

Dangerous Dog and Rabies Ordinance

NOW THEREFORE, BE IT ORDAINED by the Towns County Commissioner, as follows:

SECTION 1: TITLE

This ordinance will be known as “**Dangerous Dog and Rabies Ordinance.**”

SECTION 2: PURPOSE

The purpose of this ordinance is to establish the position of animal control and rabies officers; to establish regulations for animals in order to protect the public health and welfare; to comply with provisions of Georgia law; to provide for enforcement and penalties; and for other purposes.

SECTION 3: DEFINITIONS

1. **Aggressive Dog** means a dog which trespasses upon the property of another and which exhibits aggressive behavior (i.e. growling, nipping, etc) toward a human being, without provocation, which places the person in fear for his/her well-being and/or safety.
2. **Animal**, for this purpose, means all domesticated dogs, cats, and ferrets, male and female, singular and plural, actually in, or intended to be in the custody and control of an owner (see definition of owner). For this purpose it does not include any wild animal or horse, goat, pig, fowl, or any livestock.
3. **Animal Control Officer** means any officer, agent or employee of the governing authority (or of an organization associated with the governing authority) designated by the governing authority to perform the duties of an animal control officer as provided for in this ordinance, pursuant to the provisions of O.C.G.A. § 4-8-22(c), as amended from time to time.
4. **Animal establishment** means any pet shop, grooming shop, kennel, animal exhibition or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the United States Department of Agriculture under the provisions of 7 USC 2131, et seq.
5. **Animal shelter** means a facility designated or recognized by the governing authority for the purpose of impounding or caring for animals.
6. **Board of Health** means the Towns County Board of Health.
7. **Certificate of Vaccination** means a certificate of vaccination on a form approved by the CDC and the Georgia Department of Human Resources and signed by the veterinarian administering the vaccine

8. **Certificate of Registration** means a form issued to declare a dog as a dangerous dog or a potentially dangerous dog.
9. **Dangerous dog** means any dog that, according to the records of an appropriate authority:
 - a. Inflicts a severe injury on a human being without provocation, on public or private property, at any time after April 16, 2009.
 - b. Aggressively bites, attacks or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.
10. **Dog** means any member of the canine family
11. **Governing Authority** means the Towns County Commissioner.
12. **Guard dog** means any dog which has been trained to attack persons or other animals independently or upon verbal approval command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which it is located.
13. **Kennel** means an establishment for the purpose of breeding, selling or boarding dogs or cats or engaging in the training of dogs or cats.
14. **O.C.G.A.** means *Official Code of Georgia Annotated*.
15. **Owner** means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust who or which own, possesses, keeps, or has custody or control of an animal within the jurisdiction of the governing authority.
16. **Person** means any individual, firm, corporation, partnership, municipality, county, society or association.
17. **Potentially dangerous dog** means any dog that without provocation bites a human being on public or private property at any time after April 16, 2009.
18. **Proper enclosure** means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall be constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.
19. **Rabies Control Officer** means an officer appointed by the Towns County Board of Health to perform the duties of a Rabies Control Officer as provided for in this ordinance.

20. **Records of an appropriate authority** means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state or local court; or records of an animal control officer as provided for in this ordinance and by the laws of the state.
21. **Severe injury** means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.
22. **Vaccine** means any anti-rabies vaccine approved by the Georgia Department of Human Resources.
23. **Vaccinate or inoculate** means the injection of a specified dose of anti-rabies vaccine by a veterinarian into an animal.

FOR THE PURPOSE OF THIS ORDINANCE ANY REFERENCE TO HIS, HERS, THEIRS, HE OR SHE IS NOT GENDER SPECIFIC, BUT APPLIES TO ANY PERSON, REGARDLESS OF GENDER, RACE, OR NATIONALITY.

SECTION 4: EXEMPTIONS

The terms “dangerous dog” and “potentially dangerous dog,” as defined in Section 3 of this ordinance, shall not include the following:

1. 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; and
2. A dog who inflicts an injury within the meaning of this ordinance 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 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.

SECTION 5: RABIES VACCINATION OF DOGS, CATS, AND FERRETS

Every owner of a dog, cat, or ferret shall cause the dog, cat, or ferret to be vaccinated against rabies, the first or primary vaccination to occur at no later than three (3) months of age, followed by revaccination on an annual or triennial, in accordance with Compendium of Animal Rabies Prevention and Control or as described on the individual vaccine label. If a previously vaccinated animal is overdue for a booster, it should be revaccinated with a single dose of vaccine. Immediately following the booster, the animal is considered currently vaccinated and should be placed on a schedule depending on the labeled duration of the vaccine used.

Evidence of Vaccination shall consist of a certificate of vaccination, furnished by the veterinarian administering the vaccine. The owner shall retain a copy of the certificate.

1. Clinics:

- a. Vaccination will be performed by a licensed veterinarian. Payment of services shall be derived from vaccination fees.
- b. In emergencies or during quarantine the fifteen (15) days notice prior to the operation of a clinic shall not apply.

2. Rabies Control Officer

- a. The Rabies Control Officer will be appointed by the Towns County Board of Health.
- b. Duties of the rabies control officer will include:
 1. Investigate and maintain a record of animal bites in the county.
 2. Ensure proper confinement of an animal involved in a bite; or if the animal is dead or killed, preparation and submission of the head for laboratory examination.
 3. Ensure proper disposition of animals exposed to known rabid animals.
 4. Assist in county-sponsored rabies vaccination clinics.
 5. Other duties as stated in this ordinance.

3. Confinement of Dogs or Other Animals

- a. The owner of any dog or other animal, as defined in Section 3 above, shall confine or cause to be confined such dog or animal as herein prescribed:
 1. A dog or other animal, whether vaccinated or not, which has bitten a person (or other animal) shall be confined for a period of ten (10) days following the date of the bite in Towns County, Georgia, except where conditions for confinement in an area outside the limits of this jurisdiction shall meet the provisions of the Rules and Regulations and be certified with the appropriate authority having jurisdiction.
 2. A dog or other animal, whether vaccinated or not, having signs suggestive of rabies shall be confined and in isolation until its death or until its freedom from suspicion of having rabies is established.
 3. A dog or animal not vaccinated and bitten by a known rabid animal shall be immediately destroyed or, if the owner is unwilling to destroy the

exposed animal, strict isolation of the animal in an approved kennel for six (6) months at the owner's expense.

4. Any dog or other animal, the rabies vaccination of which is current as evidenced by the certificate of vaccination and which is bitten by a known rabid animal, may be revaccinated, then confined in an approved manner for thirty (30) days, and then released if no signs of rabies are present.
5. Every dog or other animal, as prescribed herein, whether vaccinated or not, shall be kept confined and isolated during the entire quarantine period.
6. Any vaccinated dog impounded because of a lack of proof of vaccination may be reclaimed by its owner by furnishing proof of rabies vaccination. Any unvaccinated dog or other animal impounded because of lack of proof of vaccination may be reclaimed by its owner by giving satisfactory assurances of compliance with the rabies vaccination requirement of this ordinance within seventy-two (72) hours of release.

4. Confinement Area or Facility

- a. The rabies control officer shall approve all confinement areas or facilities, ensuring that the confinement area is safe and secure, that it provides for isolation of the animal from all other animals and humans and that the area is clean and humane, providing adequate food, water, and exercise, and appropriate temperature and shelter from the elements to the animal.

5. Reporting

- a. The owner or custodian of any animal having signs suggestive of rabies shall confine the animal and immediately notify the Health Board and the rabies control officer, reporting any information regarding persons bitten or attacked by said animal.
- b. Any person bitten by an animal reasonably suspected of being rabid shall immediately notify the Health Board and the Rabies Control Officer.

SECITON 6: DUTIES OF ANIMAL OWNERS AND CITIZENS

1. Any person within the jurisdiction of the governing authority who is aware of any animal bite inflicted upon a human by any animal shall report the bite to the animal control officer, the rabies control officer, or a public health official pursuant to state law.
2. It shall be unlawful for any person to remove any tracking collar or identification from any animal other than the person's own animal.
3. If a dog acts as an aggressive dog as defined in this ordinance, then that conduct may be referred to the Probate Judge for investigation by law enforcement.

SECTION 7: DISPOSITION OF UNREDEEMED ANIMALS

1. Any animal not redeemed within seventy-two (72) hours after the owner is notified of clearance for release from quarantine or other confinement may be disposed of by euthanasia. The owner of the hospital or shelter is made an agent of the governing authority for this purpose, and his actions in this regard are declared to be for a governmental purpose.
2. All animals confined under this ordinance , and with no registration or known owner, may be destroyed after ten (10) days.

SECTION 8: PROCEDURES FOR CLASSIFYING DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS; NOTICE; HEARING

1. The animal control officer , upon receiving a report of a dangerous dog or potentially dangerous dog within the jurisdiction of the governing authority 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 a dangerous dog, potentially dangerous dog or reclassified as a dangerous dog if previously classified as a potentially dangerous dog.
2. Should the animal control officer determine that a dog is a dangerous dog or potentially dangerous dog, the animal control officer shall classify such dog accordingly. The animal control officer shall then notify the dog's owner of such classification. The notice to the owner shall meet the following requirements:

- a. The notice shall be in writing and mailed by certified mail or statutory overnight delivery 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 or potentially dangerous dog;
 - c. The notice shall be dated and state that the owner, within fifteen (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 potentially dangerous dog.
 - d. The notice shall state that the hearing, if requested, shall be before the Towns County Board of Health.
 - e. The notice shall state that if a hearing is not requested, an animal control officer's determination that the dog is a dangerous or a potentially dangerous dog will become effective for all purposes 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 board of health and shall provide specific instructions on mailing or delivering such request to the board.
3. When the board of health receives a request for a hearing as provided in Section 8-2-(c) above it shall schedule such a hearing within thirty (30) days after receiving the request. The board shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing. Such notice shall be mailed to the dog owner at least ten days (10) 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. In addition, the board shall receive at the hearing such other evidence and hear such other testimony as the board may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal control officer's classification of the dog.
 4. Within ten days (10) after the date of the hearing, the board of health 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 potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

SECTION 9: REQUIREMENTS FOR POSSESSION OF A DANGEROUS OR POTENTIALLY DANGEROUS DOG.

1. No one shall have, own or possess within the jurisdiction of the governing authority a dangerous dog or potentially dangerous dog without a certificate of registration.

2. The animal control officer shall issue a certificate of registration to the owner of a dangerous dog or potentially dangerous dog if the owner presents to the animal control officer or the animal 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. The owner of a dangerous dog or potentially dangerous dog shall receive such sign from the animal control officer at the time the owner pays the annual registration fee as required in subsection 4 of this section.
3. In addition to the requirement of subsection 2 of this section, the owner of a dangerous dog shall present to the animal control officer evidence of:
 - a. A policy of insurance in the amount of at least \$25,000.00 issued by the 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 \$25,000.00 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 dog or potentially dangerous dog shall pay an annual registration fee in the amount of \$25.00 for initial registration, (and \$10.00 for renewal of said registration), at the time the annual certificate of registration is issued. The annual registration fee and/or renewal fee may be changed from time to time by the governing authority. 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 animal control officer if the owner is moving from the county.
6. The owner of a dangerous dog or potentially dangerous dog who is a new resident of the state shall register such dog as required by this ordinance within thirty (30) days after becoming a resident of the state and the county.
7. The owner of a dangerous dog or potentially dangerous dog who moves to this county from any other county within the state shall register such dog as required by this ordinance within ten (10) days after becoming a resident of the county.
8. The owner of a dangerous dog or potentially dangerous dog shall notify the animal control officer within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died or 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.

SECTION 10: RESTRICTIONS ON PERMITTING DANGEROUS OR POTENTIALLY DANGEROUS DOGS OUTSIDE OF A PROPER ENCLOSURE

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

SECTION 11: CONFISCATION OF DOGS; GROUND; AND DISPOSITION

1. A dangerous dog shall be immediately confiscated by the animal control officer or by a law enforcement officer or by another 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 Section 9 of this ordinance.
 - b. The dog is not validly registered as required by Section 9 of this ordinance.
 - c. The dog is not maintained in a proper enclosure or is outside a proper enclosure in violation of Section 10 of this ordinance.
2. A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if:
 - a. The dog is not validly registered as required by this ordinance;
 - b. The dog is not maintained in a proper enclosure as defined in this ordinance; or
 - c. The dog is not maintained in a proper enclosure or is outside a proper enclosure in violation of Section 10 of this ordinance.
3. Any dog that has been confiscated under the provisions of this section shall be returned to its owner upon compliance with the provisions of this ordinance as determined by the animal control officer and upon payment of reasonable confiscation fees. 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 may be destroyed.

SECTION 12: ANIMAL CONTROL OFFICER AUTHORIZATION

1. There is created for the governing authority an animal control unit for regulations of dangerous dog animal control and rabies, and it shall be staffed with such personnel as may from time to time be authorized by the governing authority. The governing authority shall be authorized to enter into an agreement with one or more other governing authorities to provide joint animal control services pursuant to the provisions of this ordinance as provided by state law. Likewise, the governing authority shall be authorized to enter into an agreement with non-governmental entities to provide joint animal control services pursuant to the provisions of this ordinance as provided by state law.

2. An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this ordinance. All law enforcement agencies of the governing authority shall cooperate with the animal control officers in enforcing the provisions of this ordinance.

3. It shall be unlawful:
 - a. To interfere with or fail to cooperate with the animal control officer or other officer acting pursuant to this ordinance.
 - b. To take or attempt to take any animal from a county vehicle used to transport an animal pursuant to this ordinance; or
 - c. To take or attempt to take any animal from the animal control shelter or other impounding area used by the animal control unit for the purposes of this ordinance without lawful authority.

4. The animal control officer may destroy any animal which presents a threat of immediate harm to public health or safety or other innocent animals and which cannot be taken for impoundment without threat of serious harm to the animal control officer or his agents. The destruction shall be in the most humane method available to the officer on scene.

5. The animal control officer shall be authorized to enter either public or private property when accompanied by certified law enforcement officer to impound any animal if the officer has reasonable cause to believe the owner of a dangerous dog or potentially dangerous dog is in violation of this ordinance. The animal control officer can if applicable, in lieu of impoundment, issue a summons for violation(s).

SECTION 13: SUMMONS

Upon information known to, or a complaint lodged with, any officer or member of the animal control unit, or a law enforcement agency employee of the governing authority that any owner or possessor of an animal is in violation of this ordinance, the Animal Control Officer or Rabies Control Officer or any law enforcement officer may, after investigation, issue a summons requiring the owner or possessor of such animal to appear before the judge of the magistrate's court of the county on a day and time certain to stand trial for the violation.

SECTION 14: VIOLATIONS, PENALTIES:

1. The owner of a dangerous dog who violates the applicable provisions of Section 9 or Section 10 or whose dangerous dog is subject to confiscation under Section 11 shall be guilty pursuant to O.C.G.A. Section 4-8-28(a) of a **misdemeanor** of a high and aggravated nature in addition to the penalties imposed by state law.
2. The owner of a potentially dangerous dog who violates the applicable provisions of Section 9 or Section 10 or whose potentially dangerous dog is subject to confiscation under Section 11, shall be guilty pursuant to O.C.G.A. Section 4-8-28(b) of a **misdemeanor** in addition to the penalties imposed by state law.
3. If the owner of a dangerous dog who has a previous conviction for a violation of this ordinance knowingly and willfully fails to comply with the provisions of this ordinance, and if the owner's dangerous dog attacks and bites a human being under circumstances constituting another violation of this ordinance, such owner shall be guilty pursuant to O.C.G.A. Section 4-8-28(c) of a **felony**.
4. The owner of a dangerous dog who knowingly and willfully fails to comply with the provisions of this ordinance, and whose dangerous dog aggressively attacks and causes severe injury or death of a human being under circumstances constituting a violation of this ordinance shall be guilty pursuant to O.C.G.A. Section 4-8-28(d) of a **felony**.
5. In addition to the penalties for violations as described in this Section, the dangerous 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 ten (10) days as per the policy of the county board of health, and thereafter, the dangerous dog may be destroyed in an expeditious manner.

6. No owner of a dangerous dog who has complied with the requirements in this ordinance shall be held criminally liable under state law for injuries inflicted by said owner's dog to any human being while on the owner's property pursuant to O.C.G.A. Section 4-8-28(f).

SECTION 15: LIABILITY FOR DAMAGES:

It is the intent of this ordinance 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 dog. Under no circumstances shall the governing authority or any employee or official of the governing authority which enforces or fails to enforce the provisions of this ordinance be held liable for any damages to any person who suffers an injury inflicted by a dog that has been identified as being a dangerous dog or potentially dangerous dog or by a dog that has been reported to the proper authorities as being a dangerous dog or potentially dangerous dog or by a dog that the governing authority has failed to identify as a dangerous dog or potentially dangerous dog or by a dog which has been identified as being a dangerous or potentially dangerous dog but has not been kept or restrained in the manner described in Section 9 and/or Section 10 of this ordinance or by a dangerous dog or potentially dangerous dog whose owner has not maintained insurance coverage or a surety bond as required in Section 9 of this ordinance.

SECTION 16: EFFECTIVITY AND VALIDITY:

This ordinance shall become effective on the 16th day of April , 2009.

If any section, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance. 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.

SECTION 17: REPEAL OF CONFLICTING RESOLUTIONS OR ORDINANCES:

All conflicting resolutions, ordinances or parts or sections of resolutions or ordinances in conflict with this ordinance are hereby repealed.

First Reading at Regular Meeting on the 19TH day of March, 2009.

Second and Final Reading, Hearing and Adoption at a meeting on the 16th day of April, 2009.

SO ADOPTED, this 16th day of April, 2009.

Bill Kendall
Sole Commissioner of Towns County

Linda Hedden
County Clerk