

## **Chapter 10**

### **Animals**

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# ANIMAL CONTROL ORDINANCE

Be it ordained by the Board of Commissioners, Jasper County, Georgia, and by the authority of the same, that Chapter 10 of Jasper County Georgia, entitled Animal Control Ordinance is hereby deleted in its entirety and the following ordinance is adopted in lieu thereof as follows:

## Sec. 10-1. Purpose.

The purpose of this chapter is to create the position of animal control officer, to establish his/her duties; to protect the health and safety of persons and animals in Jasper County; to improve and make more safe motor vehicle and pedestrian traffic; to control the incidence and spread of rabies; to prohibit abandonment and other forms of cruelty to animals; to provide for the confinement, disposition and humane disposal of animals; to provide for regulating animals and fowl running at large; to provide for the classification and registration of dangerous animals, potentially dangerous animals and exotic animals in the county; to promote the general welfare of the citizens and treatment of animals and providing for violations of those regulations; to provide grounds for the confiscation and disposition of such animals or exotic animals; to comply with the provisions of O.C.G.A. 4-8-20.

## Sec. 10-2. 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:

*Abandoned animal* means any animal which shall have been placed upon public property or within a public building unattended and unsupervised or upon or within the private property and is unattended or without care. An animal shall also be considered abandoned, for the purpose of this sub chapter, which has been upon or within the property of the owner or custodian of this animal for a period of time in excess of twenty-four (24) hours unattended and without adequate food, water, and shelter. An animal shall also be considered abandoned if within five (5) days after notification of impoundment the owner does not claim or surrender the animal to animal control.

*Adequate food* means a sufficient quantity of nutritional foodstuff suitable for the species and age with intervals not to exceed 24 hours. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

*Adequate shelter* means protective cover to remain dry during rain or snow and protect them from wind, and excessive heat or cold. Shelter size shall be large enough to allow the animal to stand up fully without touching the walls or ceiling and of sufficient width and depth to allow the animal to freely turn around. Sufficient and clean bedding material or other reasonable means of protection from the weather elements shall be provided. If an animal is tethered, the tether length shall be three times the length of the animal from the tip of its nose to the end of its tail. If the animal has no tail or a cropped tail, two feet must be added to the tether length. When sunlight is likely to cause overheating or suffering, sufficient shade must be provided to allow protection from the direct effects of the sun. The animal's containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any waste or debris, and a suitable method of draining shall be provided to eliminate excess water or moisture.

*Adequate space* means a sufficient safe space for adequate exercise suitable to the age, size, species and breed of the animal.

*Adequate veterinary care* means medical care of an animal from or under the direction of a veterinarian and necessary to maintain the health of an animal based on the age, species, breed, etc., of the animal, or to prevent an animal from suffering from:

- (1) ongoing infections;
- (2) infestation of parasites;
- (3) disease; or
- (4) any other medical condition/injury where withholding or neglecting to provide such care would endanger the

health or welfare of the animal, and/or promote the spread of communicable diseases.

*Adequate water* means a constant access of clean, fresh water provided in a sanitary manner.

*Animal* means any and all types of animals, both domesticated and wild.

*Animal control officer* means any person designated by the Board of Commissioners by and through the head of the Animal Care and Control Department of Jasper County, Georgia, to enforce the provisions of this sub chapter.

*Animal shelter* means the facilities operated by Jasper County for confining animals impounded or surrendered under the provisions of this sub chapter.

*At large* means off the premises of the owner of the animal or fowl, and not under the immediate control of the owner.

*Board* means the county board of commissioners.

*Business days* means Monday, Tuesday, Wednesday, Thursday, Friday, and Saturdays. Sundays, and official federal, state and county holidays are not business days.

*Cat* means small quadruped, of the feline family, typically domesticated.

*County governing authority* means the board of commissioners of Jasper County, Georgia.

*County manager* means the individual so appointed to serve by the county board of commissioners.

*Cruelty to animals* means:

- (1) the neglect, an act, or an omission, which causes unjustifiable physical pain, suffering, or death to any living animal, including without limitation, the injuring, beating, choking, stabbing, burning, overworking or otherwise physically harming any animal;
- (2) animal hoarding;
- (3) leaving an animal unattended in a parked vehicle without proper ventilation such that will cause the animal suffering physical distress from dangerous temperatures, lack of food or lack of water.

This definition does not include the killing of animals raised for the purpose of providing food nor does it apply to any person who hunts wild animals in compliance with the game and fish laws of the state.

*Current vaccination tag* means a metal tag issued by the Georgia Department of Human Resources, or other state agency, which bears a number showing that it is current for a one-year up to a three-year period of immunization of rabies.

*Dangerous animal* means any animal that:

- (1) inflicts serious injury on a human being or other animal without provocation on public or private property at any time after the effective date of the ordinance from which this chapter is derived; or
- (2) aggressively bites, attacks or endangers the safety of humans or other animals without provocation after the animal has been classified as a potentially dangerous animal and after the owner has been notified of such classification.

*Disturbing noises* means the owning, possessing or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks, or makes other sounds which annoy or disturb an ordinary reasonable person of normal sensitivities across a residential or commercial boundary line or without a noise-sensitive area. For the purpose of this article, "barking dog" shall mean a dog that barks, bays, cries, howls, or makes any other noise incessantly for a period of fifteen (15) minutes, or barks continuously for one-half (½) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.

*Dog* means a common canine quadruped, mainly domesticated.

*Domesticated animal* means those taxa of animals which have traditionally have in a state of dependence on and

under the dominion and control of man and have been kept as tame pets, raised as livestock, or used for commercial breeding purposes, including, but not limited to, dogs, cats, and poultry. Animals which live in a captive or tame state and which lack a genetic distinction from members of the same taxon living in the wild are presumptively wild animals.

*Equine* means a horse, pony, mule, donkey, or hinny.

*Exotic animal* means any wild animal, wildlife, vertebrate or invertebrate recognized by the state as wild animal, wildlife, exotic or hybrid or regulated by the state law in O.C.G.A. 27-5-5 irrespective of its actual or asserted state of docility, domesticity, tameness or intended use and /or capable of causing severe injury by means of venoms, poisons, toxins, constriction or bite. The term "exotic animal" shall not include psittaciformes, ferrets, miniature pigs, hamsters, guinea pigs, gerbils, chinchillas, dogs, cats or llamas, any other animal recognized by the state as customarily and legally obtained and kept as a pet or snakes that are exotic animals and are recognized as pets by the state (boa, python, etc.) less than four feet in length.

*Fence* means:

(1) structure of wire, wood, stone, or other materials which is of sufficient height and strength to act as a barrier against passage of the animal or animals it is intended to enclose;

(2) invisible containment systems in which a collar provides an electric shock which prevents an animal from leaving the property of its owner provided the animal is a dog which is neither vicious, dangerous, potentially dangerous, nor in estrus. If an invisible containment system is in use, a sign must be visibly posted on the property indicating that the system is in place and the system must effectively restrain the animal. Dogs which are "vicious," "dangerous," or "potentially dangerous" as herein defined shall be restrained in an enclosure which not only restrains the animal from leaving the owner's property, but also protects persons who may come onto the property from harm. Female dogs in estrus shall be restrained in such a way which can reasonably be expected not to attract males of the same species.

*Feral* means existing in a wild or untamed state, or having returned to an untamed state from domestication.

*Fowl* means any and all fowl, domesticated and wild.

*Guard dog* means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and /or within which it is located.

*Hoarding* means:

(1) collecting animals and failing to provide them with humane/adequate care;

(2) collecting dead animals that are not properly disposed of as required by this chapter; or

(3) collecting, housing, or harboring animals in filthy, unsanitary conditions that constitutes a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

*Humane care* means, but it not limited to, the provision of adequate heat, ventilation, sanitary shelter, and adequate food and adequate water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

*Kennel* means an establishment for breeding, selling, training or boarding dogs or cats.

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

*Livestock* means bovine (cows), caprine (goats), equine (horses), ovine (sheep), porcine (pigs), ratite (ostrich), and llamas.

*Llama* means a South American camelid which is an animal of the genus lama, commonly referred to as a "one llama," including llamas, alpacas, guanacos, and vicunas.

*Local government* means any county or municipality of this state.

*Neutered* means rendered permanently incapable of reproduction.

*Nuisance* means a dog or cat that:

- (1) soils or defecates on public roads, walks on recreation areas, or on private property other than the owner's, unless such waste is immediately removed and properly disposed of by the owner;
- (2) causes a disturbance by excessively loud and disturbing noise; or
- (3) chases vehicles or molests attacks or interferes with persons or other domestic animals on public or private property or otherwise causes damage to any property, private or public.

*Owner* means any person, firm, corporation, partnership, association, and/or other legal entity, who or which owns, possesses, harbors, keeps, feeds, maintains, or acts as custodian of an animal.

*Person* means an individual, firm, corporation, municipality, society, or owner.

*Potentially dangerous animal* means any animal that without provocation bites a human being or other animal, but does not inflict a severe injury.

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

*Records of an appropriate authority* means records of any state, county or municipal law enforcement agency; records of any county board of health; records of any federal, state, or local court; or records of an animal control officer of animal control boards as provided in this section and by the laws of the state.

*Rescue group* means any individual or entity that houses and cares for rescue animals until permanent homes can be located and that maintains all required federal, state and local licenses/registrations.

*Service of notice* means a notice that will be made by official representatives of the county animal control pertaining to any activity governed by this document, and shall include one of the following:

- (1) delivery in person of verbal information and/or written documents;
- (2) delivery by mail, regular or certified;
- (3) delivery by notice of written documents posted in a conspicuous place; or
- (4) delivery of information by phone.

*Severe injury* means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery, or physical injury that results in hospital treatment or death.

*Unsanitary conditions* means an animal's living space, including shelter and exercise area, contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animal's health, including, but not limited to:

- (1) excessive animal waste;
- (2) garbage, trash or an outflow of waste;
- (3) standing water or mud;
- (4) rancid/contaminated food or water;
- (5) fumes, foul or noxious odors, contaminated air, hazardous chemicals or poisons;
- (6) decaying materials;
- (7) uncontrolled parasite or rodent infestation;
- (8) areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.

*Vaccinate* means the proper administration, by a licensed veterinarian, of a specified dose of anti-rabidic vaccine into a dog or cat, such vaccine having the U.S. Government license number approval stamped on the label of the vaccine container and having been approved by the state department of human resources, or other state agency.

*Veterinarian* means any person duly licensed to practice veterinary medicine in the State of Georgia.

*Veterinary Hospital or Clinic* means a place where medical and surgical treatment is administered to animals by or under the supervision of a veterinarian.

*Vicious animal* means an animal whose owner knows or reasonably should know presents a danger to humans or other animals because:

- (1) it has, without provocation, bitten or attacked a person or another animal in the past;
- (2) it has exhibited threatening or vicious conduct or propensities toward humans or other animals; or
- (3) is owned, possessed, kept, harbored, trained, or maintained for the purpose of fighting. This definition to include "dangerous" and "potentially dangerous" dogs.

*Wild animal* means any animal which is not wildlife and is not normally a domesticated animal in this state. This term specifically includes any hybrid or cross between any combination of a wild animal, wildlife, and a domesticated animal. Offspring from all subsequent generations of such crosses or hybrids are wild animals.

*Wildlife* means any vertebrate or invertebrate animal life indigenous to this state or any species introduced or specified by the state and includes fish, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks or any part thereof.

#### **Sec. 10-3. Jurisdiction and exceptions to definitions.**

(1) The terms "dangerous animal" and "potentially dangerous animal," as defined in section 10-2, shall not include the following:

(a) 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; or

(b) an animal that inflicts an injury within the meaning of this chapter if the injury was sustained by a person who, at the time, was committing a willful trespass or other tort, or was tormenting, abusing or assaulting the animal, or had in the past been observed or reported to have tormented, abused, or assaulted the animal, or was committing or attempting to commit a crime.

(2) Nothing in this chapter shall prohibit the lawful use of any animal in the preparation for and/or the conducting of hunting.

(3) No section of this chapter shall apply to livestock, poultry or any animal raised solely for human consumption, unless it is an exotic animal.

(4) The animal control officer is authorized to impound animals released to violations of this chapter.

(5) The animal control officer is authorized to issue citations for violations of this chapter.

#### **Sec. 10-4. Animal care and control department.**

This department shall be under the direction of the board of commissioners, by and through the department head of the animal care and control department of the county. Its agents shall be charged with the responsibility of enforcing the animal control ordinance of the county and the operation of the county animal shelter.

#### **Sec. 10-5. Enforcement.**

This sub chapter may be enforced by any employee of the Jasper County Animal Care and Control Department or any peace officer. Violators may be issued citations as provided by the Official Code of Georgia Annotated sections 15-10-62 and 15-10-63.

#### **Sec. 10-6. Right of officer to defend him/herself in performance of duty; interference; right of entry.**

(1) In performance of his/her duties pursuant to the provisions of this sub chapter, any animal control officer or any law enforcement officer assisting in the enforcing this sub chapter may use such force as is necessary to defend themselves from attack by an animal. Provided, however, that all efforts shall be made to impound an animal without undue harm, injury or danger to the animal, the officer, or to other persons and property.

(2) It shall be unlawful for any person to interfere with, hinder or molest an animal control officer or other authorized officer in the performance of their duty, or seek to release any animal in the custody of the animal care and control department.

(3) Any animal control officer is hereby authorized to enter upon any property for the purpose of investigating alleged violations of this chapter, or to seize and impound any animal found to be in violation of this sub chapter. The animal care and control department may use any appropriate means necessary to remove an animal in distress locked in a closed vehicle and the operator of the said vehicle shall be charged with cruelty to animals.

#### **Sec. 10-7. Dead animals.**

Carcasses on private property must be disposed of by the animal or property owner or possessor in accordance with state laws and regulations. It shall be unlawful for any person to dispose of a dead animal, its parts, or blood on the land of another without the permission of the owner of the land. It shall be unlawful for any person to dispose of a dead animal in a well or open pit of any kind, on private or public land. All dead livestock, including horses, cattle and any other large animal must be disposed of by the animal owner or property owner/possessor in accordance with state law and local regulations. No person shall abandon a dead dog on any public property or public right of way unless the place in which the dog is being left in a public dump or other facility designed for receiving such and has been designated by the local governmental authorities as a public facility for receiving trash or refuse.

State law references: O.C.G.A. 4-5-1, 4-5-3, 4-8-2.

**Sec. 10-8. Unlawful acts.**

- (1) No person shall permit any dogfight, cockfight, bullfight, or any other combat between animals or between animals and humans. 10-21
- (2) No owner of an animal shall abandon any animal. 10-19
- (3) No dog owner shall permit same to emit any excessively loud and disturbing noise. 10-23
- (4) No animal may be permitted to be a nuisance. 10-22
- (5) It shall be unlawful for a person to work an animal who is lame, starved, or in a famished condition, or to overload, whip, beat, maim, bruise, deprive of food, torture of abuse, in any manner, any animal. 10-20
- (6) It shall be unlawful for an owner of an animal to fail to provide that animal with humane care.
- (7) No person shall fail to keep an animal under restraint. 10-18
- (8) No person shall fail to have any animal vaccinated against rabies. 10-15
- (9) No person shall be allowed to keep a vicious animal, except as authorized by this sub chapter. 10-32
- (10) No person shall be allowed to commit cruelty to any animal. 10-26
- (11) No person shall fail to sterilize animals adopted from Jasper County Animal Care and Control shelter as required. 10-29

State law references: O.C.G.A. 4-11-18.

**Sec. 10-9. Defense of person or property.**

- (1) Any person may defend his or her person or property, or the person or property of another, from injury or damage caused by an animal.
- (2) Any person may injure or kill an animal reasonably believed to constitute a threat of injury or damage to person, property or domesticated animal.
- (3) The method used to injure or kill such animal shall be as humane as possible under the circumstances. Any person who humanely injures or kills an animal under these circumstances shall incur no civil or criminal liability for such injury or death.

**Sec. 10-10. Leaving an animal confined or unattended in a parked vehicle.**

- (1) It shall be unlawful to leave an animal unattended in a parked vehicle without proper ventilation such that will prevent the animal from suffering physical distress from dangerous temperatures, lack of food or lack of water. Employees of Jasper County Animal Care and Control or any law enforcement officer shall take such action as is necessary including entry of the vehicle by any reasonable means to remove an animal from such jeopardy and may impound said animal and secure medical treatment for said animal as needed at the owner's or custodian's expense.
- (2) Jasper County Animal Control officers or any law enforcement officer may take possession of any deceased animal found in any parked vehicle for purposes of determining the cause of death of the animal in question.

**Sec. 10-11. Native and non-native wild animals.**

All complaints and matters concerning native and non-native wild animals and complaints involving protected species and/or hunting shall be forwarded to the Georgia Department of Natural Resources, Game and Fish Division or the U.S. Department of Agriculture, Law Enforcement Division for proper disposition, i.e., compliance, apprehension, control and/or enforcement as may be necessary as provided by state and federal rules and regulations.

**Sec. 10-12. Prohibited animals.**

It shall be unlawful to purchase, sell, own, possess, harbor or breed skunks, foxes, prairie dogs, raccoons, coyotes, wolves, hybrid wolves, any hybrid animal that is part wild animal, exotic cats or any other native or non-native wild animal unless licensed by the respective federal or state department of agriculture to possess such animal.

**Sec. 10-13. Animal Surrenders.**

An owner of any animal or fowl may voluntarily surrender the animal to the county. To be valid, the surrender of an animal must be accompanied by the written certification and statement of surrender form as provided by the county, as well as the surrender fee.

**Sec. 10-14. Feral animals.**

Any feral animal may be captured and may immediately become the property of the county. The feral animal may be humanely disposed of immediately at the discretion of the animal control officer. If the feral animal cannot reasonably and/or safely be captured, then reasonable means may be used to ensure the public safety, including but not limited to immediate destruction of the animal. The animal control officer shall have discretion in determining whether an animal is a feral animal or is a domesticated animal with an owner.

**Sec. 10-15. Rabies inoculation required.**

- (1) When appropriate for the species, all animals over four months of age within the county must be inoculated for rabies by a state licensed veterinarian.
- (2) A certificate of inoculation for rabies shall be issued to the owner of each animal vaccinated, along with an inoculation tag indicating the year issued. The owner must, upon request, provide to the animal control officer a copy of the rabies certificate.
- (3) The rabies tag shall be secured to a collar on the animal in a manner that it cannot be easily removed or lost by the animal.
- (4) Any person convicted of a violation of this section shall be guilty of a misdemeanor.

**State law references:** O.C.G.A. 31-19-1.

**Sec. 10-16. Rabies cases to be reported.**

It shall be the duty of any person knowing of a rabid animal or of an animal showing rabid symptoms, to immediately report such animal to the animal control shelter and give as much pertinent information as possible.

**Sec. 10-17. Quarantine.**

- (1) Where rabies has been found to exist in any animal, or where its existence is suspected, the animal control department head or his/her designee may designate an area within which quarantine of all such animals shall be maintained and all such animals shall thereupon be immediately confined to the premises designated by the animal control department head or his/her designee in a manner approved by state and county health officials, whether or not such animal has been vaccinated against rabies.
- (2) No animal shall be removed from or brought into a quarantined area or premises without prior approval of the animal control department head or his/her designee.
- (3) Quarantine ordered by the animal control department head or his/her designee shall be maintained for such period as the animal control department head or his/her designee deems necessary to protect the public health.
- (4) Quarantined areas to premises and areas where rabid animals or animals suspected of rabies remain at large, shall be posted by the animal control department head or his/her designee with signs which read as follows: "Rabies Suspected" or "Rabies - Keep Away From Animals." Such signs shall be conspicuously displayed in a place designated by the animal control department head or his/her designee and shall not be defaced or removed except by the animal control department head or his/her designee. Signs furnished and approved by the animal control department shall be used.
- (5) The owner or custodian of each animal subject to a quarantine invoked by the animal control department or his/her designee under terms of this regulation shall be notified of the quarantine, the particular animals subject thereto, and shall be given such other information as the animal control department or his/her designee deems necessary.
- (6) The heads of all animals suspected of having had rabies at time of death shall be submitted to the animal control department head or his/her designee for examination by the department of human resources laboratory. When necessary, the animal control department head or his/her designee can sacrifice an animal for the purpose of submitting brain tissue for rabies analysis.

**Sec. 10-18. At-large animals.**

Animals shall not be at large. It shall be the duty of every owner of any dog or cat or anyone having a dog or cat in his possession or custody, to ensure that it is under control, so that it cannot wander off of the real property limits of the owner, possessor or custodian, it being the intent of this article that all dogs and cats shall be prevented from leaving, while unattended, the real property limits of their owner, possessor or custodian. It is further the intent of this article that, unless Animal Control has an at large complaint on file regarding a specific dog or cat, no dog or cat can be impounded and no

citations issued under this section unless the dog or cat is observed off the real property limits of the owner, possessor or custodian, by the animal control officer. Hunting dogs and farm/cattle dogs (herd protectors) shall be deemed under control while on land with the consent of the owner thereof and engaged in normal hunting or farming activity for the particular type of dog involved. Herd protectors will be considered in violation of the animal control ordinance if they present a danger to people or property. It shall be the decision of the animal control department head or his/her designee if the dog is to be considered a "herd protector."

**Sec. 10-19. Abandonment.**

It shall be unlawful for anyone to knowingly abandon, or to aid in the abandonment of, any domesticated animal on any property located in Jasper County, Georgia.

State law references: O.C.G.A. 4-8-3.

**Sec. 10-20. Cruelty/Neglect.**

It shall be unlawful for any person to commit an act of cruelty towards any animal. No person shall harm, maim, or kill any dog, or attempt to do so, except that a person may defend his person or property, or the person or property of another, from injury or damage being caused by a dog.

State law references: O.C.G.A. 4-8-5.

**Sec. 10-21. Dogfighting.**

No person shall own, possess, train, transport or sell any dog with the intent that such dog shall be engaged in fighting with another dog, wagers money or anything of value for the result of dogfighting, knowingly permits dogfighting on his/her premises, knowingly promotes or advertises an exhibition of fighting. Any dog subject to fighting may be impounded pursuant to Code Sections 4-11-9.2 thru 4-11-9.6.

**Sec. 10-22. Nuisance.**

It shall be unlawful for any person to allow an animal to be a nuisance.

**Sec. 10-23. Loud/disturbing noise.**

It shall be unlawful for any person to own, possess, or harbor an animal that incessantly makes sounds which annoy or disturb an ordinary reasonable person of normal sensitivities.

**Sec. 10-24. Impounding authority.**

Jasper County Animal Control officers are hereby authorized to impound any vicious dog or guard dog not confined, chained or muzzled as herein provided; any female dog while in estrus not confined within an enclosure which can reasonably be expected to keep away or not attract male dogs; any animal not wearing the rabies inoculation tag required by the statutes of the State of Georgia; any abandoned animal; any prohibited animal and any animal unrestrained in Jasper County. The animal shall be confined in the animal shelter or handled as otherwise provided herein.

Any person who takes into custody an animal running at large in violation of this chapter shall deliver such animal to the animal shelter without fee or charge. However, a person may house the animal for five (5) business days while attempting to locate and/or contact the owner. Once in custody of the animal shelter, the shelter shall hold and dispose of such animal in the same manner as though such animal had been running at large and impounded by officers of the Jasper County Animal Care and Control.

**Sec. 10-25. Notice to owners of impounded animals.**

Upon impounding any dog or other animal, the board of commissioners, by and through the department head of the animal care and control department of Jasper County, Georgia, or its authorized representative, shall cause to be made a prompt and reasonable effort to locate the animal's owner, possessor or custodian. The owner of an impounded animal that the county recognizes as an owned animal shall have five business days to retrieve said animal after service of notice. Upon expiration of the five business days, said animal may be disposed of by legally recognized means of return to the owner, adoption, agency transfer or euthanasia, and the owner, possessor, or custodian will be charged with abandonment. In cases involving seriously injured and/or diseased owned animals, the available information will be used to make a reasonable attempt at contacting the owner. If the owner cannot be reached and/or secure the animal in a reasonable amount of time, based on the animal's condition, the animal will be euthanized.

Animals recognized by the county as stray or feral will be held in accordance with county animal control policies and procedures.

**Sec. 10-26. Fees and fines.**

The fees with respect to all services and licensing performed in connection with enforcement of this chapter shall be set by the board of commissioners from time to time. A copy of such fee schedule shall be posted at the Jasper County Animal Shelter and may be changed at any time and from time to time as determined by the board of commissioners.

The fees established and collected under this chapter and pursuant to the state dangerous dog control law are not penalties but are imposed for the sole purpose of defraying expenses borne by the county for animal control and welfare under this chapter and are subject to change at any time.

For all other animals impounded other than dogs or cats, the owner or custodian shall be charged the base fees plus actual expenses.

**Sec. 10-27. General disposition.**

(1) Other than those animals impounded for quarantine or animal cruelty, animals shall be kept at the animal shelter for a period of not less than five (5) calendar days. After such time, the animals shall be deemed permanently relinquished to Jasper County Animal Care and Control and may be immediately adopted, destroyed or otherwise disposed of as though it had been impounded.

(2) Wildlife and wild animals as defined by this chapter which have been captured by or come to be in the custody of Jasper County Animal Care and Control shall not be deemed impounded and need not be retained for any minimum length of time. Wildlife and wild animals received by Jasper County Animal Care and Control will be disposed of in accordance with federal and state guidelines.

(3) Any animal which is voluntarily surrendered to Jasper County Animal Care and Control shall be deemed permanently relinquished to Jasper County Animal Care and Control and may be immediately adopted, destroyed or otherwise disposed of as though it had been impounded.

(4) Any impounded animal not claimed within five (5) days of impound shall be considered relinquished to Jasper County Animal Care and Control and the owner shall have no further claim to such animal.

(5) Jasper County Animal Care and Control shall have the exclusive right to dispose of all animals that have been deemed relinquished to Jasper County Animal Care and Control in a manner deemed appropriate and in the best interest of the animal and in accordance with this chapter.

(6) Animals shall not be provided to any public or private institution, animal dealer or other individual who may use or supply the animal for research purposes.

**Sec. 10-28. Reclamation.**

The owner of any impounded animal may regain possession of the animal upon payment of all applicable fees and compliance with the terms of this chapter. Such redemption shall not affect any criminal liability of the owner, which may exist with respect to any violation of this chapter and shall not preclude proceedings against the owner for the purpose of pursuing sanction under this chapter. The following exceptions apply:

(1) Any animal impounded as a result of cruelty, abuse, neglect, or any other reason defined by this chapter as inhumane treatment may be retained by the Jasper County Animal Care and Control until such time as the case is disposed of in a court competent to hear such matters.

(2) Prohibited animals impounded by or come to be in the possession of Jasper County Animal Care and Control cannot be reclaimed unless the owner can show proof of proper and current licensing allowing them to have possession of such animal.

(3) Any animal adopted from the Jasper County Animal Shelter that was not sterilized per the adoption agreement may immediately be reclaimed by the Jasper County Animal Care and Control and the owner may not be permitted to reclaim said animal.

**Sec. 10-29. Adoption.**

(1) Jasper County Animal Care and Control may offer for adoption or rescue any animal deemed relinquished to Jasper County Animal Care and Control. All persons adopting animals shall be over eighteen (18) years of age and shall provide adequate and humane care as required. Any person adopting an animal shall not use the animal for breeding, fighting or profit and shall not engage in any research involving the use of the animal or supply the animal to any individual or institution which may use the animal in research.

(2) Any person adopting an animal from Jasper County Animal Care and Control shall pay an adoption fee in an amount stated in the Jasper County Animal Care and Control schedule fees.

(3) Any person adopting an intact animal shall cause to have the animal sterilized within a period specified as follows:

(a) within thirty (30) days from the date of adoption for animals over the age of six (6) months or;

(b) within the first six (6) months of age of sexually immature animals.

(4) Any adopted animal not sterilized within the time specified may be reclaimed by Jasper County Animal Care

and Control. If an animal is not sterilized after the time specified on the adoption agreement, the owner may receive a citation for violating this article.

(5) The animal control department head or his/her designee shall have the right to refuse adoption to any person or entity who, for any reason, in the discretion of the animal control department head or his/her designee, may be deemed unsuitable for an adopter.

(6) Owners may not adopt their impounded animal(s) from the Jasper County Animal Care and Control Department to circumvent the paying of reclamation fees.

**Sec. 10-30. Rescue.**

Any legally adoptable, unclaimed animal may be donated to animal rescue groups.

**Sec. 10-31. Humane disposition.**

If any animal seized or impounded by the Jasper County Animal Care and Control Department evidences advanced symptoms of contagious, infectious or fatal diseases, is seriously ill or severely injured, the animal care and control department shall seek the services of a licensed veterinarian who will determine whether to treat the animal or humanely euthanize the animal; or in the absence of an available veterinarian, the animal control officer may concur with a superior on duty. This action may be taken to control the spread of disease or to eliminate any further pain and suffering of an animal. Every attempt will be made to stabilize and owned animal to afford the owner opportunity to reclaim the animal.

**Sec. 10-32. Vicious animals.**

(1) The owner of any vicious animal other than a dangerous or potentially dangerous animal who does not confine such vicious animal in a building or secure enclosure, or any person who shall release, either willfully or through a failure to exercise due care or control, or take such animal out of such building or secure enclosure in a manner which is likely to cause injury to another person or damage to the property of another person, shall be in violation of this ordinance, and such animal shall be permanently confined by the owner or humanely destroyed.

(2) It shall be unlawful for any person to cause, permit, accompany or be responsible for any vicious animal on the streets or in any public place, at any time, unless, in addition to the other requirements of this ordinance, such animal is securely muzzled to effectively prevent it from biting any person or other animal.

**Sec. 10-33. Procedures for classifying dangerous dogs and potentially dangerous dogs; notice; hearing.**

(1) The dog control officer, upon receiving a report of a dangerous or potentially dangerous dog within Jasper County from a law enforcement agency, animal control agency, rabies control officer, or county board of health, shall make such investigations and inquiries with regard to such report as may be necessary to determine the validity of such report and whether the dog should be classified as dangerous or potentially dangerous.

(2) Should the dog control officer determine that an dog is dangerous or potentially dangerous; the animal control officer shall classify such dog accordingly.

(3) A citation will be issued for the owner to appear in Magistrate Court to have determination made as to whether the animal is dangerous or potentially dangerous.

(4) Once a citation has been issued to appear in court for a dangerous or potentially dangerous dog, the owner must abide by the requirements of Sec. 10-34 subsections 2(a), 2(b), 5, and 7, and keep the dog in a proper enclosure.

State law references: O.C.G.A. 4-8-20.

**Sec. 10-34. Requirements for possessing a dangerous or potentially dangerous dog.**

(1) No one shall have, own, or possess within Jasper County a dangerous animal or potentially dangerous dog without certificate of registration.

(2) The dog control officer shall issue a certificate of registration to the owner of a dangerous or potentially dangerous dog if the owner presents to the dog control officer or the dog control officer otherwise finds sufficient evidence of:

(a) a proper enclosure to confine the dangerous or potentially dangerous dog; and

(b) the posting of the premises where the dangerous dog or potentially dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the property.

(3) In addition to the requirements of subsection (2) of this section, the owner of a dangerous dog shall present to the dog control officer evidence of:

(a) a policy of insurance in the amount of at least fifteen thousand dollars (\$15,000.00) issued by an insurer authorized to transact business in this state insuring the owner of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog; or

(b) a surety bond in the amount of at least fifteen thousand dollars (\$15,000.00) or more issued by a surety

company authorized to transact business in this state payable to any person or persons injured by the dangerous dog.

(4) The owner of a dangerous or potentially dangerous dog shall pay an annual registration fee at the time the annual certificate of registrations is issued. The annual registration fee shall be in the amount of fifty dollars (\$50.00). Certificates of registration shall be renewed in the month of the initial registration.

(5) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer if the owner is moving from Jasper County.

(6) The owner of a dangerous dog or potentially dangerous dog who is a new resident of the State of Georgia shall register such dog as required by this article within ten (10) days after becoming a resident of Jasper County.

(7) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer within twenty-four (24) hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the dog control officer with the name, address, and telephone number of the new owner of the dog.

**State law references:** O.C.G.A. 4-8-25.

**Sec. 10-35. Restrictions on permitting dangerous or potentially dangerous dogs outside of proper enclosure.**

(1) It shall be unlawful for an owner of a dangerous dog to be outside of a proper enclosure unless the dog is muzzled and restrained by a substantial chain, leash or container and is under the adequate physical control of a responsible person. The muzzle or container shall not cause injury to the dog or interfere with its respiration or sight. For animals other than dogs, an animal inside of an adequate container, approved by a veterinarian, shall be considered as muzzled. Dangerous dogs must be muzzled at all times when they are outside of a proper enclosure.

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

**State law references:** O.C.G.A. 4-8-26

**Sec. 10-36. Confiscation of dogs; grounds; disposition.**

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

(a) the owner of the dog does not secure the liability insurance or surety bond required by this article;

(b) the dog is not validly registered as required by this article;

(c) the dog is not maintained in a proper enclosure as defined in the article; or

(d) the dog is outside a proper enclosure in violation of this article.

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

(a) the dog is not validly registered by this article;

(b) the dog is not maintained in a proper enclosure as defined by this article; or

(c) the dog is outside a proper enclosure in violation of this article.

(3) Any dog that has been confiscated under the provision of this section shall be returned to its owner upon the owner's compliance with the provisions of this article as determined by the dog control officer and upon payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this section within twenty (20) days of the date the dog is confiscated, the dog shall be destroyed in an expeditious and humane manner.

**Sec. 10-37. Violations; penalties.**

(1) Any person convicted for violation of this chapter shall be subject to the general penalty. Each day a violation continues shall constitute a separate offense. General penalty is a fine of not less than two hundred ten dollars (\$210.00), probation, and community service.

(2) Violation of the law of dogfighting is a felony, with a mandatory fine of five thousand dollars (\$5,000.00) and imprisonment for not less than one (1) year nor more than five (5) years. On a second or subsequent conviction, such person shall be punished by imprisonment of not less than one (1) year nor more than ten (10) years, a fine of not less than fifteen thousand dollars (\$15,000.00), or both. Any person who is knowingly present as a spectator at any place for the fighting of dogs, shall be guilty of a misdemeanor.

(3) Any person convicted of abandonment shall be subject to a fine of up to one thousand dollars (\$1,000.00), and/or 200 to 500 hours of community service.

(4) Any person convicted of cruelty shall be subject to one thousand dollar (\$1,000.00) fine and /or up to one year imprisonment. On a second or subsequent conviction, such person shall be punished by imprisonment of up to one

(1) year, and/or a fine of five thousand dollars (\$5,000.00). If the second or subsequent offense results in the death of an animal confinement for three (3) to twelve (12) months, and/or a fine of up to ten thousand dollars (\$10,000.00).

(5) Any person found in violation of their animal at-large for first time offense in a 12 consecutive month period, regardless of whether or not the animal is impounded by animal control, a warning shall be issued to the owner. On a second offense in a 12 month consecutive period, a person shall be issued a fine of one hundred dollars(\$100.00). On a third conviction, a person shall be issued a fine of two hundred fifty dollars (\$250.00). On a fourth or subsequent conviction, the animal will be impounded, spayed/neutered at owner's expense, and the person shall be issued a fine of five hundred dollars (\$500.00).

(5) The owner of a dangerous dog who violated the applicable provisions of this article or whose dangerous dog is subject to confiscation under subsection of this article 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 five hundred (\$500.00) shall be imposed and for a third or subsequent conviction a fine of not less than seven hundred fifty dollars (\$750.00) shall be imposed.

(6) The owner of a potentially dangerous dog who violated the applicable provisions of this article or whose potentially dangerous dog is subject to confiscation under this article 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 one hundred fifty (\$150.00) shall be imposed and for a third or subsequent conviction a fine of not less than three hundred dollars (\$300.00) shall be imposed.

(7) If an owner who has a previous conviction for a violation of this article knowingly and willfully fails to comply with the provisions of this article, such owner shall be guilty of a felony if the owner's dangerous dog attacks or bites a human being under circumstances constituting another violation of this article. The owner of a dangerous dog who is convicted for a violation of this subsection shall be punished by a fine of not less than one thousand dollars (\$1000.00) nor more than five thousand dollars (\$5,000.00) or by imprisonment for not less than one (1) year nor more than five (5) years or by both such fine and imprisonment as authorized by the Official Code of Georgia Annotated section 4-8-28(c).

(8) An owner who knowingly and willfully fails to comply with the provisions of this article shall be guilty of a felon if the owner's dangerous dog aggressively attacks and causes severe injury or death of a human being under circumstances constituting a violation of this article. The owner of a dangerous dog who is convicted of a violation of this subsection shall be punished by a fine of not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00) or by imprisonment for not less than one (1) year nor more than ten (10) years or by both such fine and imprisonment as authorized by Official Code of Georgia Annotated section 4-8-28(d).

(9) In addition to the penalties for violations under subsection (4) and (5) of this section, the dangerous dog involved shall be immediately confiscated by the dog control officer and placed in a 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.

State law references: O.C.G.A. 4-11-16.

#### Sec. 10-38. Liability for damages.

It is the intent of this chapter that the owner of a dangerous dog or potentially dangerous dog shall be solely liable for any injury to or death of a person caused by such animal. Under no circumstances shall the county, any employee, or agent of such constitutional officer, who enforces or fails to enforce this chapter, be held liable for any damages to any person who suffers an injury inflicted by an animal. The owner or, if no owner can be found, the custodian exercising care and control over any dog which goes upon the land of another and causes injury, death, or damage directly or indirectly to any livestock or poultry shall be civilly liable to the owner of the livestock or poultry for damages, death, or injury caused by the dog. The liability of the owner or custodian of the dog shall include consequential damages.

State law references: O.C.G.A. 4-28-7, 4-8-4.

#### Sec. 10-39. Livestock and fowl.

The running at large of horses, mules, other euidae, cattle, sheep, goats, hogs, domestic rabbits, or domestic fowl, or ostrich and emu, or other animals within the limits of Jasper County is hereby declared a nuisance and it 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.

(1) It shall be the duty of the animal control department head or his/her designee to take up and take charge of all horses, mules, other equidae, cattle, sheep, goats and hogs found running at large within Jasper 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.

(2) It shall be unlawful for any person to stake, tie or hobble any animal whatsoever on any land of which he is not

the owner; 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; 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.

**Sec. 10-40. Redemption of Impounded Livestock.**

(1) The owner shall be responsible for paying the impoundment and boarding fees, as well as any reasonable fees for the veterinary care and hauling.

(2) If, at any time of the sale of any livestock under the provisions of state law and this code, the owner has not redeemed the same in accordance with state law and this code, and no purchaser can be found for the animal, the department head of animal control or his/her designee shall cause such animal to be humanely destroyed, and shall deposit the carcass in such place as may be designated for such matter.

**Sec. 10-41. General provisions.**

(1) If any provision of this article, or the application of this article 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 article which can be given effect without the invalid provision or application. To this end, the provisions of this article are hereby declared to be severable.

(2) All laws and ordinances, or parts thereof, which conflict with the provisions of this article, are released.

(3) Be it further ordained, the chairman of the board of commissioners be authorized to sign this article on behalf of the Board of commissioners of Jasper County, Georgia.

SO ORDAINED, this 5<sup>th</sup> day of April, 2010  
1<sup>st</sup> reading March 15, 2010

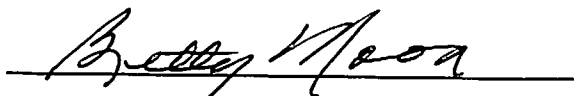
**JASPER COUNTY BOARD OF COMMISSIONERS**

By:



Chairman

Attest:



Clerk

(SEAL)