COUNTY AGENDA REQUEST

Department:	Board of Commissioners	Presenter(s):	Chairman Steve Brown
Meeting Date:	Thursday, October 23, 2014	Type of Request:	New Business

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2014-17 and in so doing deleting Chapter 6- Animals in its entirety from the Fayette County Code of Ordinances and replacing it with a new Chapter 6- Animals.

Background/History/Details:

Staff has been asked to provide a review of The Code of Fayette County as it pertains to Chapter 6- Animals.

Upon review, it was determined that Chapter 6 requires additional definitions and updates that would both comply with current state law while providing clarification.

The supporting documentation provides a red-lined version of the proposed changes to Chapter 6-Animals.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2014-17 and in so doing deleting Chapter 6- Animals in its entirety from the Fayette County Code of Ordinances and replacing it with a new Chapter 6- Animals.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

CHAPTER 6. ANIMALS.

ARTICLE I. IN GENERAL.

Sec. 6-1 through 6-18. Reserved.

ARTICLE II. KEEPING ANIMALS; ANIMAL SHELTER.

Sec. 6-19. Definitions.

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

Abandon means to forsake entirely, or to neglect, or refuse to provide, or perform the legal obligations for care and support of an animal by its owner, or his/her agent. This definition shall also apply to leaving or relinquishing an owned animal at or to the animal shelter by giving false information about the identity of ownership.

Abandoned animal means any domesticated animal that has been placed upon public property, within a public building, or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property, and is unattended or uncared for. Any domesticated animal shall also be considered abandoned when it has been unattended and without proper food and water for a period in excess of 36 hours, regardless of where such animal may be found or kept. Any domesticated animal shall also be considered abandoned when left at or relinquished to the shelter by its owner or his/her agent.

Animal means every living vertebrate except human beings.

Animal at large means an animal not under restraint and off of the property of its owner.

Animal shelter means the facility designated by the board of commissioners for the detention of animals.

Animal shelter officer means any person so designated by the animal shelter director to perform the duties prescribed by this article.

Animal under restraint means any animal secured by a leash or lead; or enclosed by way of fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's commands, and the person being present with the animal; or the animal confined within a vehicle, parked or in motion.

Companion animal or *pet* means a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, rabbits, hamsters, horses, mice, reptiles, ~~domesticated wild animals,~~ exotic animals, and other animals associated with man's environment.

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Director means the animal shelter director.

Domesticated animals means animals that are accustomed to living in or about the habitation of men, including but not limited to cats, cows, dogs, fowl, horses, rabbits, goats, swine, domesticated wild animals and/or exotic animals. (This definition only applies to those animals mentioned herein and is only applicable to this article and in no way affects the meaning or application of a definition of the described animal, as may be found in any other county ordinance.)

Estrus means a regular period for female dogs and cats in which the animal seeks to mate or breed.

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 within which he is located.

Microchip implant means an identifying integrated circuit placed under the skin of an animal for purposes of identification.

Owner ~~means any person having the right of property of, keeping, harboring or acting as custodian of a domesticated animal~~means any natural person or any legal entity including, but not limited to, a corporation, partnership, firm or trust owning, having the right of property of, possessing, harboring, keeping, having custody or control of, or owning, renting, leasing or occupying property containing an animal or fowl within this state. An animal shall be deemed to be harbored if it is fed and/or sheltered for seven (7) days or more. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. Owners include, but are not limited to, operators or managers of stables, kennels, pet shops or other animal care establishments. The current registered person on a microchip implant or rabies or identification tag shall also be considered an "owner".

Public nuisance means any animal which:

(1) Is found at large in violation of section 6-22, section 6-23 or section 6-24.

(2) Is vicious. For the purpose of this subsection an animal shall be considered vicious if it attacks without provocation any human being or other domesticated animal or animals.

(3) Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the county.

(4) Attacks passersby or passing vehicles.

(5) Is inimical to the public health, welfare, or safety according to the rules and regulations promulgated by the county health department, whose rules and

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regulations are incorporated herein and made a part hereof as if fully set out in this article.

Such nuisance is hereby declared to be a public nuisance and any person that knowingly keeps, owns, harbors, or acts as custodian of an animal constituting such nuisance shall be guilty of an unlawful act and shall be punishable as hereinafter provided.

Unsanitary conditions means an animal 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; or

(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.

Veterinarian means any person who holds a license to practice the profession of veterinary medicine as defined by Georgia law.

Vicious animal means any animal which constitutes a physical threat to human beings or other domesticated animals by virtue of one or more attacks of such severity as to cause property damage or physical injury. An animal shall also be considered vicious and not under restraint if it makes an unprovoked attack on other domesticated animals that are under restraint or on human beings or on physical property of another.

Sec. 6-20. General responsibility of department; department head.

The animal control department shall be charged with the responsibility of enforcing the animal control ordinance of the county and the operation of the county shelter. This department shall be under the direction of the animal shelter director.

Sec. 6-21. Animal shelter created.

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There is hereby created the county animal shelter, which shall be under the supervision of the director and staffed with such personnel as may from time to time be authorized by the board of commissioners.

Sec. 6-22. Running at large prohibited.

It shall be unlawful for the owner of any animal to allow it to run at large unattended on or about the streets and highways of the unincorporated limits of the county or on the property of another without such property owner's consent. Any such animal at large shall be impounded by the director or his authorized representative as hereinafter provided.

Sec. 6-23. Restraint of animals – while on property.

(a) It shall be the duty of every owner of any animal to keep the animal under control at all times while the animal is on the real property of the owner. For purposes of this section, an animal is deemed under control when it is confined by way of fence or other enclosure, restrained by substantial chain or leash, restrained in some other physical manner by a competent person, or is under the control of a competent person who is present with the animal, ~~via voice command,~~ so that the animal does not wander off the real, leased, rented, or occupied property of the owner while unattended. ~~It is the intent of this section that all animals be prevented from leaving the real property of their owners, while unattended.~~

(b) In addition, all male and female dogs and cats that have not been spayed or neutered must be securely confined in such a way that they not only cannot get out to run ~~loose~~at-large, but also cannot be reached by other dogs or cats. Any female dog, while in estrus, must be confined within an enclosure which can reasonably be expected to keep away or keep out, and not attract, male dogs.

(c) For purposes of this section, a competent person is one of sufficient physical and mental capacity, at the time the animal is in need of restraint, to restrain the animal.

(d) For purposes of this section, present shall mean that both owner and animal are physically present within the geographic confines of the owner's property.

Sec. 6-24. Same – while off of property.

(a) It shall be the duty of every owner of any animal to keep the animal under control at all times while the animal is off of the real, leased, rented, or occupied property of its owner. For the purposes of this section, an animal is deemed under control when it is confined within a vehicle, parked or in motion, secured by a substantial leash or other device held by a competent person, or is properly confined within an enclosure with the permission of the owner of the property where the enclosure is located.

(b) Any animal kept in the back of an open pickup truck or convertible car must be restrained by a leash. Such leash must be of the size and length to restrict the animal within the confines of

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the car or bed of the truck and to prohibit the animal from jumping out or over the sides or back of such vehicle.

(c) For purposes of this section, a competent person is one of sufficient physical and mental capacity at the time the animal is in need of restraint, to restrain the animal.

Sec. 6-25. Enforcement.

(a) The primary responsibility for the enforcement of this article shall be vested in the director. He may, in the exercise of his authority as the director, delegate the enforcement responsibilities of this article to such county employees as he may select.

(b) If a violation of this article has not been personally witnessed by the director or his authorized representative or other employee of the county, a subpoena shall be issued to the person making the complaint to be and appear on the day and time set for trial, then and there to testify on behalf of the county. The director shall refuse to respond to anonymous complaints.

(c) If the owner of any dog or other animal is not known and the dog or other animal is upon the public streets, alleys, sidewalks, school grounds, or other public property, or on the property of another without that property owner's permission, or on the premises of a privately-owned multifamily residence, as prohibited by this article, upon complaint made to or information made known to the animal shelter, it shall be the duty of the director or his authorized representative to immediately take possession of such dog or animal and impound it in the animal shelter. With respect to an animal on the premises of a privately-owned multifamily residence, the duty of the director or his authorized representative to collect the animal is predicated on the management of such multifamily residence providing an approved holding pen from which the director or his authorized representative will impound animals on regular intervals of at least once weekly. Consistent with subsection (b) of this section, a subpoena will issue to the person making the complaint from the multifamily residence. Once impounded, an animal shall be kept for a period of time as defined in section 6-26; thereafter, if the animal is not claimed by anyone after a reasonable effort has been made to locate the owner of the animal as hereinafter provided, the animal may be disposed of in a humane fashion or in accordance with O.C.G.A. title 4. Where the director or his authorized representative is required in this section to take possession of any dog or animal and to impound it, he may use any and all means available.

(d) In all cases of violations of this article, the director shall have the authority to exercise his discretion and may, in addition to or in lieu of impounding any animal, issue a citation to the owner of such animal. However, in all such instances where the owner of such animal is known or discovered, the director shall at least issue a citation to such owner. The citation shall state the violation, the name and address of the owner, and the name of the individual issuing the citation. All citations shall be transferred to the magistrate court of the county for prosecution.

Sec. 6-26. Notice to owners of impounded animals.

(a) Upon impounding any dog or other animal, the director or his authorized representative shall cause to be made a prompt and reasonable effort to locate the animal's owner~~ and, upon~~

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~~location of same, shall send to such owner, by certified letter, notification of impoundment~~. If, within five (5) days of impoundment the owner cannot be located, it shall be the duty of the director or his authorized representative to adopt out or dispose of the animal in a humane fashion. If verbal contact cannot be made with the owner, a certified letter providing notification of the impoundment will be mailed to the owner. If the animal is not claimed by the owner within three (3) days of the receipt of the certified letter giving notice of impoundment or if the letter is returned by the U.S. Postal Service~~ or if within five days of impoundment the owner cannot be located~~, it shall be the duty of the director or his authorized representative to adopt out or dispose of the dog or other animal in a humane fashion. If any contact with the owner is made, the owner shall be responsible for all boarding fees and other fees provided for in Section 6-31 until the animal is reclaimed by the owner.

(b) For the first time an owner of a dog, cat or other animal is found in violation of section 6-22, 6-23 or 6-24, regardless of whether or not the animal is picked up and impounded by an animal shelter officer, a minimum fine of $25.00 and/or imprisonment in jail for a period not to exceed 30 days, or both, shall be imposed against such person.

(c) For the second time an owner of a dog, cat or other animal is found in violation of section 6-22, 6-23 or 6-24, regardless of whether or not the animal is picked up and impounded by an animal shelter officer, a minimum fine of $250.00 and/or imprisonment in jail for a period not to exceed 60 days, or both, shall be imposed against such person. Should an owner be found guilty of a third offense, or for subsequent offenses, a minimum fine of $500.00 and/or imprisonment in jail for a period not to exceed 60 days, or both, shall be imposed.

(d) In addition to the above provisions, any owner of an animal picked up and impounded by the animal shelter ~~will receive a rabies shot, the cost of which will be set by schedule~~must provide to the animal shelter a proof of rabies shot within seven (7) days of receiving notice of impoundment.

(e) If for any reason an animal is impounded and not claimed after proper notification imposed by this section, and if the owner is identified by a rabies or license tag or microchip implant on the animal or can be identified by witnesses, the owner will be considered in violation of this article for the offense of abandoning the animal, and shall be guilty of a misdemeanor and subject to a fine of up to $~~500.00~~250.00 and/or imprisonment in jail for a period not to exceed 60 days, or both.

(f) In addition, if an animal is impounded and not claimed within the time set forth in subsection (a) of this section, the owner shall be conclusively presumed to have given his consent to the adoption of the impounded animal or to have given his consent to the disposal of the animal in a humane fashion in accordance with O.C.G.A. title 4.

(g) If any animal is not claimed as provided within this article, the director or his authorized representative, and after he has satisfied himself that such animal is in good health, may offer the animal for adoption. It is the duty of the person adopting an animal from the director or his authorized agent to have the animal spayed or neutered, or to verify that the animal is already spayed or neutered, and to ensure that the animal is given a rabies vaccination, all within ten

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working days following the adoption. The person who has adopted an animal pursuant to this article shall present to a county animal shelter officer proof or evidence, within ten working days following the adoption, that the adopted animal has been spayed or neutered, or proof that for health reasons the animal cannot be spayed or neutered, and that the animal has been given a current rabies vaccination. A sworn, notarized statement from a veterinarian, licensed to practice veterinary medicine under the Georgia Veterinary Practice Act (O.C.G.A. § 43-50-1 et seq.), stating that for health reasons the animal cannot be spayed or neutered, and stating that the animal has been given a current rabies vaccination, shall be considered satisfactory proof or evidence under this subsection. The owner of such animal will be considered in violation of this article for failure to submit proof of spaying or neutering and proof of a current rabies vaccination, and shall be guilty of a misdemeanor and subject to a fine of up to $500.00 and/or imprisonment in jail for a period not to exceed 60 days, or both.

(h) In no event shall any animal be redeemed by its lawful possessor, owner or custodian unless those fees established for boarding the animal, as provided for in section 6-31, are paid.

(i) For the second time a person is found in violation of section 6-22, 6-23 or 6-24, regardless of whether or not the animal is picked up and impounded by an animal shelter officer, it is mandatory that the person found in violation have the subject animal spayed or neutered within ten working days after the adjudication of guilt by a court of competent jurisdiction, whether the animal is purebred or mixed breed. The person shall present proof or evidence of the spaying or neutering to the director or other animal shelter officer within ten working days from the date of the adjudication of guilt. A sworn, notarized statement from a veterinarian, licensed to practice veterinary medicine under the Georgia Veterinary Practice Act (O.C.G.A. § 43-50-1 et seq.), stating that the animal has been spayed or neutered or explaining in detail that for health reasons the animal cannot be spayed or neutered, shall be satisfactory proof or evidence of compliance with this subsection. The person who has been found guilty will be considered in violation of this article for failure to submit proof of spaying or neutering of the animal within ten working days following the adjudication of guilt and shall be guilty of a misdemeanor and subject to a fine of up to $500.00 and/or imprisonment in jail for a period not to exceed 60 days, or both.

Sec. 6-27. Precautions to be taken by owners of dangerous dogs or vicious animals or fowl.

(a) *Vicious animal/fowl.*

(1) *Definition.* The term "vicious animal/fowl" means any animal/fowl which attacks, bites or injures humans, other animals or fowl without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation; or an animal/fowl which has on one or more occasions caused injury to other living creatures without provocation; or any animal which constitutes a physical threat to human beings or domesticated animals by one or more attacks without provocation of such severity to cause physical injury. Exception: An animal/fowl is not considered vicious if it attacks, bites or menaces:

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a. Anyone attacking the owner;

b. Unlawful trespassers on the property of the owner;

c. Any person or animal that has tormented or abused it; or

d. It is defending its young or other animal.

(2) *Restraint.*

a. No person owning or having custody or control of any dog or other animal/fowl known to be vicious shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.

b. It shall be the duty of every owner of any vicious animal/fowl, or anyone having any vicious animal/fowl in his possession or custody, to ensure that the vicious animal/fowl is kept under restraint and that reasonable care and precautions are taken to prevent the vicious animal/fowl from leaving, while unattended, the real property limits of its owner, custodian or harborer; and to ensure that it is securely and humanely enclosed within a house, building, fence, pen, or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own volition; such enclosure must be securely locked at any time the animal is left unattended.

c. For owners of vicious animals/fowl who maintain their animal/fowl out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the vicious animal/fowl must be humanely confined inside a pen or kennel of adequate size. The pen or kennel shall not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides; the sides must be securely set into the ground or onto a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked.

d. A vicious animal shall not be upon any street or public place except when securely restrained by a leash not more than six feet in length and humanely muzzled and in the charge of a competent person.

(3) *Guard/security dogs.*

a. It shall be the duty of all persons who keep, use or maintain a guard/security dog to ensure the dog is vaccinated against rabies and licensed as required by section 6-59. The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required.

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b. It shall be the duty of any person that sells, leases, and/or rents any guard/security dog to be used within the county to notify the county animal control office of the location and number of guard/security dogs in use, kept, or maintained at a particular location. The animal control office shall maintain a record of the location, number of guard/security dogs, and current rabies vaccination and licensure of all guard/security dogs utilized within the county. The person that sells, leases, and/or rents a guard/security dog to be used in the county shall furnish the following information to the county animal control office:

1. Name, address, and telephone number of the location where a guard dog is located.

2. Name, breed, sex, and current license tag information of each guard dog at any location in the county.

(c) It shall be unlawful to transport any guard/security dog in an open bed truck, and any vehicle transporting guard/security dogs shall be identified as to the business owner. It shall be unlawful to transport any guard/security dog in the county except under the following conditions:

1. Each dog shall be placed in separate holding bins.

2. Each holding bin shall be enclosed and measure 48 inches long by 18 inches wide by 30 inches high.

(4) *Outside enclosure.* Whenever outside of its enclosure as provided for in subsection (2)b. and c. of this section, but on the owner's property, a vicious animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape.

(5) *Tied to object.* No vicious animal/fowl shall be chained, tethered, or otherwise tied to any inanimate object, such as a tree, post, or building, outside of its own enclosure.

(6) *Warning sign.* A warning sign (i.e., "Beware of Dog") shall be conspicuously posted denoting a vicious animal/fowl is on the premises.

(7) *Violation.* Failure to keep any animal/fowl confined or under restraint as provided for in subsection (a)(2) of this section shall be unlawful and shall be punishable as hereinafter provided.

(b) *Dangerous or vicious dog.*

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(1) *Definitions.* The term "classified dog" means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this article. The term "dangerous dog" means any dog that, according to the records of an appropriate authority:

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 subsection;

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 subsection;

c. While off the owner's property, kills a pet animal; provided, however, that this subsection 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;

d. The term "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;

e. No dog shall be classified as a dangerous dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. title 16, ch. 5 (O.C.G.A. § 16-5-1 et seq.);

f. The term "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 dangerous dog or potentially dangerous dog within this county;

g. 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;

h. The term "proper enclosure" means an enclosure for keeping a classified dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent

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the entry of young children and designed to prevent the dog from escaping. 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 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;

i. The term "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.

(2) *Requirements.*

a. *Certificate of registration.* It is unlawful for an owner to have or possess within this county a classified dog without a certificate of registration issued in accordance with the provisions of O.C.G.A. § 4-8-27.

b. *Restraint.*

1. It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure 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 not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.

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

Sec. 6-28. Commercial guard/security dogs.

(a) It shall be the duty of all persons who keep, use or maintain any guard/security dog to have signs conspicuously posted on the premises where the guard/security dog is located to warn of the presence of the dog. This warning shall consist of a warning sign placed at each entrance and exit to the premises and in a position to be legible from the sidewalk or ground level adjacent to the sign (eye level). If the premises is not enclosed by a wall or fence, a sign shall be placed at every entrance and exit to each structure on the premises in which a guard/security dog is located. Each sign shall measure at least ten inches by 14 inches and shall contain block lettering stating "Warning, Guard Dog on Duty." In addition, for dogs rented or leased, the sign shall set forth the name, address and phone number of the responsible person or persons to be notified during any hour of the day or night.

(b) Each holding bin for guard/security dogs will be adequately ventilated.

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(c) No guard/security dog shall be chained, tethered, or otherwise tied to any inanimate object, such as a tree, post, or building, outside of its own enclosure.

(d) A guard/security dog shall be confined by the owner/custodian/harborer within a building or secure enclosure out of which it cannot climb, dig, jump or otherwise escape of its own volition.

Sec. 6-29. Abandonment of animals.

(a) It shall be unlawful for anyone to knowingly abandon any domesticated animal within the county. Each person who does abandon, knowingly or willingly permits such abandonment, or aids in the abandonment of any domesticated animal shall be in violation of the law and shall be punished as provided.

(b) Each offense under this section shall be punished with a fine of the maximum amount allowable by law.

Sec. 6-30. Cruelty to animals.

(a) As used in this section, the term:

Animal shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure.

Willful neglect means the intentional withholding of food and water required by an animal to prevent starvation or dehydration.

(b) A person commits the offense of cruelty to animals when he causes death or unjustifiable physical pain or suffering to any animal by an act, an omission, or willful neglect. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor; provided, however, that:

(1) The provisions of this section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific, research, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the department of agriculture, department of natural resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his property.

(2) Nothing in this section shall be construed as prohibiting a person from:

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a. Defending his person or property, or the person or property of another, from injury or damage being caused by an animal; or

b. Injuring or killing an animal reasonably believed to constitute a threat for injury or damage to any property, livestock, or poultry.

(c) The method used to injure or kill such animal shall be designed to be as humane as is possible under the circumstances. A person who humanely injures or kills an animal under the circumstances indicated in this subsection shall incur no civil or criminal liability for such injury or death.

Sec. 6-31. Fees generally.

Fees collected pursuant to this article shall be adopted from time to time by the board of commissioners and kept on file with the director.

Sec. 6-32. Dangerous dog uniform warning symbol.

(a) Pursuant to the Responsible Dog Ownership Law (O.C.G.A. § 4-8-21 et seq.) wherein any premises a dangerous dog or potentially dangerous dog resides, the owner and/or tenant of such premises shall post a clearly visible sign warning that there is a dangerous dog on the property. Such sign shall conform substantially to the design provided by the state department of natural resources.

(b) The sign shall be in the shape of a square, similar to a standard highway warning sign, made of 0.08 gauge aluminum sheeting and measuring 12 inches by 12 inches.

(c) The circle shall measure 10¾ inches in diameter. The figure of a person shall measure five inches from the top of its finger to the bottom of its feet. The top of the dog's tail to the persons' elbow shall measure 6¾ inches. The word "DANGER!" shall measure 11/8 inches by six inches.

(d) The sign shall be in two colors: standard highway-use colors yellow and black. The circle, the figures of the person and the dog, and the word "Danger!" shall be in black. The background and remainder of the sign shall be in yellow.

(e) Each owner and/or tenant of such premises shall be required to pay to the county the sum of $20.00 for any and all dangerous dog signs required.

Sec. 6-33. Penalties for violation.

(a) Any person who violates any provisions of this article shall be guilty of a misdemeanor and subject to a fine of up to $~~500.00~~1,000.00 and/or imprisonment and jail for a period not to exceed 60 days or both. Each and every violation of such provision constitutes a separate offense.

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(b) Any vicious animal/fowl, as defined in section 6-27, shall be deemed to be a nuisance and may be abated as a nuisance upon the conviction of its owner in accordance with the laws of the state.

(c) Any and all violations of section 6-32 shall be punishable by a fine and/or imprisonment as allowed under O.C.G.A. § 4-8-27. It is the intention of the board of commissioners that any and all violations of section 6-32 be heard in the magistrate court of the county.

Sec. 6-34 through 6-54. Reserved.

ARTICLE III. RABIES CONTROL.

Sec. 6-55. Title.

The title of this article shall be Rabies Control Rules and Regulations of Fayette County.

Sec. 6-56. Definitions.

Unless a different meaning is required by the context, the following terms as used in this article shall have the meanings hereinafter respectively ascribed to them.

Board means the county board of health.

Cat means a cat, of either sex, vaccinated or not vaccinated against rabies.

Certificate means a certificate of vaccination on a form furnished or approved by the state department of human resources.

Department means the state department of human resources.

Director means the chief executive of the county board as defined in O.C.G.A. §§ 31-3-11 and 31-3-15, or in his absence, subject to approval of the board, a member of the board appointed by the chairperson for the purposes enumerated herein.

Dog means a dog, of either sex, vaccinated or not vaccinated against rabies.

Health department means the county health department, or in the absence of a functioning health department, the county board of health.

Owner means any person having a right of property in a dog or cat or any person who permits a dog or cat to remain on his premises.

Rabies vaccination tag means a tag furnished or approved by the state department of human resources, which tag shall be worn by the vaccinated dog.

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Vaccinate or *inoculate* means the injection of a specified dose of antirabies vaccine by a veterinarian into the proper site of an animal, such vaccine having been approved by the state department of human resources.

Vaccine means antirabies vaccine approved by the state department of human resources. The term "vaccine," used for the purposes of this article, shall be stored at the temperature prescribed on the package label. Outdated vaccine shall not be used.

Veterinarian means any person who holds a degree of doctor of veterinary medicine.

Sec. 6-57. Legal authority.

Pursuant to the authority vested in the county board of health under O.C.G.A. § 31-19-1 et seq., the county board of health and the board of commissioners adopt the following rules and regulations for the control of rabies within the county.

Sec. 6-58. Purpose.

To prescribe rules for the prevention and control of rabies within the county by providing for the vaccination, tagging and certification of dogs and cats, for the confinement of dogs, cats, and other animals, for the establishment of a full-time rabies control officer, for the impoundment of stray animals, and for other purposes.

Sec. 6-59. Vaccination of dogs and cats.

Within 60 days following the passage of this article every owner of a dog or cat three (3) months of age or older shall cause such dog or cat to be vaccinated against rabies. Dogs and cats will be revaccinated one year later, and each subsequent year, unless a dog or cat one (1) year of age or older has been vaccinated with vaccines accepted by the department for providing three (3) year duration of immunity. When dogs or cats one year of age or older are vaccinated with vaccines accepted by the department for providing a three (3) year duration of immunity, boosters will be required every three (3) years.

Sec. 6-60. Evidence of rabies vaccinations for dogs and cats required.

(a) It shall be the duty of each owner, custodian or harborer of any dog or cat at least three months of age kept, maintained or harbored within the unincorporated area of the county, or within any municipality in the county which has or may enter into an agreement with the county for animal control services, to possess evidence and provide of a current rabies vaccination for such animal at the time of request by an animal control officer.

(b) It shall be the duty of all persons owning or having custody of any dog or cat at least three months of age brought into any areas of the county to obtain evidence of a rabies vaccination for such dog or cat within 14 days from the date of entry into the county.

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(c) It shall be the duty of each dog or cat owner, possessor or custodian thereof, to provide a collar for their dog or cat to which a current rabies vaccination tag shall be attached. The collar, together with the tag, shall be worn by the dog or cat at all times for identification and rabies verification.

Sec. 6-61. Rabies control officer.

(a) The rabies control officer shall be the director of the county animal shelter.

(b) Duties of the rabies control officer will include:

(1) Investigate and maintain a record of animal bites in the county.

(2) Provide for 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) Enforce proper disposition of animals exposed to known rabid animals.

(4) Provide stray animal pickup service.

(5) Assist in rabies immunization clinics.

(6) Other duties as stated in the rabies control regulations or as ordered by the director.

Sec. 6-62. Confinement of dogs or other animals.

(a) The rabies control officer will maintain enforcement of all regulations pertaining to confinement of dogs or other animals.

(b) The owner of any dog or other animal as defined in this section 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 days following the date of the bite.

(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 and its release is authorized by the director.

(3) A dog or other animal not vaccinated and bitten by a known or suspected rabid animal shall be immediately destroyed; if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in an approved kennel for six

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months shall be enforced. One month prior to release, the dog shall be vaccinated according to prescribed methods.

(4) Any dog or other animal, the rabies vaccination of which is current as evidenced by the certificate of vaccination, which is bitten by a known or suspected rabid animal may be revaccinated, confined in an approved manner for 60 days, and then released if no signs of rabies are evident.

(5) Every dog or cat, whether vaccinated or not, in a quarantined area shall be kept confined to the owner's or custodian's premises during the entire quarantine period, unless other provisions suitable to the board are made.

(6) Any dog or cat less than three months old may be confined to the owner's premises or kept on leash, provided such permission is granted by the rabies control office.

(7) Any dog or cat brought into the county for a permanent stay from outside the county shall be confined or on a leash until vaccinated as provided by this article; except that, when the owner of such dog or cat produces evidence satisfactory to the director that such dog or cat has been vaccinated in a manner and by procedures comparable to the requirements of this article, a certificate of vaccination and a vaccination tag may be issued for the current vaccination year.

(8) Any dog or cat brought into the county on temporary stay not exceeding 14 days shall be confined or on a leash at all times; except that, if the owner or custodian of such dog or cat submits evidence to the director that such dog or cat has been vaccinated in a manner and by procedures comparable to the requirements of this article, the director may waive the requirement that the dog or cat be confined or on a leash.

Sec. 6-63. Confinement area facility.

The area or facility to which any dog or animal is confined in compliance with the provisions of this article shall be subject to the approval of the director. The confinement area or facility may include either a pound, a kennel, an animal hospital, or other place which provides:

(1) Construction and management which will keep the animal dry and clean and prevent its escape.

(2) A method and procedure for the identification of the animal and the recording of the date of its admission to the area or facility.

(3) Assurance that the animal will have safe and adequate water and food.

(4) Adequate space for the animal's exercise.

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(5) Protection against excessive heat and cold.

(6) Space, cages, pens, and other necessary equipment to isolate the animal for its protection against injury and infectious disease.

Sec. 6-64. Reporting.

(a) The owner or custodian of any animal having signs suggestive of rabies shall confine the animal and immediately notify the director, reporting any information regarding any persons bitten or attacked by such animal.

(b) The director shall report all known cases of rabies in the county to the department.

(c) The director shall report accumulated data relating to rabies in the county to the department when in his opinion rabies is prevalent or likely to become prevalent to the extent that quarantine procedures are indicated.

Sec. 6-65 through 6-86. Reserved.

ARTICLE IV. SALE OR EXCHANGE OF ANIMALS.

Sec. 6-87. Definitions.

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

Animal shelter means the facility designated by the board of commissioners for the detention of animals.

Humane society means any unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.

Public or *private animal refuge* means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter and confinement for a group of dogs, a group of cats or a combination of dogs and cats.

Sexually mature animal means any dog or cat that has reached the age of 180 days or six months or more.

Sterilization means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

Sec. 6-88. Sterilization provisions.

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(a) The animal shelter, humane society or public or private animal refuge shall make provisions for the sterilization of all dogs or cats acquired from the shelter, society or refuge by:

(1) Providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or

(2) Entering into a written agreement with the person acquiring such animal guaranteeing that sterilization will be performed by a licensed veterinarian within 30 days after acquisition of such animal in the case of an adult animal or within 30 days of the sexual maturity of the animal in the case of an immature animal; provided, however, that the requirements of this section shall not apply to any privately owned animal which the animal shelter, humane society, or public or private animal refuge may have in its possession for any reason if the owner of such animal claims or presents evidence that such animal is the property of such person.

(b) All costs of sterilization pursuant to this section shall be the responsibility of the person acquiring such animal and, if performed prior to acquisition, may be included in any fees charged by the animal shelter, humane society, or public or private animal refuge for such animal.

(c) Any person acquiring an animal from the animal shelter, humane society, or a public or private animal refuge, which animal is not sterile at the time of acquisition, shall submit to the animal shelter, humane society, or public or private animal refuge a signed statement from the licensed veterinarian performing the sterilization required by subsection (a)(2) of this section within seven days after such sterilization attesting that such sterilization has been performed.

(d) The animal shelter, humane society, or public or private animal refuge selling or offering for sale or exchange any dog or cat shall maintain and furnish to any person acquiring an animal from the shelter, society or refuge a current list of veterinarians licensed in this state who have notified the shelter, society or refuge that they are willing to perform sterilizations and the cost for such procedures.

Sec. 6-89. Penalties.

It shall be a misdemeanor to fail or refuse to comply with the requirements of section 6-88 and any person convicted of such misdemeanor shall be subject to a fine not to exceed $200.00.

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