall notify the animal control officer if the owner is moving out of the County. The owner of a classified dog who moves to the County from another jurisdiction within the State of Georgia shall register the classified dog with the county within ten days of becoming a resident and notify the animal control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who is a new resident of the State shall register the dog as required in this section within 30 days after becoming a resident.
- (6) Issuance of a certificate of registration or renewal of a certificate of registration by the animal control officer in the County does not warrant or guarantee that the requirements specified in this section are maintained by the owner of a classified dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

- (7) An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. Pursuant to State law, law enforcement agencies, including those of the County and the municipalities within the County, will cooperate with animal control officers in enforcing the provisions of this article.
- (8) An annual fee, which may be set from time to time in an amount deemed reasonable by the Board of Commissioners, in addition to any regular dog licensing fees shall be paid to register classified dogs as required by this article. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, an animal control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the classified dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of the animal control ordinance. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.
- (9) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
- (10) 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:
 - (a) A serious violent felony as defined in O.C.G.A. § 17-10-6.1;
 - (b) The felony of dog fighting as provided for in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or
 - (c) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. § 16-13-31.1.

G. Restrictions on classified dogs.

- (1) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:
 - (a) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
 - (b) The dog is contained in a closed and locked cage or crate.
 - (c) The dog is working or training as a hunting dog, herding dog, or predator control dog.
- (2) It shall be unlawful for an owner of a vicious dog to permit the dog to be:
 - (a) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or other structure suitable to prevent the vicious dog from leaving such property unless:
 - 1. The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
 - 2. The dog is contained in a closed and locked cage or crate; or
 - (b) Unattended with minors.
- (3) No person shall be the owner of more than one vicious dog.

H. Confiscation of dogs.

- (1) A law enforcement officer or animal control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.
- (2) A classified dog shall be immediately confiscated by any animal control officer or by a law enforcement 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.
- (3) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by an animal control officer or the County animal control board. All fines and all charges for services performed by a law enforcement or

animal control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

- (4) In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was confiscated, such dog shall be released to an animal shelter or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

I. **Summons.** Upon a complaint lodged with Animal Control regarding any section of this article, a summons may be issued requiring the owner of any domesticated animal, or any person, firm or corporation violating any of the provisions set forth in this article to appear before the judge of the Magistrate Court of the County on a day and time certain to answer for the violation of this article. If such violation of this article has not been witnessed by an officer of the County, a subpoena may be issued to the person making the complaint, requiring such person to appear on the day and time of the hearing set by the court to testify on behalf of the County.

J. **Violations; penalties.** Except as otherwise provided in this chapter, any person violating any provision of this article shall, upon conviction, be punished as provided in O.C.G.A. § 36-1-20.

- 5. **Rabies Control.** Except as provided in section E.2 below, every animal that has rabies or symptoms thereof, every animal that has been exposed to rabies, and every animal that bites or otherwise attacks any person within Newton County shall be impounded at once and held under observation by the department of animal control for ten (10) calendar days. If its owner desires, such animal may be confined for observation in a veterinary hospital or clinic approved by the ACO director at the owner's expense for the same period of time as the animal would be confined for observation at the county's animal control center. Upon request, the ACO Supervisor shall approve a veterinary hospital or clinic for such purposes if it is shown that the hospital or clinic is able to properly confine and observe such animals unless there is reason to doubt whether such hospital or clinic will actually do so.

A. Any dog or cat that bites or otherwise attacks any person within Newton County while the animal is confined on the owner's premises may be quarantined on the owner's premises for a period of ten (10) calendar days immediately following the date such animal has attacked a person if the animal has a current rabies vaccination and a current county registration at the time the attack occurred, provided that the animal is examined by a veterinarian, at the owner's expense at the beginning of the quarantine period, and again ten (10) days later. The veterinarian will provide the owner with a written report setting out the results of each such examination. The report will be submitted by the owner to the ACO director within three (3) days after the examination has been made. Any owner or keeper of an animal that fails to keep the animal confined, fails to have the animal examined by a veterinarian, or fails to provide the animal control department a veterinarian's report of the results of an examination when required to do so under the provisions of this code shall be in violation of this code and subject to fines and penalties as stated in Section B.2.

B. No animal that has rabies shall be allowed at any time on the streets or public ways of the county. No animal that has been suspected of having rabies shall be allowed at any time on the street or public ways of the county until such animal has been released from observation by the ACO director. The owner, keeper or person in charge of any animal that has rabies or symptoms thereof, or that has been exposed to rabies, or that has bitten or otherwise attacked any person within the county shall, on demand, turn over such animal to the ACO director or any officer acting as his/her representative. The body of any animal that has died of rabies shall not be disposed of except as directed by the ACO director. Any person having knowledge of an animal bite is hereby required to report it immediately to the department of animal control.

- 6. **Livestock and Fowl.** The running at large of horses, mules, other equidae, cattle, sheep, goats, hogs, domestic rabbits, or domestic fowl, or ostrich and emu, or other animals within the limits of Newton County is hereby declared a nuisance and shall be unlawful for the owner or keeper of any such animal or fowl to permit the same to run at large within the county.

A. It shall be the duty of the director to take up and take charge of all horses, mules, other equidae, cattle, sheep, goats and hogs found running at large within Newton County, and to capture or contract to capture and take such animals to the animal control center or other designated place, there to be impounded and detained for a period in accordance with state law.

B. Redemption of Impounded Livestock. The owner shall be responsible for impoundment and boarding fees, as well as any reasonable fees for veterinary care and hauling. Impoundment----
- \$50.00/Animal Boarding----- \$10.00/day

C. If, at the time of the sale of any livestock under the provisions of state law and this code, the owner has not redeemed the same in accord with state law and this code, and no purchaser can be found for the animal, the director shall cause such animal to be humanely destroyed, and shall deposit the carcass in such place as may be designated for such matter.

D. It shall be unlawful for any person, other than a duly appointed and qualified law enforcement officer of the county or any authorized employee of the director, or humane organizations approved by the director to engage in the catching or impounding of animals; nor shall any reward be given for such catching or impounding, and any officer authorized to catch and impound animals detected in offering a reward of any kind whatsoever to any person or impound such animals shall be deemed guilty of an offense.

E. When from any cause it may happen that any horse, mule, cow, calf, steer, goat, sheep, dog, cat or other animal within the limits of Newton County shall be so wounded, maimed or injured as to render its recovery hopeless, then it shall be the duty of the director, or designated Animal Control Officer, to cause it to be humanely destroyed as soon after such injury as possible, and to cause the carcass thereof to be removed to such place as may be set apart for such matter. When the director has cause to humanely destroy any animal under this code, it shall become his/her duty to at once file a report in writing of such destruction, and such report shall show:

- (1) a description of the animal destroyed, and the name of the owner thereof if known,
- (2) the injury which made destruction necessary, and how same was inflicted, and by whom, if known,
- (3) the names of at least two (2) reliable witnesses, who are conversant with the facts of the injury and the destruction,
- (4) a description of the injury from a veterinarian, if available. Section F.7 shall not apply to veterinarians or veterinary hospitals and clinics.

F. It shall be unlawful for any person to (a) stake, tie or hobble any animal whatsoever on any land of which he is not the owner, (b) obstruct any street or sidewalk by hitching or staking out any animal or to permit any animal to be so hitched or staked out that it can go upon or across any street or sidewalk, (c) tie or fasten any animal to any tree, or box around any tree, planted or growing in any street or public place, or to a fence or lamppost which is the property of another, without such other person's consent therefore.

7. Keeping of Wild Animals. It shall be unlawful within the corporate boundaries of Newton County for any person to possess, keep, permit, suffer, cause or allow any wild animal within any residence or within three-hundred (300) feet of any residence or building used for human habitation.

A. A "wild animal" shall mean and include any mammal, amphibian, reptile or fowl which is of a species which is wild by nature, and of a species which, due to size, vicious nature or other characteristic is dangerous to humans. Such animals shall include, but not be limited to lions, tigers, leopards, panthers, bears, wolves, raccoons, skunks, apes, gorillas, monkeys of a species whose average adult size weight is twenty (20) pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles, and all forms of poisonous reptiles. The term "wild animal" as used in this code shall not include gerbils, hamsters, guinea pigs, mice, rabbits or ferrets.

B. Any person who violates any provision of this chapter shall upon conviction thereof, be fined in accordance with the provisions of code section B-2. Each day any person possesses, keeps, permits suffers, causes or allows any wild animal within any residence or within three-hundred (300) feet of any residence or building used for human habitation in violation of this code shall be a separate offense. Further, the keeping of more than one such wild animal in violation of this code shall be a separate offense for each such animal.

C. The ACO director shall seize all animals found in violation of this code and impound all such animals at the animal control center or other suitable place. The director, and ACO, or any law enforcement officer within the county may enter any building to seize an animal which is therein in violation of this code upon the consent of an adult occupant of such building or one having the right of possession of such building, or under a warrant.

D. Redemption of impounded wild animal. Upon showing to the ACO director or his/her delegated authority of clear and convincing proof of right of possession of any such impounded animal, such person may redeem such animal within seven (7) days of the date of impoundment upon payment of the fees set out below provided:

- (1) That such animal is not infected or believed to be infected with rabies or any other disease.
 - (2) That such person submits to the ACO director a sworn affidavit setting out the location where the animal will be kept, and that he will not permit, suffer, cause or allow such animal to be within any residence or within three-hundred (300) feet of any residence in violation of this code. If such animal is not redeemed within seven (7) days of the date of initial impoundment, the director shall be authorized to destroy such animals in the most humane manner possible.
 - (3) In the event an individual redeems any such animal upon providing the sworn affidavit required above, and such animal upon thereafter is found within a residence or within three-hundred (300) feet of any actual residence or building used for human habitation, in violation of this code, said animal shall be seized and impounded as herein above described in section G.4 above.
- E. The following fees shall be charged for impoundment and boarding wild animals:
- (1) Impoundment fee for each animal impounded: fifty dollars (\$50.00).
 - (2) A boarding fee of ten dollars (\$10.00) per day for animals under thirty (30) pounds; fifteen dollars (\$15.00) per day for animals over thirty (30) pounds but not more than one hundred (100) pounds; or twenty dollars (\$20.00) for animals over one hundred (100) pounds.
- F. The provisions of section G.I. shall not apply to animals kept for treatment in a facility operated by a veterinarian licensed in the State of Georgia, animals kept in publicly owned zoos, and animals used for research or teaching purposes by a medical or veterinary school, licensed hospital or non-profit university or college providing a degree program.
- G. **Vaccination of Wild Animals.**
- (1) No person shall vaccinate, or attempt to vaccinate, any wild animal as defined in this code against rabies by the use of live virus vaccine.
 - (2) Except as provided in subsection (c) below, no person shall possess, keep, permit, or allow any wild animal as defined in this code within the county if such animal has been vaccinated against rabies with the use of live vaccine.
 - (3) This section pertaining to the vaccination of wild animals shall not apply to the use of live rabies vaccine for research purposes when such research is conducted by a medical or veterinary school, licensed hospital or non-profit university providing a degree program.
8. **Humane Treatment of Animals.** No person, corporation or other entity having an animal in its possession and/or control, shall fail to provide said animal sufficient food, water, shelter and adequate protection from the elements. Veterinary care, when needed, to prevent suffering to said animal, shall be provided and, further, said animal, shall be treated with humane care at all times.
- A. No person shall beat, ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit combat between animals or fowl.
 - B. No person or corporate entity having an animal in its possession and/or control shall abandon said animal on public or private property. Any person in violation of this section shall receive a five hundred dollar (\$500.00) fine and/or confinement for sixty (60) days.
 - C. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal. It shall not be unlawful for a person to expose on his or her property common rat and insect poisons.
 - D. No person shall use steel-jawed leghold traps for the trapping of animals without any required written permit obtained from the appropriate state or federal government agency.
 - E. As a condition of entering Newton County, all who enter shall be deemed to have consented to such reasonable means or force necessary to cause the removal of such animals left unattended in a closed vehicle between the dates of May 1 and September 30, and no action at law or equity or claim for o damages shall lie against Newton County or its officers in connection with lawful enforcement of this section.
 - F. No animal in the custody of the Newton County Animal Control Center shall be sold, donated, released or received for any type of research or experiments. Any employee of the county so involved in addition to penalties in Section B.2 shall also be subject to termination.
 - G. A leash must restrain any animal that is kept in the back of an open truck or a convertible car. Such a leash must be of the size and length to restrict the animal within the confines of the car

or bed of the truck and to prohibit the animal from jumping out over the side or back of such vehicles.

H. Any person, corporation or other legal entity violating any of the provisions set forth in code section H shall be subject to fines and/or penalties as stated in section B.2.

9. **Mandatory Sterilization.** Sterilization of Adopted Animals: Animals adopted from Newton County Animal Control shall be sterilized in strict accordance with the Georgia Spay/Neuter Law (O.C.G.A. § 4-8-20), as the same may be amended from time to time.

10. **Issuance of Licenses.** Before a kennel or breeders license is issued by the county, the Animal Control Center shall be required to investigate the petitioner, the location and facilities to determine the legitimacy of the petition and whether the location, facilities and environment are such as will insure against so called puppy mills and provide humane and proper care of the animals. All kennels and breeders shall be registered with the Animal Control Center and Animal Control personnel may make periodic inspections of the animals and facilities. Any operator of a kennel in the county who fails to obtain a license and/or fails to maintain a registry with the Animal Control Center shall be subject to fines and/or penalties as set forth in section B.2.