

Animal Control Ordinance of Watkinsville, Georgia

Article I. GENERAL PROVISIONS

Section 1-1-1 Title

Section 1-1-2 Purpose and Intent

Article II. DEFINITIONS

Section 1-2-1 Definitions

Article III. VACCINATION AND IDENTIFICATION

Section 1-3-1 Rabies Vaccination Required

Article IV. DANGEROUS DOGS CONTROL LAW

Section 1-4-1 Dangerous Dogs Control Law

Article V. OWNER RESPONSIBILITIES

Section 1-5-1 Proper Care of an Animal

Section 1-5-2 Running at Large

Section 1-5-3 Tethering

Section 1-5-4 Animal Nuisance

Section 1-5-5 Public Threat

Section 1-5-6 Owner Surrender

Section 1-5-7 Property Owner or Injured Part: Right to Impound

Section 1-5-8 Animal Reclaim

Section 1-5-9 Owner Liability for Costs

Article VI. ADOPTION AND STERILIZATION

Section 1-6-1 Animal Disposition

Article VII. ANIMAL ABANDONMENT

Section 1-7-1 Animal Abandonment

Article VIII. INJURED ANIMALS

Section 1-8-1 Action Required

Article IX. CRUELTY TO ANIMALS

Section 1-9-1 Cruelty to Animals

Article X. DISPOSAL OF DEAD ANIMALS

Section 1-10-1 Proper Disposal

Article XI. ANIMAL CONTROL RECORDS

Section 1-11-1 Records

Article XII. ESCAPE, INJURY, OR THEFT

Section 1-12-1 Escape, Injury, or Theft of Impounded Animals

Article XIII. ANIMAL CONTROL AUTHORITY

Section 1-13-1 Authority

Section 1-13-2 Obstruction of an Officer

Section 1-13-3 Disposition of Impounded Wild or Feral Animals

Section 1-13-4 Violation; Penalties
Section 1-13-5 Miscellaneous

ARTICLE I: GENERAL PROVISIONS

An Ordinance to create the position of Animal Control Director; to establish his or her duties; to educate the public in proper pet care and pet ownership; to provide regulations for the rabies vaccination of dogs, cats, and ferrets, and the confinement, disposition, and humane treatment and disposal of animals; to provide for regulating domestic animals and livestock running at large; to provide for the classification and registration of dangerous dogs and potentially dangerous dogs in Watkinsville; to provide for requirements for possessing such dogs; to provide grounds for the confiscation and disposition of such dogs; to comply with the provisions of Georgia law, to provide for an effective date; and for other purposes.

Section 1-1-1: Title

This Ordinance shall be known as the “ Watkinsville Animal Control Ordinance”.

Section 1-1-2: Purpose and Intent

A. The purpose of this Ordinance is to provide for the control of dogs, cats, ferrets, livestock, and other designated domestic animals and to require all dogs, cats, ferrets, livestock, and other such designated animals not be allowed to run at large.

B. Vermin are excluded from and are not subject to this Ordinance.

C. Nothing in this Ordinance shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law. Nothing in this Ordinance shall be interpreted or applied so as to create any liability on Watkinsville or the County, its employees, agents, or officials who enforce or fail to enforce any of the provisions provided herein, or any applicable provisions of state law.

ARTICLE II: DEFINITIONS

Section 1-2-1: Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated or the context clearly indicates a different meaning is intended:

Abandoned Animal means any domestic animal or livestock left unattended or not cared for. A domestic animal shall be considered abandoned upon or within the property of the owner or custodian of the animal if left unattended or not cared for a period of time in excess of thirty-six (36) hours.

Adequate Housing means a roof or other structural shield providing sufficient temperature control and ventilation and protecting a domestic animal from excessive inclement weather consistent with the normal requirements of the animal’s size, species, and breed.

Adult means a person at least 18 years of age.

Animal means any and all types of animal, domesticated and wild, male and female, singular and plural.

Animal Control Director means the person appointed by the Oconee County Board of Commissioners and approved as such by Watkinsville at a public meeting to serve as the Animal Control Department Director and who serves as the Dog Control Officer under the provisions of O.C.G.A. §4-8-20 et seq.

Animal Control Officer means an individual selected by the County and approved as such by Watkinsville at a public meeting to aid in the administration and enforcement of this Ordinance.

Animal Shelter means any facility operated by the County and approved as such by Watkinsville at a public meeting for the purpose of impounding or harboring seized, stray, homeless, abandoned, surrendered, or unwanted animals also **Animal Control Facility**.

Board means the Animal Control Board as established by the Board of Commissioners and approved as such by Watkinsville at a public meeting in accordance with the provisions of O.C.G.A. §4-8-22, Dangerous Dog Control Law.

City and Watkinsville means City of Watkinsville, its governing authority, or its employees and agents.

County means Oconee County, its governing authority, or its employees and agents.

Cruelty to Animals means causing the death or unjustifiable pain or suffering to any animal by an act or omission, or willful neglect.

Dangerous Dog shall have the same definition as set out in O.C.G.A. §4-8-20 et seq., known as the *Dangerous Dog Control Law*.

Domestic Animal means any dog, cat, ferret, or other legally owned animal not defined as wildlife or livestock.

EAID means an Electronic Animal Identification Device: micro chip or similar device.

Feral Animal means any animal that exists in a wild or untamed state due to birth or to a reversion to a wild state from domestication.

Governing Authority means the City of Watkinsville Mayor and Council.

Humane Manner means the care of a domestic animal, but not limited to, provisions of adequate heat, air, ventilation, and sanitary shelter, wholesome food and water, and secure containment in moving vehicles, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Identification means a document whereby a person or thing may be reasonably identified, including but not limited to, a current state issued drivers license, state-issued identification, passport, or military identification.

Impoundment means the action of taking physical control of an animal by an Animal Control Officer or other persons empowered to act by law or Ordinance and the subsequent transportation of such animal to the Animal Control Facility.

Livestock means bovine, swine, equine, poultry, sheep, goats, mules, and other grazing animals, ratites, and non-traditional livestock but not limited to, ostriches, emus, rheas, and farmed deer.

Neutered means rendered permanently incapable of reproduction, sterilized.

Nuisance means an Animal is considered to be a nuisance if it:

- A. damages the property of another;
- B. disturbs trash or other refuse;
- C. runs at large frequently or while in heat or in a county recreational park;
- D. defecates or urinates on the property of another unless same is promptly removed;
- E. chases vehicles or threatens, attacks, or interferes with person, other Domestic animal, or livestock on public or private property; or
- F. disturbs the peace of any person by loud, persistent, or habitual vocalization.

Obstruction of an Officer means obstruction, interference, or hindrance of an Animal Control Officer or law enforcement officer in the discharge of his or her official duties.

Owner means any person or entity which has the right of property or who has any animal under his, her, or its care, as custodian, or who assumes responsibility for that animal, either temporarily or permanently at any time in Watkinsville and includes a person or entity which knowingly permits any domestic animal or livestock, to be kept, harbored, possessed, or otherwise kept upon his or her premises for a period of seven (7) days or longer in Watkinsville.

Potentially Dangerous Dog shall have the same definition as set out in O.C.G.A. §4-8-20 et seq., known as the *Dangerous Dog Control Law*.

Premises means a parcel of land and the structures thereon and is equivalent to the term real property.

Proper Enclosure means an enclosure for keeping a public threat animal, a potentially dangerous dog, dangerous dog, or vicious dog while on the Owner's property, securely confined indoors or outdoors in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top, and if the animal 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 animal's escape from either over, under, or through the fence. Any such enclosure shall also provide protection from the elements, fresh food, and water for the animal.

Public Road means any street, sidewalk, alley, highway, or other ways open to travel by the public, including right-of-way, bridges, common ground, and easements.

Public Threat means a domestic animal or livestock that without provocation:

- A. menaces, chases, or displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person;
- B. causes unprovoked physical injury to any domestic animal or livestock while at large, or
- C. threatens to attack or attacks an Animal Control Officer or law enforcement officer in the lawful discharge of official duties.

Rabies Control Rules and Regulations for Watkinsville means those rules and regulations adopted by the Oconee County Board of Health and approved as such by Watkinsville at a public meeting pursuant to the authority vested in Oconee County Board of Health by O.C.G.A. §31-19-5.

Running at Large means any domestic animal or livestock on public property and not under the control of a responsible person or upon the property of any person other than its Owner without the consent of such other Owner.

Sanitary means in a clean, healthy condition; hygienic; consistent with the normal requirements of the animal's living area, size, species, and breed.

Secure Enclosure means a locked pen or structure constructed to prevent a dog or cat in heat (estrus) from escaping over, under, or through the enclosure and preventing other animals entering.

Severe Injury means any physical injury resulting in broken bones or disfiguring lacerations, lacerations requiring multiple sutures or cosmetic surgery or a physical injury resulting in death and shall have the same meaning as set out in O.C.G.A. §4-8-20 et seq., known as the *Dangerous Dog Control Law*.

Tethered means a domestic animal or livestock attached to a stationary object or pulley system by a chain, rope, cable, or similar device. This shall not include using a leash for walking purposes.

Under Control means an animal secured within the property limits of the Owner's property or property of another with that person's consent; when off such property, on leash, at heel or under voice control of a responsible person and obedient to the person's commands, within the passenger area of a vehicle while being driven or parked on a street, or secured in the bed of an open vehicle in a manner which prevents escape or ejection from the vehicle.

Vermin means pests that raid as opposed to infest: mainly predators such as foxes, coyotes, raccoons, skunks, sometimes wolves or rarely, bears; but also (to a lesser degree) herbivores and burrowing Animals which directly damage the land. As an example only: armadillo, opossum, and feral deer.

Vicious Dog shall have the same definition as set out in O.C.G.A. §4-8-40 et seq.; also known as *Mercedes Law*.

Wildlife shall have the same definition as set out in O.C.G.A. §27-4-255.

Willful Neglect means the intentional withholding of food and water required by an animal to prevent starvation or dehydration and shall have the same definition as set out in O.C.G.A. §16-12-4, *Cruelty to Animals*.

ARTICLE III: VACCINATION AND IDENTIFICATION

Section 1-3-1: Rabies Vaccinations Required

- A. No person shall own, keep, or harbor any dog, cat, or ferret (3) three months of age or older within Watkinsville unless such dog, cat, or ferret is currently vaccinated for rabies by a licensed veterinarian.
- B. A certificate of vaccination for rabies shall be maintained by the Owner of each animal vaccinated.
- C. A rabies tag indicating the year the vaccination was issued shall be secured to a collar on the dog, cat, or ferret in a manner where it cannot be easily removed or lost.
- D. Any person having possession and/or knowledge of any Animal which has bitten any person or animal or of any animal which exhibits any signs of rabies must notify the Oconee County Board of health and confine such animal in accordance with O.C.G.A. §31-19-4.
- E. A dog, cat, or ferret three months of age or older which is not vaccinated for rabies and which is in Watkinsville for less than fourteen (14) calendar days, must be confined or leashed at all time.
- F. To reclaim an impounded dog, cat, or ferret three months of age or older for which

the Owner cannot provide proof of current rabies vaccination; the Owner must present a pre-paid rabies voucher from a licensed veterinarian.

G. Watkinsville adopts the Oconee County and Georgia Rabies Control Manual as recited in its entirety herein.

ARTICLE IV: DANGEROUS and VICIOUS DOG CONTROL

Section 1-4-1: Dangerous and Vicious Dogs

O.C.G.A. §4-8-20 et seq., known as *Dangerous Dog Control Law* and O.C.G.A. §4-8-40 et seq., known as *Mercedes Law*, are hereby adopted and incorporated herein

Dangerous dog means 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.

(4) "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 dog. 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.

"Serious injury" means 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.

Dangerous dog control law is as contained in O.C.G.A. 4-8-20 et seq., as amended in 2012 and thereafter, which is incorporated herein and made a part hereof by reference.

Under control means:

- 1) confined by fence, pen, cage, or secure enclosure to the premises of its owner;
- 2) secured by a leash, chain or lead of sufficient strength to prevent it from escaping from the premises of the owner; or
- 3) located under the immediate physical control of a responsible person, provided, however, that if a dog consistently heeds its owner's verbal commands, it need not be leashed to be deemed under control, so long as it is within sight of its owner and remains responsive to its owner's verbal commands.

"*Vicious dog*" means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

Dangerous and Vicious Dog Control.

(a) *Animal control officer.* The governing authority of each local government shall designate an individual as dog control officer to aid in the administration and enforcement of the provisions of this article.

(1) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog, the animal control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog. Each animal control officer is authorized to make such investigations and inquiries as may be necessary to identify dangerous and vicious dogs and their owners. A law enforcement officer or dog control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.

(2) When an animal control officer classifies a dog as a dangerous dog or a vicious dog, the animal control officer shall per state law notify the dog's owner in writing by certified mail to the owner's last known address of such. Such notice shall be dated and deemed complete upon its mailing.

(3) A person carrying out the duties of an animal control officer shall not be authorized to make arrests unless the person is a law enforcement officer having the powers of arrest.

(b) Procedures.

(1) As applied to the owners of dangerous and vicious dogs, the procedures provided for in this section shall not be an essential element of any crime provided for in this article.

(2) When a dangerous dog or a vicious dog is classified as such, the animal control officer shall notify the dog's owner of such in writing mailed within 72 hours.

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

a. The notice shall be in writing and mailed by certified mail to the owner's last known address;

b. The notice shall include a summary of the animal control officer's findings that formed the basis for the dog's classification as a dangerous dog or vicious dog;

c. 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 animal control officer's determination that the dog is a dangerous dog or vicious dog;

d. The notice shall state that the hearing, if requested, shall be before the governing body;

e. The notice shall state that if a hearing is not requested, the animal control officer's determination that the dog is a dangerous dog or a vicious dog will become effective for all purposes under this section on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and

f. The notice shall include a form to request a hearing before the governing body and shall provide specific instructions on mailing or delivering such request to the agency.

(4) When the governing body receives a request for a hearing as provided in this section, it shall schedule such hearing within 30 days after receiving the request. The governing body 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 body shall receive such other evidence and hear such other testimony as the governing body may find reasonably necessary to make a determination either to sustain, modify or overrule the animal control officer's classification of the dog.

(5) Within ten days after the date of the hearing, the governing body 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 vicious dog, the notice shall specify the date upon which that determination is effective. A dog that is found, after notice and opportunity for hearing as provided for hereinabove, 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.

(c) *Requirements.*

(1) It is unlawful for an owner to have or possess within the Town, a dangerous dog or vicious dog without a registered dog certification issued in accordance with the provisions of this section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile. In addition to the requirements otherwise specified, no Owner may keep a dangerous or vicious dog within 200 yards of any structure or manmade improvement that is an aquatic center, church, convenience store, day care, grocery store, hospital, humane society, library, nursing home, park, playground, restaurant, school, skilled nursing unit, or walking trail, due in part to these areas being frequented by children and senior citizens, and in some cases, having food present. No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article. No person shall be the owner of more than one vicious dog. No certificate of registration for a vicious dog shall be issued to any person who has been convicted of: a serious violent felony as defined in Code Section 17-10-6.1 or a felony of dog-fighting as provided for in Code Section 16-12-37 or the felony of aggravated cruelty to animals as provided for in Code Section 16-12-4; or a felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in Code Sections 16-13-31 and 16-13-31.1, from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.

(2) The animal control officer shall issue a registered dog license to a qualified owner of such dog if the owner presents to the animal control officer or the animal control officer otherwise finds sufficient evidence of:

a. The owner has maintained an enclosure designed to securely confine the dangerous or vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dog from leaving such property; and

b. The posting of all entrances to the premises where the dangerous dog or vicious dog is located with clearly visible signs warning that there is a dangerous or vicious dog on the property and containing a symbol designed to inform children of the presence of a dangerous or vicious dog.

c. In addition to the requirements otherwise specified by this Code section and OCGA 4-8-27, a certificate of registration for a dangerous or vicious dog shall be issued only if the dog control officer determines that the dog has been both sterilized and micro-chipped.

(3) In addition to the above requirements, the owner of a vicious dog shall present to the animal control officer evidence of a policy of general or specific liability insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the dangerous dog against liability for any bodily injury or property damage inflicted by the dangerous dog.

(4) The owner of a dangerous dog or vicious dog shall notify the animal control officer within 24 hours if the dog is on the loose, is unconfined, has attacked a human, or has died. If a dangerous dog has been sold or donated, 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. The owner of a dangerous or vicious dog who moves from one jurisdiction to another within Georgia shall register the dog in the new jurisdiction within ten days of becoming a resident and notify the dog control officer of the

jurisdiction from which he or she moved. The owner of a dangerous or vicious dog who moves into the Town shall register the dog within 30 days of becoming a resident.

(5) An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with this section.

(6) All owners of dogs shall be required to obtain an annual dog license per animal as set forth in the Schedule of Fees. All owners of dangerous dogs or vicious dogs shall pay an additional annual fee as established in the Schedule of Fees. Certificates of registration of dangerous dogs or vicious dogs shall be renewed on an annual basis. At the time of renewal, a dog control officer shall verify that the owner is continuing to comply. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation.

(d) *Restraint.*

(1) It is unlawful for a dangerous dog to be unattended with minors or the owner of such to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash not longer than 6 feet, and is under the physical restraint of a responsible person capable of preventing the dog from engaging any other human or animal when necessary, or the dog is contained in a closed and locked cage or crate, or the dog is working or training as a hunting dog, herding dog, or predator control dog, subject to the limitations below.

(2) It is unlawful for a vicious dog to be unattended with minors or the owner of such to permit the dog to be outside a proper enclosure unless the dog is contained in a closed and locked cage or crate or is muzzled and is restrained by a substantial chain or leash not longer than 6 feet, and is under the restraint of a responsible person capable of preventing the dog from engaging any other human or animal when necessary. The muzzle shall be made in a manner that will prevent it from biting any person, but will not cause injury to the dog or interfere with its vision or respiration.

(3) A proper enclosure must keep a dangerous dog or vicious dog securely confined indoors or in a securely enclosed and locked pen, fence or structure designed to prevent the dog from escaping and suitable to prevent the entry of young children. 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 as to prevent the dog's escape. Any such enclosure shall be at least 25' from any water or gas meter point to protect the meter reader. Any such enclosure shall also provide protection from the elements for the dog.

(4) Training, hunting, herding exemption from dangerous dog restraint/leash requirement: In addition to the requirements otherwise specified by this Code section and OCGA 4-8-29(a)(3), the person training the dog(s) must be the Owner thereof, and doing so per all DNR requirements including without limitation a valid hunting license. Training, hunting, herding and/or predator control cannot take place off the property of the Owner thereof, unless with the express written permission and acknowledgement of dangerousness of the dog granted by the owner of the land being used, and only with a dog that will instantly respond to the verbal commands of the dog's Owner, including without limitation a command to immediately heel and/or return to the Owner.

(e) *Confiscation.*

a. (1) A dangerous or vicious dog shall be immediately confiscated by the animal control officer or by a law enforcement officer or by another person authorized by the animal control 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) Any dog that has been confiscated shall be returned to its owner upon the owner's compliance with the provisions of this section and upon the payment of reasonable confiscation costs. In the event the owner has not complied with this section within 20 days of the date the

dog was confiscated, said dog shall be destroyed in an expeditious and humane manner. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

(f) *Violations.*

(1) The owner of a vicious dog who violates this section or whose vicious dog is subject to confiscation under this section shall be guilty of a misdemeanor of high and aggravated nature. In addition to any confinement that might be imposed for a conviction under this subsection, for the second conviction a fine of not less than \$500.00 shall be imposed and for a third or subsequent conviction a fine of not less than \$750.00 shall be imposed.

(2) The owner of a dangerous dog who violates this section or whose dangerous dog is subject to confiscation under this section shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this subsection, for a second conviction a fine of not less than \$250.00 shall be imposed and for a third or subsequent conviction a fine of not less than \$400.00 shall be imposed.

(3) If an owner who has a previous conviction for a violation of this section knowingly and willfully fails to comply with the provisions of this section, such owner shall be guilty of a misdemeanor of high and aggravated nature if the owner's dog attacks or bites a human being under circumstances constituting another violation of this section. The owner of a dog who is convicted for a violation of this subsection shall be punished by a fine of \$1,000 or by imprisonment for one year or by both such fine and imprisonment.

(4) An owner who knowingly and willfully fails to comply with this section shall be guilty of a misdemeanor of high and aggravated nature if the owner's dog aggressively attacks and causes severe injury or death of a human being under circumstances constituting a violation of this section. The owner of a dog who is convicted for a violation of this subsection shall be punished by a fine of \$1,000 or by imprisonment for one year or by both fine and imprisonment.

(5) In addition to the penalties for violations under this section, the dog involved shall be immediately confiscated by the animal control officer or by a law enforcement officer or another person authorized by the animal control officer and placed in quarantine for the proper length of time as determined by the county board of health, and, thereafter, the dangerous dog shall be destroyed in an expeditious and humane manner.

(6) No owner of a dog shall be held criminally liable under this section for injuries inflicted by said owner's dog to any human being willfully trespassing on the owner's property.

(g) *Exceptions.* 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 vicious dog within the meaning of this section. A dog shall not be a dangerous dog or a vicious dog within the meaning of this section 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.

(h) *Previously Classified.* 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 subsection (a) of this Code section shall come into compliance with all current provisions of this article by January 1, 2013.

ARTICLE V: OWNER RESPONSIBILITIES

Section 1-5-1: Proper Care of an Animal

A person owning or having animals in his or her custody or control will at all times treat said animal in a humane manner.

Section 1-5-2: Running at Large

An Owner of a domesticated animal or livestock will prevent such domestic animal or livestock from running at large.

Section 1-5-3: Control of domestic animals, Tethering

An Owner shall not:

- A. It shall be unlawful for any owner of a canine not to control the animal at all times through one of the following means:
 1. On a leash when off the property of the owner;
 2. Within the passenger area of a vehicle driven or parked on the streets;
 3. Within the property limits of its owner and attended by its owner; or
 4. Confined within the property limits of its owner or of another with the permission of the person in control of the property.

Confined means in a building, pen, electronic fenced area or other structure built to prevent intrusion or escape by any dog.

- B. It shall be unlawful for any owner of a canine to chain, tie, fasten or otherwise tether the animal to dog houses, trees, fences, vehicles or other stationary objects as a means of confinement except that the animal may be temporarily confined by a tether for up to two 45 minute periods per day, with at least a two hour break between tethering, while its owner remains at home.
- C. Exemptions: Domestic cats are exempt from these requirements

Notwithstanding the penalties described in Section 1-13-4 Violations the minimum penalty for this Section shall be \$50 for the first offense and \$100 for subsequent offences.

Any animal owner not in compliance at the time of this Sections approval shall be given a 90 day grace period in order to build/purchase a confined area to be in full compliance.

Section 1-5-4: Animal Nuisance

- A. An Owner of an animal shall at all times control such animal so as to prevent it from creating a nuisance; however, no person may be charged with a violation of this Ordinance as a result of excessive barking or other vocalizing unless a warning has previously been issued by an Animal Control Officer within thirty (30) days of the charge of a violation, and unless a complainant has signed a written statement giving the address of the Owner, a description of the animal, a description of the offense, and the date, time, and location of the offense.
- B. A dog in heat may not be allowed to roam free. If outdoors, a dog in heat must either be under control of a responsible person or must be confined in a secure enclosure.
- C. A cat in heat may not be allowed to roam free. If outdoors, it must be confined in a secure enclosure.

Section 1-5-5: Public Threat

- A. Procedure for classifying an animal as a public threat:
 - 1) The Animal Control shall investigate the circumstances of any complaint filed against an animal alleged to be a public threat and notify the Animal's Owner of the complaint. The Animal Control Director shall report the results of the

investigation to the animal's owner via certified mail. If the animal's owner disputes the Animal Control Director's designation that the animal is a public threat, the Owner may appeal to the Animal Control Board within fifteen (15) days.

2) Notwithstanding the above, the Animal Control Director shall have discretionary authority to refrain from classifying an animal as a public threat if the offending behavior involved mitigating circumstances.

B. Sanctions for owning an animal classified as a public threat:

1) The Owner must provide a proper enclosure to confine the animal on the Owner's property.

2) When off the Owner's property, the animal must be kept on a leash of no more than six (6) feet and under the control of a responsible person.

3) The Owner must file photographs of the animal with the Animal Control Director and implant an EAID for identification.

4) The Owner must register the animal and pay a yearly fee, as determined by the County. All County animal control fees are approved by Watkinsville at a public meeting the date of approval of this Ordinance.

C. Repeated Violations:

1) Repeated violations of behavior that would justify a designation of a dog as a public threat may result in the classification of the dog as a potentially dangerous dog.

D. Removal of public threat classification:

1) If for a period of eighteen (18) months a public threat animal commits no further actions which would justify classification as a public threat and the Owner can provide proof of obedience training at a reputable club or business or a "Canine Good Citizen" certificate or the equivalent from a reputable kennel club, the Owner may appeal in writing to the Animal Control Board for removal of the classification.

Section 1-5-6: Owner Surrender

An Owner of a domestic animal, who is a Watkinsville resident and who no longer has the means or desire to properly care for said animal, may voluntarily surrender the animal to the County, for a fee. To be valid, the surrender of a domestic animal must be accompanied by the written certification and statement of surrender form as provided by the County.

Section 1-5-7: Property Owner or Injured Party; right to Impound

A person finding any domestic animal upon his or her property or causing injury or annoyance may take up same and remove it to the Oconee County Animal Shelter. A person may hold the domestic animal in his or her own possession, for up to seventy-two (72) hours but shall notify the Oconee County Animal Control Shelter of said possession and provide a description of the Domestic Animal and the name of the Owner and/or address if known. In the discretion of the County, the County may impound livestock and other animals.

Section 1-5-8: Animal Reclaim

All domestic animals reclaimed will receive an EAID, medication, and vaccinations, at the Owner's expense, if an EAID and medical history are not verified upon impound.

A. An Owner reclaiming his or her animal from the Animal Control Shelter must provide:

1) valid identification, proof of ownership, and for dogs, cats, and ferrets three months of age or older, proof of current rabies vaccination.

2) pre-paid rabies voucher, from a licensed veterinarian, if the Owner of the

dog, cat, or ferret cannot provide proof of a current rabies vaccination to the County.

Section 1-5-9: Owner Liability for Costs

The Owner of an animal impounded under the authority of this Ordinance shall be liable for the cost of maintenance and medical care of said animal during such period of impoundment. The cost of such boarding is determined from time to time by the County. Said costs shall be payable upon reclaiming said animal. If the Owner is unable to make payment, an agreement may be signed between said Owner and the County to provide for the payment. Failure to make payment shall constitute a violation of this Ordinance.

ARTICLE VI: ADOPTION AND STERILIZATION

Section 1-6-1: Animal Disposition

- A. Except as otherwise provided by law, any domestic animal, the Owner of which is unknown and which remains unclaimed three (3) business days following the 1st full day of impoundment, may be donated to an appropriate non-profit institution, foster home, or other agency for humane placement or rescue, may be made available for adoption upon the determination by the Animal Control Director that the domestic animal is of reasonably good health and temperament, or may be euthanized in the sound judgment of the Animal Control Director.
- B. A person who wishes to adopt a domestic animal must make an application for adoption with the County, meet the requirements associated with the humane housing and care of the domestic animal as determine by the Animal Control Director, and pay the required fees.
- C. The decision for approval or denial of all applications for adoption is at the discretion of the Animal Control Director. All applications are verified for accuracy and any application with incomplete or false information may be denied. If the applicant rents his or her residence, the Animal Control Director may require the landlord's consent to the adoption of the domestic animal.
- D. To adopt a dog or cat which is not neutered or spayed, the person adopted the dog or cat must enter into an agreement with the County guaranteeing that sterilization will be performed as provided in O.C.G.A. §4-14-3. Failure to comply with such agreement is a violation of this Ordinance and may result in a citation or impoundment of the domestic animal.
- E. No live domestic animal in the possession of Oconee County Animal Control shall be released, sold, or given to any individual, institution or private firm for the purposes of medical or scientific research.
- F. In the reasonable discretion of the Animal Control Director, the County may euthanize a seriously ill or injured animal upon impoundment.

ARTICLE VII: ANIMAL ABANDONMENT

Section 1-7-1: Animal Abandonment

It shall be unlawful for anyone to knowingly abandon any domestic animal or livestock within the boundaries of Watkinsville. Any Owner who knowingly abandons, willingly permits the abandonment, or aids in the abandonment, or aids in the abandonment of any domestic animal or livestock shall be in violation of this Ordinance. Any Owner found guilty of abandonment shall be punished with a fine of the maximum amount allowable by law as well as restitution of expenses incurred by the County.

ARTICLE VIII: INJURED ANIMALS

Section 1-8-1: Action Required

It shall be unlawful for any person injuring any domestic animal, by any means, to fail to immediately notify the Owner of the domestic animal if known, and to notify Watkinsville, or the County, or the appropriate law enforcement agency and to give the approximate location of said injured animal.

ARTICLE IX: CRUELTY TO ANIMALS

Section 1-9-1: Cruelty to Animals

O.C.G.A. §16-12-4 et seq., *Cruelty to Animals*, is hereby adopted and incorporated herein by reference.

ARTICLE X: DISPOSAL OF DEAD ANIMALS

Section 1-10-1: Proper Disposal

Dead animals may be disposed of by burning, incineration, burial, rendering, or any method using appropriate disposal technology which has been approved by the Commissioner of Agriculture. Disposal of dead animals by any of the approved methods must be completed within twenty-four (24) hours after death or discovery. Dead animals that are buried must be buried at least three (3) feet below the ground level, have not less than three (3) feet of earth over the carcass, and must not contaminate ground water or surface water in accordance with O.C.G.A. §4-5-55.

ARTICLE XI: ANIMAL CONTROL RECORDS

Section 1-11-1: Records

It shall be the duty of Oconee County Animal Control to keep accurate written records. Animal Control records shall show the final disposition of all animals impounded by date, description, and other identifying data of the Animal. All records shall be kept for a period of twenty-four (24) months after the date of impoundment.

ARTICLE XII: ESCAPE, INJURY, OR THEFT

Section 1-12-1: Escape, Injury, or Theft of Impounded Animals

Employees of Watkinsville and/or County shall exercise reasonable care to prevent the injury, escape, or theft of any animal in their custody or during an attempt to take into custody under the provisions of this Ordinance, and shall not be held responsible for any such occurrence.

ARTICLE XIII: ANIMAL CONTROL AUTHORITY

Section 1-13-1: Authority

- A. The Animal Control Director shall be appointed by the County, and together with the Animal Control Officers, shall be empowered to enforce the provisions of this Ordinance.
- B. While on Watkinsville business, and subject to applicable laws, rules, and regulations, an Animal Control Officer has the authority to go onto public or private property during the course of an investigation.

Section 1-13-2: Obstruction of an Officer

Obstruction of an Officer includes, but is not limited to, the following:

- A. relocating, interfering with, and/or altering the operation of any device, equipment,

- item, or property of the County used for Animal Control.
- B. placing one's own animal into or removing any animal confined within a cage operated by the County for animal control purposes.
- C. giving a false name, address, or date of birth to any officer, employee, or agent of Watkinsville or the County while in the lawful discharge of their official duties pursuant to this Ordinance.
- D. intentionally giving information with the intent to mislead an officer, employee, or agent of Watkinsville and/or the County.
- E. refusing to show proper identification where required by this Ordinance.

Section 1-13-3: Disposition of Impounded Wild or Feral Animals

The County shall be authorized to euthanize any animal appearing to be wild or feral upon impound when reasonably necessary to insure the health, safety, and welfare of the public.

Section 1-13-4: Violation; Penalties

Any person found in violation of this Ordinance may be punished by a fine not to exceed the maximum allowed by law and/or by performing up to 1,000 hours of community service hours for each conviction, which may be served at the Oconee County Animal Shelter. Each act or omission in violation of this Ordinance shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. Where allowed by law, the Court, as part of the sentence, may prohibit the offender from owning, possessing, or having on the offender's premises in Watkinsville, any animal for a period not to exceed two (2) years for each offense, may order the violator to pay boarding fees and restitution for medical treatment, may require the Owner to pay expenses incurred by the county during the course of the investigation, and may impose other sanctions allowed by law.

Section 1-13-5: Miscellaneous

- A. If any provision of this Ordinance, or the application of this Ordinance to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application of such other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of the Ordinance are hereby declared to be severable.
- B. All laws and Ordinances, or parts thereof which conflict with the provisions of this Ordinance are hereby repealed.
- C. This Ordinance shall take effect and shall be enforced from and after the date of its adoption, the public welfare demanding it.

ADOPTED and APPROVED by the Mayor and Council of Watkinsville, Georgia, this ____ day of _____, 2011.

MAYOR AND COUNCIL, WATKINSVILLE, GEORGIA

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

ATTEST:

Watkinsville Clerk

(SEAL)