

WORK SESSION

Animal Control Ordinance

ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

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

Proposed Addition:

Adequate Food and Water means food that is palatable, non-contaminated, and nutritionally appropriate for the species of animal; water that is clean, fresh, potable, and available to the pet at all times according to species requirements, sufficient in an amount and appropriate for the species of animal to prevent starvation, dehydration, or any significant risk to the animal's health from a lack of food or water; or as directed by a veterinarian. (Referenced O.C.G.A. § 40-13-13.01(1)(a)(b), § 4-11-2, § 4-13-2)

As Adopted:

Animal means any living thing other than a plant or a human being.

Revision:

Animal means any living thing other than wildlife, insects, plants, or human beings.

As Adopted:

Animal control officer means any employee of the county duly designated as an animal control officer by the commissioners to enforce the provisions of this chapter.

Revision:

Animal control officer means any employee of Camden County duly designated as an animal control officer by the commissioners to enforce the provisions of this chapter.

Proposed Addition:

Attack / Assault means any animal that is threatening or attempting to inflict immediate offensive physical contact or bodily harm, which puts a person in fear of such contact or harm, such as, but not limited to; growling, snarling, barking, lunging and/or other intimidating behavior.

Confined means restricted by a fence or leash to the premises of the owner or custodian at all times or merely on the property under the control of the owner or custodian whereby the animal shall not be permitted to leave those premises, unless leashed and accompanied by the owner or custodian. Exempted are hunting dogs while being trained and during the act of hunting.

As Adopted:

Fowl means a bird of any kind.

Revision:

Fowl means a bird of any kind habitually kept as pets, excluding wildlife and those birds used for food. (ie: wild or domestic chickens, ducks, geese, turkeys)

Guard dog means any dog which has been trained to attack persons and/or animals independently or upon command, and any dog which, while not so trained, has a known propensity to attack persons or animals and is used for the purpose of providing security to any person or premises.

As Adopted:

Health Department means the county health department.

Revision:

Health Department means the Camden County health department.

Livestock means all animals of the equine, bovine or swine class, including goats, sheep, mules, and other grazing animals.

As Adopted:

Nuisance animal means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds, recreational areas or parks;
- (4) Is repeatedly at large;
- (5) Damages private or public property;
- (6) Barks, whines or howls in an excessive, continuous, or untimely fashion; or
- (7) Constitutes a nuisance as the term is defined by the law of this state.

Revision:

Nuisance animal means any animal which:

- (1) *Molests persons or passing vehicles;*
- (2) *Attacks other animals;*
- (3) *Trespasses on school grounds, recreational areas or parks;*
- (4) *Is repeatedly at large;*
- (5) *Damages private or public property;*
- (6) *Barks, whines or howls in an excessive, continuous, or untimely fashion; or*
- (7) *Constitutes a nuisance as the term is defined by the law of this state.*

As Adopted:

Owner means any person having a right of property of any animal; who keeps or harbors any animal or has its care; who permits any animal to remain on or about the premises owned, possessed or occupied by him; who voluntarily abandons an animal; or who runs an animal away after possessing or owning it.

Revision:

Owner means any person or legal entity, corporation, partnership, firm or trust, owning, possessing, harboring, keeping or having custody or control of an animal for 10 or more days, regardless of whether they are consecutive, who keeps or harbors any animal or has its care; who permits any animal to remain on or about the premises owned, possessed or occupied by him; who voluntarily

abandons an animal; or who runs an animal away after possessing or owning it; this term shall include joint ownership by the resident spouse of the person owning the animal; owner does not refer to any person considered a juvenile, under the laws of this state, who resides with either parent(s) or legal guardian. In the absence of a clear owner, ownership is the responsibility of the property owner and/or legal tenant.

Rabies certificate means a certificate signed by a licensed veterinarian bearing a license number, ownership, name, address, breed, color and sex of animal, which shall be issued for each animal vaccinated. The date of last vaccination of such animal shall be clearly stated on such certificate, and a copy of such certificate shall be sent by such veterinarian to the health department.

Running at large means the conduct of any animal, other than a hunting dog while hunting, not confined by its owner or keeper within walls or a fence of proper design, controlled by a leash, or kept in some manner as to keep it from coming in contact with members of the public.

Vaccinate or inoculate means the injection of a specified dose of an anti-rabies vaccine by a veterinarian into the proper site of an animal, such vaccine having the U.S. Department of Agriculture Biological Control Section license number and approval stamped on the label of the container and having been approved by the state department of human resources.

Vaccine means an injectable material containing killed or live rabies virus, licensed by the U.S. Department of Agriculture Biological Control Section, and approved by the state department of human resources. The vaccine used for the purpose of this chapter shall be stored at the temperature prescribed on the package label. Outdated vaccine shall not be used.

Veterinarian means any person who holds a valid license to practice the profession of veterinary medicine in any state of the United States or any province of Canada.

As Adopted:

Vicious animal means an animal which has, without provocation, attacked and bitten a person or other animal.

Revision:

Vicious Animal means any dog that;

- a. Endangers the safety of a human being, OR;*
- b. Inflicts a severe injury on a human being without provocation; OR*
- c. Is owned, possessed, kept, harbored, trained, or maintained for the purpose of fighting,*

Such term shall not include a dog that inflicts an injury upon a person when the dog is being used by law enforcement to carry out their official duties. A dog shall not be vicious if the injury inflicted was sustained by a person who, at the time, was committing a willful trespass (note: a child of a certain age is incapable

of willful trespass) or other tort, 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.
(Referenced O.C.G.A. § 4-8-41 (6)(a)(b))

Sec. 14-2. Enforcement of chapter.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by the county. The Camden County animal control officer shall have the power to conduct such investigations as may be deemed reasonably necessary to carry out the duties as referred to in this chapter.

Sec. 14-3. Animal control officer.

(a) The Camden County animal control officer will be an employee of the board of commissioners and/or other employee of the county, duly designated as an animal control officer, to enforce the rules and regulations of this chapter.

(b) The duties of the Camden County animal control officer will include:

- (1) Investigating and maintaining a record of animal bites in the county.
- (2) Providing for proper confinement of an animal involved in a bite: or if the animal is dead or killed, immediate notification of the health department.
- (3) Enforcing proper disposition of animals exposed to known rabid animals.
- (4) Providing stray animal pickup and impoundment.
- (5) Other related duties as stated in this chapter or as ordered by the board of commissioners.

Sec. 14-4. Interference with the animal control officer.

It shall be unlawful to resist, interfere with, hinder or molest the Camden County animal control officer or any person charged with the enforcement of any provision of this chapter, in the performance of any duties imposed by this chapter, nor shall any person seek to release or remove any animal captured in the Camden County Animal Control Department's humane traps or impounded pursuant to the provisions of this chapter. Damage to or removal of the Camden County Animal Control department's traps is strictly prohibited.

Sec. 14-5. Violations of chapter.

Whenever it has been determined that any provision of this chapter has been violated, prior to filing a warrant or accusation pertaining to such violation, the appropriate authority may serve the owner of the premises on which the violation has occurred with a copy of this chapter; provide such owner with written notice of the violation; and allow such owner a reasonable time as determined by the appropriate authority or his representative, but not exceeding 30 days, in order to permit such owner to avoid prosecution by correcting the condition constituting the violation. For purposes of this chapter, the appropriate official includes an official of the Camden County Health Department, the Camden County Animal Control Officer or a member of the Camden County Sheriffs Office.

Sec. 14-6. Penalty.

Whenever by this chapter any act is prohibited or is made or declared to be unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of such provision of this chapter shall, upon conviction, be punishable by fine or imprisonment as provided in section 1-19. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent Camden County from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.

As Adopted:

Sec. 14-7. Animals constituting a nuisance--Determination.

It shall be unlawful for the owner or custodian of an animal or fowl to permit, whether willfully or through failure to exercise due care or control, such animal or fowl to commit a public nuisance by barking, whining, howling or making other objectionable noises; by chasing or running after vehicles, or persons; by destroying or damaging property of another; by causing annoyance to a neighboring residence and interfering with reasonable use and enjoyment of their property; or by doing any other thing which is so offensive as to create a nuisance.

Revision:

Any person that knowingly keeps, owns, harbors or acts as custodian of an animal constituting a nuisance shall be guilty of an unlawful act and shall be punishable as provided in this chapter.

Proposed Addition to Sec. 14-7. Animals constituting a nuisance -- Determination.:

(a) Should any dog, while not on the premises of its owner or caretaker, kill or injure any livestock or other animal, the owner or caretaker shall be liable for damages sustained by the killing or maiming of the livestock or other animal and for the full costs of action.

(Referenced O.C.G.A. § 51-2-6)

Sec. 14-8. Same--Impoundment authorized.

Should any owner or custodian of an animal or fowl fail upon proper notice of not less than seven days to abate a nuisance created by such animal or fowl, or fail to take the necessary steps to provide adequate confinement or properly care for the animal, after the necessary notice, the animal control officer shall be empowered to impound the animal or fowl under the terms and provisions of this chapter.

As adopted:

Sec. 14-9. Vicious animals and guard dogs.

(a) *Muzzling or caging.* No owner or custodian of an animal, having been notified of such animal's viciousness by the Camden County Animal Control Officer and/or Camden County Health Department, or having knowledge of such viciousness, shall permit such animal to leave his property unless such animal is restrained by a leash as well as being properly muzzled so as to prevent it from biting any person or other animal.

(b) *Reports.* All reports of vicious animals shall be made to the Camden County Health Department and/or Camden County Animal Control Department.

Proposed Addition to Sec. 14-9. Vicious animals and guard dogs.:

(c) Any person owning or keeping a vicious or dangerous animal of any kind and who, by careless management or by allowing the animal to go at liberty, causes injury to another person, who does not provoke the injury by his own act, may be liable in damages to the person so injured. In proving vicious propensity, it shall be sufficient to show the animal was required to be at heel or on a leash by ordinance of city or county consolidated government, and that said animal was at the time of the occurrence not at heel or on a leash. (Referenced O.C.G.A. § 51-2-7)

Sec. 14-10. General care and feeding.

(a) Animals within Camden County shall be adequately confined by a fence, leash, or other appropriate measure, to the premises of the owner or custodian at all times, which confinement shall be clean and provide adequate and safe food, water, exercise space and protection from the weather. The animal shall not be permitted to leave those premises unless leashed and accompanied by the owner or custodian and shall not be permitted to run loose on the property of others or on public streets, alleys, beaches, parks, picnic areas, recreation areas, and/or public sites at any time. This section shall not apply to those animals actively engaged in animal shows, exhibitions or field trials, or while hunting or training during hunting season as prescribed by the game and fish division of the state department of natural resources.

Proposed Addition to Sec. 14-10. General Care and Feeding:

(b) Maintenance of areas. It shall be the duty of the property owner to maintain in a reasonably clean and sanitary condition, and free from extreme and unreasonably objectionable odor, all structures, pens, yards, and areas adjacent thereto, wherein any animal is kept.

Suggested Addition:

(c) Enclosures generally.

It shall be unlawful for any person to keep any domestic animal, fowl or livestock except under the following conditions:

- (1) Any housing or enclosure used by any domestic animal, fowl or livestock shall be well drained, free from accumulations of animal excrement and objectionable odors and otherwise reasonably clean and sanitary.*
- (2) Animal excrement shall be disposed of in a manner approved by a health unit designated by the board of health.*
- (3) A proper enclosure for a dangerous dog or a potentially designated dog shall be an enclosure as described in the section pertaining to such animals.*

(Ref: Madison, Ga Animal Code Chapter One, Section 14-113)

Sec. 14-11. Female animals in heat

Any female animal, while it is in breeding season, shall be kept on the premises of the owner or custodian and shall be confined in such place and manner as to avoid nuisances caused by the attraction of male animals.

(References O.C.G.A. § 4-8-6 et seq.)

Sec. 14-12. Livestock.

No owner or custodian of livestock shall knowingly permit such livestock to run at large or stray upon any public roads of this county or on any private property not belonging to such owner or custodian unless by permission of the owner of such property.

(Reference O.C.G.A. § 4-3-3 et seq.)

As Adopted:

Sec. 14-13. Dangerous dog control law.

The state law regulating dangerous dogs is adopted in its entirety.

(Reference O.C.G.A. § 4-8-20 et seq.)

Revision:

The Georgia State Law regulating dangerous dogs is adopted in its entirety. Any person found to be the owner of a dangerous or potentially dangerous dog under the provisions of this law shall obtain the required signage, have a microchip implanted for positive identification purposes, and be charged a \$150.00 registration fee to be paid annually, as long as the dog resides in Camden County, in addition to any other penalties and provisions required under State Law. (Reference O.C.G.A. § 4-8-20 et seq.)

Proper Enclosure means an enclosure for housing a dangerous or potentially dangerous dog and shall be of adequate square footage to allow exercise, and be a cage within a cage with no less than 36 inches between them, with secure sides, a secure top and bottom in such a manner as to prevent the dog's escape from either over or under the cage. The double cage structure shall also provide protection from the elements for the dog as well as provide safe, clean, and adequate food and water.

It shall be unlawful for any person to own, possess, harbor, or keep a dog which is declared dangerous or potentially dangerous on their property until a disposition is decided at the hearing, if requested, and all provisions of the law have been met; the owner will be responsible for the cost of housing said animal at the approved animal control facility.

Suggestion:

Assign code sections to the chapters referenced in State Law, as well as the suggested additions, for ease in enforcement.

Sec. 14-14. Hunting dogs.

Deer dogs are allowed to run in the wooded areas, where permitted by the owner of the property, during deer hunting season, as established by federal and/or state laws and regulations. All hunting dogs shall bear tags containing the owner's name, address and phone number, and shall be vaccinated in accordance with state rabies vaccination regulations. All hunting dogs used in hunting game shall be properly supervised.

Reserved Sections 14-15 through 14-50

Suggested Additions to the ordinance under ARTICLE I. In General

Section 14-15. Registration of Animals

(a) It shall be unlawful for any person to own a dog or cat in Camden County without providing a tag bearing the name and address or phone number of the owner/caretaker and tag shall be securely attached to the collar or harness worn by said animal

(b) The animal's rabies tag shall be construed to be a license/registration tag for Camden County (Referenced O.C.G.A. § 31-19-3)

(1) Fees shall be levied not to exceed .50¢ for each [animal] vaccinated, such fee to be collected by the veterinarian administering the anti-rabies vaccine required by this chapter. (Referenced O.C.G.A. § 31-19-7 (b))

(c) Persons owning, harboring, possessing, or keeping any livestock shall register said livestock with the Animal Control Department, listing type and number of animals, along with contact phone numbers in the event said livestock is found to be at large and off the premises of the owner/caretaker. No fees shall be charged for this registration, but Camden County reserves the right to charge registration fees at a later date.

(Note: To help offset the cost of the Animal Control program, Camden County should charge license fees for all pet animals, ie: dogs and cats. Fees should reflect the status of the animal, ie: spayed or neutered, and the status of the owner, ie: senior citizen.)

Section 14-16 Sterilization of Adopted Dogs and Cats

(a) Any person acquiring an animal from a public or private animal shelter, animal control agency, humane society, or animal refuge, shall have said animal sterilized by a licensed veterinarian within 30 days after acquisition, or within 30 days of the sexual maturity of the animal, unless otherwise directed by a licensed veterinarian. All costs of said sterilization shall be the responsibility of the person acquiring such animal.

(Referenced O.C.G.A. § 4-14-3 (2) (b))

(b) A signed statement from the licensed veterinarian performing the sterilization shall be provided to the adopting agency within seven (7) days after such sterilization has been performed.

(Referenced O.C.G.A. § 4-14-3 (2) (c))

(c) It shall be unlawful for the owner of said animal to fail to obtain the required sterilization or to allow said animal to have a litter of offspring. Failure to comply shall subject the owner to a fine of not less than \$200 and not more than \$1000 and;

(1) the Animal Control Officer shall have the authority to seize said animal for return to the adopting agency, including any offspring, should the owner shall fail to comply with sterilization or allow the animal to have a litter of offspring.

Section 14-17 Tethering of Outside Dogs

(a) A dog that is tethered must be kept from being entangled, be able to roam to the full range of the tether, and the tether must be of the type commonly used for the size dog involved, and which tether shall be attached to the dog by a well-fitted collar that must not cause trauma or injury to the dog, which is appropriate and suitable for the breed and size, and which is specific to dogs as a collar.

(1) The following examples shall be prohibited for use as a collar:

(a) collars made of wire, including, but not limited to, electrical cording, coat-hangers, telephone cords, or any wire not originally intended for the purpose of a collar, etc;

(b) flat chains, commonly of the type associated with training, any slip-lead type leash or collar, chains commonly used for plant hangers, and prong- or pinch-type training collars;

(c) chains with sharp edges;

(d) and chains with rusty or non-uniform links.

(b) The tether must be at least 12 feet in length and must be attached to the front of the dog's shelter/structure or to a post in front of the shelter/structure, and must allow the dog convenient access to the shelter/structure and to food and water containers.

(c) Only one dog may be attached to a tether; if additional dogs are tethered they must be kept a suitable distance from each other to prevent tangling of the tethers, and/or fighting of the dogs.

(d) Any dog habitually kept on a tether that becomes a nuisance by barking, howling, whining, or doing any other thing which is so offensive as to interfere with a neighboring residence, will be required to be housed indoors or in a manner so as to abate the nuisance.

alternate to (b) above:

(b) Any dogs kept outdoors on a permanent tether must have a "running" tether - whereby the tether allows the dog to recline in a completely prone position without stress to head or neck; will not become entangled in adjacent bushes, structures, etc., must have sufficient length to access food, water, and shelter, and must not allow the dog access to a County or City right-of-way or to persons passing on the street or to any neighboring residence. Said tether must also have dual swivels on each end to prevent twisting and tangling of the tether through the natural movements of the dog.

ARTICLE III. CRUELTY PROVISIONS*

*State law references: Cruelty to animals, O.C.G.A. § 16-12-4.

Sec. 14-81. Abandonment.

(a) No person, owner or custodian of an animal shall release such animal on any property, public or private, with the intention of abandoning that animal.

(References O.C.G.A. § 4-8-3 et seq.)

(b) No person, owner or custodian of an animal shall abandon a dead animal on any private property of another unless he shall have first obtained permission from the owner of the property on which the animal is to be left.

(Reference O.C.G.A. § 4-8-1 et seq.)

(c) No person, owner or custodian of an animal shall abandon a dead animal on any public property or public right-of-way unless the place is an approved sanitary landfill or other facility designed for receiving such and has been designated by the board of commissioners as a public facility for receiving trash or other refuse.

(Reference O.C.G.A. § 4-8-2 et seq.)

Sec. 14-82. Cruelty generally.

No person shall harm, maim or kill any animal or attempt to do so; except a person may:

(a) Defend his person or property or pets, or the person or property or pets of another, from injury or damage being caused by an animal; or

(b) Kill any animal causing injury or damage to livestock or poultry or pets.

The killing of animals under the above circumstances shall be done as quickly and humanely as possible.

(Reference O.C.G.A. § 4-8-5 et seq.)

Proposed Addition to Sec. 14-82. Cruelty generally:

(c) Persons convicted of animal cruelty under the provisions of this ordinance shall upon a first conviction be prohibited from owning animals for a period of one year, upon a subsequent conviction said person shall be prohibited from owning animals for a period of five years within Camden County.

Sec. 14-83. Defense against vicious animals.

No person shall willfully or maliciously kill; maim; disfigure; torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance; drive over with any vehicle or otherwise cruelly set upon any animal; except reasonable force may be employed to drive off vicious animals.

Sec. 14-84. Poison.

No person shall expose any known poisonous substance, whether mixed with food or not, so that such substance may be liable to be eaten by any animal. This section does not apply to persons exposing to his own property common rodent poison mixed only with a vegetable substance.

Sec. 14-85. Shelter.

No owner, custodian or caretaker shall refuse to provide any animal in his charge or custody with proper food, drink, shade, shelter, space and care, or to carry any animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal.

Proposed Addition to Sec 14-85. Shelter:

(b) It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink or such other conditions as may reasonably be expected to cause suffering, disability or death.

Sec. 14-86. Diseased, crippled animals.

(a) It shall be unlawful for any person to have, keep or harbor any animal infected with any dangerous disease or any incurable, painfully crippling condition. The Camden County Animal Control Officer may impound such diseased or painfully crippled animals, and all such animals impounded may be destroyed humanely as soon thereafter as possible. Upon the destruction of such animal, the Camden County Animal Control Officer shall not be required to give any notice. This subsection shall not be construed to include veterinary hospitals or animals under veterinary care.

(b) No owner, or custodian of any animal shall fail to provide proper veterinary care to any animal when needed to prevent suffering.

As Adopted:

Sec. 14-87. Protective custody.

Whenever the Animal Control Officer finds that any animal is or will be without proper care because of injury, illness, incarceration or other voluntary absence of the owner or person responsible for the care of such animal, the animal control officer may impound such animal for protective care; and in the event of injury or illness, the animal control officer may take such action as called for to prevent undue pain and suffering, including immediate euthanasia of the animal.

Revision to Sec 14-87. Protective custody:

Whenever the Camden County Animal Control Officer finds that any animal is without proper care under any section of this ordinance, whether or not through the absence of the owner, the Camden County Animal Control Officer may impound such animal for protective care; and in the event the animal is injured or

suffering, the Camden County Animal Control Officer may take such action as called for to prevent undue pain and suffering, including immediate euthanasia of the animal.

Suggested Additions to Sec. 14-87. Protective custody:

(a) Animals seized under this section will be housed at the species appropriate agency, or appropriate place designated by Camden County Animal Control, until disposition is determined in a court of law or by owner surrender to the Humane Society for disposal through adoption or euthanasia. An owner is responsible to maintain the cost of the animal(s) while they are being maintained in a seized state until such disposition is reached.

(1) Should an owner fail to pay the boarding fees for housing their animal(s), after 15 days the animal(s) will be considered abandoned and become the property of the Camden County Humane Society to be disposed of at the discretion of the Humane Society Executive Board and the Shelter Manager.

(Referenced O.C.G.A. § 17-5-54 (a)(4))

Recommended further additions.

(b) Persons convicted of animal cruelty under the provisions of this ordinance shall upon a first conviction be prohibited from owning animals for a period of one year, upon a subsequent conviction said person shall be prohibited from owning animals for a period of five years within Camden County.

Alternate option for tethering:

Section 14-17 Tethering

It shall be unlawful within the confines of Camden County to tether a dog outside by any means; dogs habitually kept outside must be in a fence or kennel, on or around the owner's property, which shall provide adequate shelter from the weather as well as exercise space suitable for the breed of dog, clean food and water as required by this ordinance. The fence/kennel must be of sufficient strength and height to prevent the dog from escaping and at no time shall dog(s) be allowed to leave the owner's premises without the owner/caretaker. This code section shall not prohibit an owner/caretaker from walking a dog on a leash. Any dog found to be tethered without proper supervision by an owner/caretaker or in violation of this code section, may be impounded by the animal control officer and house at the licensed animal shelter; the owner may be subject to additional fees and/or fines.