

Floyd County Animal Control Ordinances

ARTICLE I. IN GENERAL

Sec. 2-5-1. Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

Abandoned animal: Any animal shall be considered abandoned which shall have been placed upon public property or within a public building unattended or uncared for, or upon or within the private property of another without the express permission of the owner, custodian or tenant of said private property and unattended or uncared for. Any animal shall also be considered as abandoned which shall have been upon or within the property of the owner or custodian of the animal for a period of time in excess of thirty-six (36) hours unattended or without proper food or water.

Adequate food and water: Food and water, which is sufficient in an amount, and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of food or water.

Animal: Any mammal other than a human being, domestic or wild, which may be affected by rabies.

Animal at large: An animal not under restraint.

Animal control center: The facility designated by the board of commissioners for the housing and care of animals taken up pursuant to this chapter.

Animal control officer: That person designated by the county manager to perform the duties prescribed for such officer by this chapter.

Animal nuisance: Created when an animal:

- (1) Runs uncontrolled;
- (2) Molests or disturbs persons or vehicles by chasing, barking or biting;
- (3) Attacks other animals;
- (4) Damages or abuses property other than that of the owner or harborer;
- (5) Barks, whines, howls, honks, brays, cries or makes other noises excessively;
- (6) Creates noxious or offensive odors;
- (7) Defecates upon any public place or premises not owned or controlled by the owner or harborer unless promptly removed by the animal owner or harborer;
- (8) Creates an insect breeding or attraction site due to the accumulation of excreta.

Cross references: Cross references: See also §§ 2-11-6(5), 2-11-7.

At large: An animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

Cat: Any domestic cat, male or female, of pure or mixed breed.

Cruelty: Any act of commission or omission whereby unjustified physical pain, suffering or death of an animal is caused or permitted. This includes failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, necessary veterinary care or nutritious food. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

Dangerous dog: 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; or

(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.

Director: The director of the county animal control department.

Disposition: Adoption, quarantine, voluntary custodianship or placement, or euthanasia humanely administered to an animal in accordance with section 2-5-38 of this Code. Also placement for sale or the sale of an animal to the general public.

Dog: Any dog of either sex, unless otherwise specified.

Domestic animal: Any animal which is accustomed to living in or about the habitation of persons, including, but not limited to, cats, cows, dogs, fowl, horses, swine, domesticated wild animals or exotic animals.

Euthanasia: Death brought about by any method which produces rapid loss of consciousness to a painless death.

Harborer: Any person who provides food and shelter for any domestic animal on other than a periodic or temporary basis.

Humane society: The Rome-Floyd County Humane Society.

Inoculation: The administering of anti-rabies vaccine, by a licensed veterinarian of the state, or in conformity with the existing rules and regulations of the state board of health, and the laws pertaining thereto.

Owner: Any person having right of property in any animal; who keeps an animal; who has an animal in such person's care or custody; or who knowingly permits an animal to remain on or about any premises occupied by such person. The term includes the person who has title to or the right to possession of an animal and shall include the caretaker or custodian of any animal.

Potentially dangerous dog: Any dog that, without provocation, bites a human being on public or private property or acts in a threatening or aggressive manner towards a person that places said person in reasonable apprehension of immediately receiving a violent injury.

Proper enclosure: An enclosure used 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 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 should be at least six (6) feet tall with twelve (12) inches of fence buried in the ground. If the animal is inside a fence it also needs to be restrained by a secondary security measure (such as a chain). Any such enclosure shall also provide the dog with protection from the elements.

Public nuisance animal: Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but is not limited to:

(a) Any animal that is repeatedly found running at large.

(b) Any cat or dog in any section of a park or public recreation area, unless the cat or dog is controlled by a substantial leash or similar physical restraint.

(c) Any animal that damages, soils, defiles or defecates on any property other than that of its owner.

(d) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance,

disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

(e) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

(f) Any animal in heat that is not confined so as to prevent attraction or contact with other animals.

(g) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.

(h) Any animal that attacks domestic animals.

(i) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

(j) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

(k) Any violation of this chapter relating to rabies control and to the rules and regulations of the board of health or any animal existing in a condition prohibited by this chapter.

(l) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased or has been arrested or evicted from his regular place of residence and there is no other person who will take custody of the animal.

(m) Any animal that is charged with being potentially dangerous or dangerous where the animal control director determines that there is an immediate threat to public health and safety.

Rabies control officer: That person so named and designated by the county board of health.

Sanitary: A condition of good order and cleanliness to minimize the possibility of disease transmission.

Severe injury: 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.

Sexually mature animal: Any cat or dog that has reached the age of one hundred eighty (180) days or six (6) months or more.

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

Stray cat: Any cat without a collar and proof of rabies vaccination, and that is not claimed by anyone as its owner.

Stray dog: Any dog without a collar and proof of rabies vaccination, and that is not claimed by anyone as its owner.

Under restraint: An animal that is:

(a) Secured by a substantial leash, lead under the control of a person physically capable of restraining the animal and to whom the animal will display obedience when commanded by said person; or

(b) At heel; or

(c) Securely enclosed within the real property limits of the owner's property.

Vicious animal:

(1) Any animal with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or

(2) Any animal which attacks a human being or other domestic animal one or more times without provocation; or

(3) Any pit bull terrier, which shall herein be defined as any Staffordshire bull terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier or American Staffordshire terrier as to be identifiable as partially of the breed of Staffordshire bull terrier or American Staffordshire terrier by a qualified veterinarian duly licensed as such by the state.

(Code 1979, § 2-4003; Ord. of 6-25-85, § 2; Ord. of 4-5-88, § 1; Ord. of 9-12-06)

Sec. 2-5-2. Purpose.

The purpose of this chapter is to promote harmonious relationships in the interaction between human beings and animals by:

- (1) Protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
- (2) Delineating the animal owner's or harborers responsibility for the acts and behavior of such person's animal at all times;
- (3) Providing security to residents from annoyance, intimidation, injury and health hazards by animals; and
- (4) Encouraging responsible pet ownership.

(Code 1979, § 2-4002; Ord. of 6-25-85, § 2)

Sec. 2-5-3. Conflict with federal or state law.

Nothing in this chapter 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.

(Code 1979, § 2-4004; Ord. of 6-25-85, § 2)

Sec. 2-5-4. Commission of animal control and welfare--Created; membership.

(a) The commission of animal control and welfare hereby created shall consist of the following:

- (1) Four (4) interested citizens;
- (2) One (1) veterinarian;
- (3) One (1) citizen chosen by the chairman of the board of commissioners; and
- (4) Two (2) citizens chosen by the chairman of the Rome City Commission.

(b) All posts of the commission of animal control and welfare shall serve a three-year term beginning October 1, 1995.

(Code 1979, § 2-4006; Ord. of 6-25-85, § 2; Ord. of 9-23-86, § 1; Ord. of 2-23-88, § 1; Ord. of 2-23-88, § 1; Amend. of 6-13-95(1); Amend. of 10-10-95)

Sec. 2-5-5. Same--Powers and duties.

In addition to such other powers and duties as may be set forth in this chapter, the commission of animal control and welfare shall have the power and duty to:

- (1) Hold hearings and recommend to the board of commissioners regulations and amendments to this chapter concerning the control and welfare of animals in the county.
- (2) Recommend guidelines for the operation and maintenance of the animal control center.
- (3) Hold a public meeting at least semiannually.
- (4) Study the various methods of euthanasia which are employed with respect to animals and recommend those methods found to be both economically feasible and humane.

(5) Study and recommend requirements for the treatment and maintenance of animals at the animal control center. A list of the minimum requirements for each type of animal shall be kept available for inspection by the public.

(6) Supply to the board of commissioners semi-annual reports as to any recommendations provided for herein or at such other intervals or times as may be designated by the board of commissioners.

(Code 1979, § 2-4007; Ord. of 6-25-85, § 2)

Sec. 2-5-6. Powers and duties of director.

The director of the animal control department shall be primarily responsible, with support from the chief of police, for the enforcement of this chapter; and such director's duties shall include, but not be limited to, the following:

(1) Responsibility for the operation of the animal control center and the performance of such duties and the keeping of such records as the county manager may require.

(2) Cooperation with the county board of health in the enforcement of rabies control regulations and of animal control directives.

(3) Cooperation with the county humane society through the commission of animal control and welfare.

(4) Taking up and impounding animals which are in violation of this chapter, using any and all means available which are humane in nature.

(5) Investigating all complaints made regarding animals.

(6) Issuing warning citations to violators of this chapter.

(7) Enforcing, only through duly authorized personnel, all state laws and ordinances enacted by the county for the care, control and custody of animals.

(8) Keeping a record of the number, description, and disposition of all animals impounded or otherwise taken into custody, showing in detail as to each animal a general description by sex, breed and approximate age, together with any identification tag, vaccination tag or other marking, if any; the date of receipt; the date and manner of disposal; the name and address of the person reclaiming or adopting; the fees and charges; the proceeds of sales received; the condition of the animal when received; any treatment administered to the animal, including any drugs, medication or appliances; the condition of the animal when reclaimed, redeemed, adopted or purchased; and such additional records as the county manager may require.

(Code 1979, § 2-4005(c); Ord. of 6-25-85, § 2)

Cross references: Creation of department and office of director, § 2-2-26.

Sec. 2-5-7. Identification of department employees.

The employees of the animal control department, while engaged in the execution of their duties, shall wear in plain view an identification badge containing the individual's name and stating "Floyd County Animal Control."

(Code 1979, § 2-4005(d); Ord. of 6-25-85, § 2)

Sec. 2-5-8. Interference with animal control officers.

It shall be unlawful to interfere with any animal control officer or to take or attempt to take any animal from any vehicle of an animal control officer used to transport such animal, or to take or attempt to take any animal from the animal control impounding areas.

(Code 1979, § 2-4025; Ord. of 6-25-85, § 2)

Sec. 2-5-9. Fees.

(a) The fees with respect to all services 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 headquarters of the animal control office and may be changed at any time and from time to time as determined by the board of commissioners.

(b) The fees established and collected under this chapter 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.

(Code 1979, § 2-4021; Ord. of 6-25-85, § 2)

Sec. 2-5-10. Violations--Issuance of citations.

(a) Upon information made known to the chief of police, or the chief's authorized representative, or to any animal control officer, or the county attorney, that any dog or other animal is in violation of this chapter, such officer or authorized representative shall cause a citation to be issued requiring said owner of such dog or other animal to appear before the judge of the magistrate court on a day and time certain, then and there to stand trial for violation of this chapter.

(b) Citations issued hereunder shall be pursuant to O.C.G.A. § 15-10-63 and shall be personally served upon the person accused. Each citation shall state the time and place at which the accused is to appear for trial.

(Code 1979, § 2-4030(a), (b); Ord. of 6-25-85, § 2)

Sec. 2-5-11. Same--Punishment.

(a) Any person violating the terms of this chapter, or rules and regulations promulgated pursuant thereto, may be punished as provided in section 2-1-8. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

(b) Any person convicted of a second offense for violating the terms of this chapter, or rules and regulations promulgated pursuant thereto, may be, in addition to the penalty provided in subsection (a) of this section, deprived of the right to keep an animal in the county for a period of up to two (2) years after such violation.

(Code 1979, §§ 2-4031(a), 2-4032; Ord. of 6-25-85, § 2)

Cross references: Violation constitutes a nuisance, § 2-5-22.

Sec. 2-5-12. Cruelty to animals.

(a) Whoever willfully or maliciously kills, abuses, maims or disfigures any animal or wilfully or maliciously administers poison to any animal or exposes any poisonous substance with intent that the same shall be taken and swallowed by such animal shall be in violation of this Code.

(b) Whoever overloads, overdrives, tortures, torments or deprives an animal of its necessary sustenance or shelter or beats, mutilates, or kills any animal or causes the same to be done, or carries in or upon vehicles or otherwise any animal in a cruel or inhumane manner shall be deemed in violation of this Code.

(c) Whoever confines any animal and fails to supply sufficient quantities of wholesome food and water, or who keeps any animal in any enclosure without wholesome exercise and change of air, or abandons to die any animal shall be deemed in violation of this Code.

(d) Any animal control officer shall impound any animal found to be treated cruelly. The disposition of such animal shall be at the discretion of the director of animal control or his designee. This disposition could include returning the animal to its owner or retaining the animal if the violation is found to be intentional.

(1) If the director of animal control determines that the cruelty is, in fact, intentional and a determination is made to retain the animal rather than return the animal, then the owner of the animal shall be given five (5) days' notice to object in writing to the director of animal control. A disposition of the animal shall be made as quickly after the five-day period as is reasonably practical.

(2) If an owner objects to the disposition of the animal as determined by the director of animal control or his designee, then the owner shall have the right to appeal said decision to the Floyd County Magistrate Court and said appeal shall be made within thirty (30) days of the decision. The animal control department will keep the animal in its custody and control pending said appeal unless otherwise directed by the court.

(Code 1979, § 2-4029; Ord. of 6-25-85, § 2; Ord. No. 2001-001A, § 1, 2-13-01)

State law references: Cruelty to animals, O.C.G.A. §§ 4-8-5, 16-12-4.

Sec. 2-5-13. Abandonment of animal.

It shall be unlawful to abandon any domestic animal.

(Code 1979, §§ 2-4003(2), 2-4024; Ord. of 6-25-85, § 2)

Sec. 2-5-14. Shelter and shade for dogs.

It shall be the duty of the owner of any dog kept outdoors or in any unheated enclosure to provide bedding and adequate shelter from the elements.

(Code 1979, § 2-4012; Ord. of 6-25-85, § 2)

Sec. 2-5-15. Use of animals as prizes.

It shall be unlawful to offer as a prize or give away any animal in any contest, raffle or lottery or as an enticement for fund-raising.

(Code 1979, § 2-4022; Ord. of 6-25-85, § 2)

Sec. 2-5-16. Motorist hitting animal to stop and report.

Any person who, while operating a motor vehicle, strikes or causes injury to any domestic animal shall notify the owner if known or ascertainable, as well as the animal control department, or the county police department, of the injury to and location of the animal.

(Code 1979, § 2-4023; Ord. of 6-25-85, § 2)

Sec. 2-5-17. Running at large.

It shall be unlawful for the owner of any animal, or any person having an animal in such custody, to allow it to run at large unattended on or about the streets and highways of the county, or on the property of another person without permission of the owner of that property, or of the person in possession of that property.

(Code 1979, § 2-4028; Ord. of 6-25-85, § 2)

Sec. 2-5-18. Confinement of female dog in heat.

Every female dog in heat shall be confined in a building or other enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding.
(Code 1979, § 2-4010(b); Ord. of 6-25-85, § 2)

State law references: Similar provisions, O.C.G.A. § 4-8-3.

Sec. 2-5-19. Restraining dogs so as to prevent molesting, etc., of persons--Generally.
Every dog shall be restrained and controlled so as to prevent it from molesting passersby, chasing vehicles, or attacking persons or other animals.
(Code 1979, § 2-4020(c); Ord. of 6-25-85, § 2)

Sec. 2-5-20. Same--Vicious animals.

Any animal which is vicious, and while on the property of its owner is not kept enclosed by way of a fence at least five (5) feet in height, the sides of which are embedded into the ground no less than one (1) foot, and the gate of which is secured by a childproof lock, and restrained by a leash or chain to prevent it from wandering out of the confined area, or, while off the real property of its owner, is not muzzled and kept secured by a leash or chain held by a competent person, is hereby declared to be a public nuisance; and any person who knowingly keeps, owns, harbors or acts as custodian of a vicious animal constituting such nuisance shall be in violation of this chapter and subject to punishment as hereinafter provided.
(Code 1979, § 2-4027; Ord. of 6-25-85, § 2; Ord. of 4-5-88, § 2)

Sec. 2-5-21. Staking animals on or near streets.

No person shall tie, stake or fasten any animal within any street, alley, sidewalk or other public place within the county or in such manner that the animal has access to any portion of any street, alley, sidewalk or other public place.
(Code 1979, § 2-4010(a); Ord. of 6-25-85, § 2)

Sec. 2-5-22. Nuisances.

Any animal that is declared a public nuisance animal by the definition appearing within this article shall be impounded if the owner of said animal is not known. If the owner is known, a citation may be issued. The animal will be held in accordance with section 2-5-34 of this Code unless the owner redeems the animal in accordance with section 2-5-35 of this Code. In addition to all other provisions of this chapter, any violation of this chapter is hereby deemed to be a continuing nuisance and may be abated by any application for injunction in the superior court or any other court of competent jurisdiction.
(Code 1979, § 2-4031(b); Ord. of 6-25-85, § 2; Ord. of 9-12-06)

Sec. 2-5-23. Same--Specific conditions constituting.

The owner of any animal which habitually barks, whines, howls or causes other objectionable noise; or which is at large, chases or runs after persons or vehicles; or which destroys or damages any property of another person; or which causes serious annoyance to a neighboring resident and interferes with reasonable use and enjoyment of the person's property; or which is otherwise offensive so as to create a nuisance shall be deemed to be committing an act in violation of this chapter.

(Code 1979, § 2-4026; Ord. of 6-25-85, § 2)

Cross references: For similar provisions enforced by the health officer, see § 2-11-6(5).

Sec. 2-5-24. Sanitary conditions.

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

(Code 1979, § 2-4011; Ord. of 6-25-85, § 2)

Cross references: Minimum distances from occupied buildings and minimum area for each animal, § 2-11-6(5).

Sec. 2-5-25. Rabies control--Inoculation; tag.

(a) (1) All cats and dogs owned, possessed, harbored or residing within the county shall be inoculated for the prevention of rabies by a veterinarian licensed to practice veterinary medicine in the state, using only those vaccines prescribed and/or approved by the state department of human resources.

(2) All cats and dogs shall be vaccinated against rabies once reaching three (3) months of age. All cats and dogs shall be revaccinated within twelve (12), twenty-four (24) or thirty-six (36) months as specified by the type of vaccine used. Any cat or dog found not to be vaccinated once reaching three (3) months of age must have the consent of a licensed veterinarian stating the reason why such cat or dog should not be vaccinated.

(3) Any person keeping, owning, harboring or having any other type of animal, excluding cats and dogs, is not required to have the animal vaccinated against rabies unless required by the laws of this state, but such failure to have such animal vaccinated is at the risk of such person.

(b) It shall be unlawful for any person to keep or harbor or allow to be kept or harbored any cat or dog without a collar which shall have attached thereto a valid vaccination tag as required by rabies control rules and regulations of the county board of health and by the laws of this state.

(c) The identification and collar prescribed in subsection (a) of this section shall be worn at all times by any cat or dog except when the cat or dog is participating in a pet show or exhibit. However, any cat or dog being shipped or transported through the county or any cat or dog entering the county only for the purpose of a temporary stay not exceeding fourteen (14) days shall be exempt from the provisions of this section, but shall be subject to all other rules and regulations of the county board of health.

(d) It shall be unlawful for any person to attach a vaccination or owner's license tag to the collar of any animal for which such tag was not issued, or to remove such tag from any animal without the consent of such animal's owner, possessor or custodian.

(Code 1979, §§ 2-4008(a), 2-4009; Ord. of 6-25-85, § 2; Ord. of 9-12-06)

State law references: Control of rabies, O.C.G.A. § 31-19-1 et seq.

Sec. 2-5-26. Same--Animal bites and biting dogs.

(a) Any person having information that an animal has bitten or attacked a person shall immediately report such information to the director of the animal control department and to the county board of health.

(b) Upon notice or complaint to the director that an animal has bitten a person, an animal control officer shall conduct an investigation of the incident and prepare a report. If the officer determines that a person has been bitten by an animal and the officer then makes a reasonable identification of the animal, the animal's owner shall be required to immediately confine the animal so that it is segregated and isolated for observation at the animal control center or at the

premises of a licensed veterinarian in the county for a period of ten (10) days from the date of the incident; provided, however, that in the discretion of the investigating officer, the owner may be allowed to confine, segregate and isolate the animal on the premises of the owner for a period not to exceed the first seventy-two (72) hours of the required ten-day confinement. The investigating officer may also allow a vaccinated female which is nursing offspring to be confined, segregated and isolated on the premises of the owner for the required ten-day confinement. Whenever an animal is confined on the premises of the owner pursuant to the requirements of this subsection, the confinement shall be subject to daily inspection by an animal control officer. Prior to requiring the confinement of an animal, the investigating officer may require an affidavit from the person or guardian of the person bitten.

(c) Whenever it becomes necessary to confine an animal pursuant to this section and the owner fails or refuses to confine the animal as required by this section, the owner shall be cited by the investigating officer and the animal shall be immediately impounded into the custody of the animal control department. The animal shall be impounded for a period of ten (10) days or until the end of the tenth day following the incident, whichever shall occur first. The owner of any animal impounded pursuant to this section shall have the opportunity to redeem the animal at any time during the impoundment provided the owner causes the animal to be confined as required under subsection (b). No animal shall be impounded pursuant to this section unless the investigating officer first obtains an affidavit from the person or guardian of the person bitten. (Code 1979, § 2-4013; Ord. of 6-25-85, § 2; Ord. of 11-9-92, §§ 1, 2; Amend. of 7-27-99, § 1)

Sec. 2-5-27. Same--Rules and regulations.

Insofar as the control of rabies is concerned, this chapter shall be construed and enforced consistently with any rules and regulations promulgated by the county board of health. The director of the animal control department and chief of police are authorized and directed to enforce any such rabies control rules and regulations which may now or hereafter be promulgated by the county board of health.

(Code 1979, § 2-4008(b); Ord. of 6-25-85, § 2)

Secs. 2-5-28--2-5-29. Reserved.

ARTICLE II. IMPOUNDMENT

Sec. 2-5-30. Alternative in event owner known.

To the extent practicable, an animal running at large unattended, the owner of which is known, shall be taken to the owner's residence, unless no adult person shall be present, in which event it shall be taken to the animal control center. In either event, a redemption fee shall be paid by the owner in an amount as set forth in section 2-5-9.

(Code 1979, § 2-4030(c); Ord. of 6-25-85, § 2)

Sec. 2-5-31. Duty of officers in event owner is not known.

In the event that the owner of any dog or other animal is not known and such dog or other animal is upon the public streets, alleys, sidewalks, school grounds, or other public places or premises or upon the property of another without that property owner's permission as prohibited by this chapter, upon complaint made to, or information made known to, the animal control

department, it shall be the duty of the animal control officer or such officer's authorized representative to take possession of the dog or other animal and impound it in the animal control center. Such impoundment shall be regulated as hereinafter set out.

(Code 1979, § 2-4030(d); Ord. of 6-25-85, § 2)

Sec. 2-5-32. Causes for taking up; action by private persons; notice to owner.

(a) Subject to those provisions of this chapter relating to rabies control and to the rules and regulations of the board of health, any animal found running at large or otherwise engaged in an activity or existing in a condition prohibited by this chapter shall be taken and impounded at the animal control center.

(b) Any person may take up and place with the animal control department any animal running at large in violation of this chapter.

(c) Any such person and any person in whose custody the animal may, in the meantime, be placed may deliver such animal to the animal control center without fee or charge or house the animal while attempting to locate and contact the owner. The animal control department shall hold and dispose of such animal in the same manner as though such animal had been found running at large and impounded by officers of the animal control department.

(d) Upon receipt of any animal impounded wearing a tag, the animal control department shall immediately make diligent efforts to ascertain the identity of the animal's owner and shall, within twenty-four (24) hours of receipt, telephone the owner to give notice of the impoundment. If the animal control department shall be unsuccessful in reaching the owner by telephone, it shall send notice of the impoundment to the owner by mail.

(Code 1979, § 2-2014; Ord. of 6-25-85, § 2)

Sec. 2-5-33. Medical treatment for animals.

When in the opinion of the director of the animal control department a diseased or injured animal in the custody of the animal control center is in need of immediate treatment so as to lessen the animal's suffering or to prevent the spread of communicable disease to other animals, such director shall immediately obtain the service of or place the animal with a licensed veterinarian practicing in the county for the purpose of administering necessary treatment.

(Code 1979, § 2-4019; Ord. of 6-25-85, § 2)

Sec. 2-5-34. Period of impoundment or confinement; disposition of wild animals; voluntary surrender of animals.

All periods specified herein shall be deemed to commence at 12:01 a.m., of the day following the day of impoundment or confinement:

(1) All impounded animals shall be kept at the animal control center for a period not less than seventy-two (72) hours unless redeemed within such period.

(2) A wild animal which has been captured by or placed within the custody of the animal control department shall not be deemed impounded and need not be retained for any minimum length of time. Such animal shall be returned to a park or wild area or to some other location as may be designated by the county manager. However, if there is probable cause to believe that the animal has an owner, the provisions of section 2-5-32 shall apply and the animal shall be considered impounded. The animal shall be retained for a period of seventy-two (72) hours to allow redemption by the owner, at the expiration of which period the animal shall be returned to such park, wild area or place designated.

(3) Any animal which is voluntarily surrendered to the animal control department shall be deemed permanently abandoned to the department and may be immediately adopted, destroyed or otherwise disposed of as though it had been impounded.

(Code 1979, § 2-4015; Ord. of 6-25-85, § 2)

Sec. 2-5-35. Redemption.

(a) In order for an owner to redeem an animal the owner must have the animal fully vaccinated for rabies if it has not been vaccinated within one (1) year from the redemption date and shall pay all applicable fees specified in section 2-5-9. Such redemption shall not effect 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 sanctions under this chapter.

(b) Any animal not redeemed within the period specified in section 2-5-34 shall be considered abandoned to the animal control department, in which event all rights of ownership shall be vested in the animal control department; and the owner shall have no further claim to such animal.

(c) Any dog or other animal not redeemed in accordance with this article may be released or adopted to the humane society. Any dog or other animal not redeemed in accordance with this section or not adopted by the humane society shall be destroyed in a humane manner.

(Code 1979, § 2-4016; Ord. of 6-25-85, § 2; Ord. No. 2000-004A, § 1, 7-25-00)

Sec. 2-5-36. Adoption.

(a) The animal control department shall endeavor to locate an adopter for adoptable animals. No adoption shall become final until the termination of such impoundment or confinement.

(b) As a condition precedent to adoption, all fees pursuant to section 2-5-9(a) shall be paid.

(c) The receipt given by the animal control department shall be title to any person adopting an animal.

(Code 1979, § 2-4017; Ord. of 6-25-85, § 2)

Sec. 2-5-37. Spaying and/or neutering of adopted animals.

(a) Any and all animals adopted from the animal control shelter shall be spayed or neutered by a licensed veterinarian.

(b) Any person adopting an animal from the animal control shelter must enter into a written agreement guaranteeing that a licensed veterinarian will perform sterilization within thirty (30) days after acquisition of such animal in the case of any sexually mature animal (one hundred eighty (180) days or six (6) months of age or older). In the case of a sexually immature animal (younger than one hundred eighty (180) days or six (6) months of age), the person adopting said animal would be given thirty (30) days from the date said animal reaches sexual maturity to have a licensed veterinarian perform sterilization.

(c) All costs of sterilization shall be the responsibility of the person acquiring such animal.

(d) Any person acquiring an animal from the animal control shelter shall submit a signed statement from the licensed veterinarian performing the sterilization within seven (7) days after such sterilization attesting that such sterilization has been performed.

(e) Any person failing to comply with this section will be guilty of a misdemeanor and if convicted will be subject to a fine not to exceed two hundred dollars (\$200.00).

(Code 1979, § 2-4020; Ord. of 6-25-85, § 2; Amend. of 11-8-94, § 1; Ord. of 9-12-06)

Sec. 2-5-38. Destruction of animals.

Any animal within one (1) of the following categories may be destroyed in the discretion of the director of the animal control department in as humane a manner as possible:

- (1) Any animal not redeemed within the period specified in section 2-5-34 and which by reason of age, disease or injury is not considered adoptable or otherwise placeable;
- (2) Any animal which is suffering excessively, without regard to whether the period of confinement designated in section 2-5-34 has expired;
- (3) Any animal which presents a real danger to persons or other animals, without regard to whether the period of confinement designated in section 2-5-34 has expired.

(Code 1979, § 2-4018; Ord. of 6-25-85, § 2)

Sec. 2-5-39. Reserved.

ARTICLE III. DANGEROUS DOGS

Sec. 2-5-40. Investigations by animal control officers; notice of classification as a dangerous dog.

Upon receiving a report of a dangerous dog or potentially dangerous dog within Floyd County, the animal control officer shall conduct an investigation in order to carry out the provisions of this article. If the dog is classified as a dangerous dog or potentially dangerous dog, the animal control officer shall notify the dog's owner pursuant to the provisions of section 2-5-41 of this Code. Such notice shall be complete upon its mailing.

(Ord. of 9-12-06, § 1)

Sec. 2-5-41. Procedures for classification as a dangerous dog or potentially dangerous dog; notice; hearing.

(a) *Applicability for enforcement purposes.* As applied to the owners of potentially dangerous dogs, the procedures provided for in this section must be carried out as a necessary condition for the enforcement of the provisions of this article against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this section shall not be an essential element of any crime provided for in this article or in the Code of Ordinances of Floyd County, Georgia.

(b) *Notice of classification required.* When a dangerous dog or potentially dangerous dog is classified as such, the animal control officer shall notify the dog's owner of such classification.

(c) *Contents of notice of classification.* The notice to the owner shall meet the following requirements:

(1) The notice shall be in writing and delivered in person by an animal control officer or mailed by certified mail to the owner's last known address.

(2) The notice shall include a summary of the animal control officers findings that formed the basis for the dog's classification as a dangerous dog or potentially dangerous dog.

(3) The notice shall be dated and shall state that the owner, within ten (10) days after the date shown on the notice, has the right to request a hearing on the animal control officers determination that the dog is a dangerous dog or potentially dangerous dog.

(4) The notice shall state that the hearing, if requested, shall be before the animal control board;

(5) The notice shall state that if a hearing is not requested, the animal control officer's determination that the dog is a dangerous or potentially dangerous dog will become effective for all purposes under this article 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

(6) The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such request to the animal control board and will advise the owner that failure to appear at the requested hearing will be deemed a withdrawal of the appeal and consent to the classification.

(d) *Hearing.* When the animal control board receives a timely request for a hearing as provided for in subsection (c) of this section, it shall schedule such hearing within thirty (30) days after receiving the request. Animal control shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the owner of the dog at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence and in addition thereto the board shall receive such other evidence and hear such other testimony as the board may find reasonably necessary to make a determination to sustain, modify or overrule the animal control officer's classification of the dog.

(e) *Notice of determination by animal control board.* Within ten (10) days after the date of the hearing, the board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

(Ord of 9-12-06, § 1)

Sec. 2-5-42. Restrictions on permitting dangerous or potentially dangerous dogs to be outside a proper enclosure.

It is unlawful for an owner of a dangerous dog or potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or substantial 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.

(Ord. of 9-12-06, § 1)

Sec. 2-5-43. Confiscation of dogs; grounds; disposition.

(a) 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 animal control officer if the:

(1) Owner of the dog does not secure the liability insurance or bond as required by subsection 2-5-44(c);

(2) Dog is not validly registered as required by subsection 2-5-44(a);

(3) Dog is not maintained in a proper enclosure; or

(4) Dog is outside a proper enclosure and in violation of section 2-5-42.

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

(1) Not validly registered as required by subsection 2-5-44(a);

(2) Not maintained in a proper enclosure; or

(3) Outside a proper enclosure in violation of section 2-5-42.

(c) Any dog that has been confiscated under the provisions of subsections (a) or (b) of this section shall be returned to its owner upon the owner's compliance with the provisions of this section and upon payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within ten (10) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner in accordance with section 2-5-38.

(Ord. of 9-12-06, § 1)

Sec. 2-5-44. Requirements for possession of a dangerous or potentially dangerous dog.

(a) *Certificate required.* It shall be unlawful for an owner to have or possess a dangerous dog or potentially dangerous dog without a certificate of registration issued by the county in accordance with the provisions of this section.

(b) *Conditions for issuance of certificate.* Subject to the additional requirements of subsection (c) for dangerous dogs, 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 director sufficient evidence of the following:

- (1) A proper enclosure to confine the dangerous dog or potentially dangerous dog; and
- (2) The posting at the premises with a clearly visible dangerous dog or potentially dangerous dog sign warning that there is a dangerous or potentially dangerous dog on the property.

(c) *Dangerous dogs.* In addition to the requirements of subsection (b), the owner of a dangerous dog shall present to the animal control director evidence of:

(1) *Insurance* . A policy of insurance in the amount of at least fifteen thousand dollars (\$15,000) issued by an insurer authorized to transact business in this state insuring the owner of a dangerous dog against liability for any personal injuries inflicted by the dangerous dog, and:

a. It shall be the continuing and sole duty of the owner to provide the director of animal control proof of an updated and effective policy;

b. The owner shall notify the director of animal control of any changes, renewals, and/or cancellations by certified written notice at least thirty (30) days prior to any change, renewal and/or cancellation;

c. The county shall have the right to rely on the representations of the owner that he will maintain the required insurance when he qualifies for the insurance of the certificate of registration.

(2) *Surety bond.* A surety bond in the amount of at least fifteen thousand dollars (\$15,000) issued by a surety company authorized to transact business in this state payable to any person injured by the dog.

(3) *Fees.* An annual fee to register dangerous dogs and potentially dangerous dogs as listed in the fee schedule book, referenced in section 2-5-9.

(d) *Right to inspect.* The animal control director or his designee shall have the right to inspect randomly and without notice a dangerous dog or potentially dangerous dog which is required to be confined pursuant to this section. Permission of the owner or person in custody of the animal confined shall not be unreasonably withheld.

(Ord. of 2006-006A, § 1, 9-12-06)

Sec. 2-11-6. Specific nuisances.

The following are specifically declared to be nuisances:

- (1) Toilets, other sanitary facilities, plumbing or sewers not in compliance with the rules and regulations of the county board of health or the state department of human resources.
- (2) Conditions conducive to the excessive breeding of flies, mosquitoes, or other insects in relation to surrounding conditions as determined by the health officer.
- (3) Pollution of the air by gases, vapors, fumes, mists, dust, or smoke in quantities sufficient to be disagreeable, discomforting, or detrimental to health or well-being in relation to the conditions of the surrounding area, as determined by the health officer.
- (4) Trash, garbage, refuse, or any foul, decaying or putrescent material kept in such quantities or used in such a manner or place as to be or become offensive, objectionable, or detrimental to health or well-being.

Cross reference--As to such nuisances, see also § 2-7-50 et seq.

- (5) Keeping of horses, mules, asses, cows, sheep, goats, hogs, dogs, rabbits, guinea pigs, hamsters, chickens, turkeys, geese, ducks, pigeons or similar animals or fowl except under the following conditions:
 - a. Any housing or enclosures used by such animals or fowl shall be well-drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the health officer.
 - b. Such animals or fowl shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner:

TABLE INSET:

Animals	Distance
Horses, mules, asses or cows	75 feet
Sheep or goats	75 feet
Hogs	900 feet
Dogs	25 feet
Rabbits, guinea pigs, or hamsters	25 feet
Chickens, turkeys, geese, ducks, pigeons or similar fowl	25 feet

c. Each such animal or fowl (except those raised in a commercial poultry house for profit or for distribution to a brokerage house) shall be provided with the following average minimum floor or ground area in the enclosure or housing in which it is kept:

TABLE INSET:

Animals	Area Per Animal
Horses, mules, asses or cows	200 square feet
Sheep or goats	150 square feet
Hogs	150 square feet
Dogs	100 square feet
Rabbits, guinea pigs or hamsters	4 square feet
Chickens, turkeys, geese, ducks, pigeons or similar fowl	4 square feet

d. All such animals or fowl, except dogs in areas where confinement of dogs under the rabies control regulations does not apply, shall be kept in adequate enclosures or tethered.

e. Diseased animals or fowl which might infect healthy animals or cause a menace to the public health shall be isolated or destroyed as the health officer deems necessary.

f. In the case of bona fide licensed pet shops, veterinary hospitals, stockyards poultry houses, and similar commercial establishments, the health officer may modify these requirements where undue hardship would result from their strict enforcement.

City of Rome

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

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

Abandoned animal means any animal that is placed upon public property or within a public building unattended or uncared for, or upon or within the private property of another without the express permission of the owner, custodian or tenant of such private property and unattended or uncared for. Any animal shall also be considered as abandoned which is upon or within the property of the owner or custodian of the animal for a period of time in excess of 36 hours unattended or without proper food and water.

Animal at large means an animal not under restraint.

Animal control center means the facility designated by the city manager, or as otherwise provided by contract, for the detention of animals.

Animal control superintendent means the person designated as such by the city manager, or by contract, to perform the duties prescribed by this article.

Animal under restraint means any animal:

- (1) Secured by a leash or lead or enclosed by way of fence or other enclosure;
- (2) Under the control of a responsible and competent person and obedient to that person's commands, that person being actually present with the animal; or
- (3) Confined within a vehicle that is parked or in motion.

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

***Cruelty* means any act of commission or omission whereby unjustified physical pain, suffering or death of an animal is caused or permitted. This includes failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, necessary veterinary care or nutritious food. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.**

***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; or**
- (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.**

***Potentially dangerous dog* means any dog that, without provocation, bites a human being on public or private property or acts in a threatening or aggressive manner toward a person that places said person in reasonable apprehension of immediately receiving a violent injury.**

Domesticated animal means any animal that is accustomed to live in or about the habitation of humans, including, but not limited to, cats, cows, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals.

Guard dog means any dog which has been trained to attack persons or other animals independently or upon oral command or 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.

Guide dog means a dog trained for and used by blind persons, visually handicapped persons and deaf persons.

Humane society means the Rome-Floyd County Humane Society, Inc.

Owner means any person owning, possessing, keeping, harboring or acting as custodian of a domesticated animal.

Vicious animal means:

(1) Any animal with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;

(2) Any animal which attacks a human being or other domestic animal one or more times without provocation; or

(3) Any pit bull terrier, which is defined as any Staffordshire bull terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier or American Staffordshire terrier as to be identifiable as partially of the breed of Staffordshire bull terrier or American Staffordshire terrier by a qualified veterinarian duly licensed as such by the state.

(Ord. No. 85-11-4, § 1, 11-4-85; Code 1981, § 4-4023)

Cross references: Definitions and rules of construction generally, § 1-2.

State law references: Rights of visually handicapped and deaf persons, O.C.G.A. § 30-4-1 et seq.

Sec. 4-2. Maintaining in unsanitary condition or so as to disturb peace.

It shall be unlawful for any person to keep or maintain any fowl or other animal in the corporate limits of the city in any manner so as to create an unsanitary or obnoxious condition or so as to disturb the peace.

(Code 1959, § 5-1; Code 1981, § 4-4001)

Sec. 4-3. Noisy or offensive animals.

It shall be unlawful for any person to keep, maintain or permit any fowl or other animal in the city in such manner as to become noisy, offensive or a nuisance to the neighbors or citizens of the city, or to disturb the peace of the city.

(Code 1959, § 5-2; Code 1981, § 4-4002)

Cross references: Noises generally, § 14-5.

Sec. 4-4. Cruelty to animals.

(a) Whoever willfully or maliciously kills, abuses, maims or disfigures any animal or wilfully or maliciously administers poison to any animal or exposes any poisonous substance with intent that the same shall be taken and swallowed by such animal shall be in violation of this Code.

(b) Whoever overloads, overdrives, overloads, tortures, torments or deprives an animal of its necessary sustenance or shelter or cruelly or unmercifully beats, mutilates, whips or kills any animal or causes the same to be done, or otherwise treats any animal in a cruel or inhumane manner shall be deemed in violation of this Code.

(c) Whoever confines any animal and fails to supply sufficient quantities of wholesome food and water, or who keeps any animal in any enclosure without wholesome exercise and change of air, or abandons to die any animal shall be deemed in violation of this Code.

(d) Any animal control officer shall impound any animal found to be treated cruelly. The disposition of such animal shall be at the discretion of the director of animal control or his designee. This disposition could include returning the animal to its owner or retaining the animal if the violation is found to be intentional.

(1) If the director of animal control determines that the cruelty is, in fact, intentional and a determination is made to retain the animal rather than return the animal, then the owner of the animal shall be given five (5) days' notice to object in writing to the director of animal control. A disposition of the animal shall be made as quickly after the five-day period as is reasonably practical.

(2) If an owner objects to the disposition of the animal as determined by the director of animal control or his designee, then the owner shall have the right to appeal said decision to the Floyd County Magistrate Court and said appeal shall be made within thirty (30) days of the decision. The animal control department will keep the animal in its custody and control pending said appeal unless otherwise directed by the court.

(Code 1959, § 5-3; Code 1981, § 4-4003)

Sec. 4-5. Poisoning animals.

(a) Any person who shall expose or put out, or cause to be exposed or put out, upon his own premises, or upon the premises of another, or upon the property owned or held through easement by the city, any substance known to be poisonous to animals, which is poured over, wrapped in or otherwise combined with food, with the apparent intent to entice such animals to eat such poisonous substance and become poisoned thereby shall, upon conviction, be punished as provided in section 1-9.

(b) The finding of such poisonous substance or poisoned food, together with proof as to the identity of the person exposing or putting out same, shall be prima facie evidence of the intent to poison and destroy such animals.

(Code 1959, § 5-4; Code 1981, § 4-4004)

Sec. 4-6. Hogs and goats prohibited within corporate limits.

Neither hogs nor goats shall be kept within the corporate limits of the city.

(Code 1959, § 5-5; Code 1981, § 4-4005)

Sec. 4-7. Horses and cattle permitted within corporate limits under certain conditions. Persons may keep and house horses and cattle within the corporate limits of the city, provided such animals are not permitted to run at large, and provided they, and the grounds upon which they are kept, are maintained in quiet and clean order so as not to become offensive to neighbors and the general public.
(Code 1959, § 5-5.1; Code 1981, § 4-4006)

Sec. 4-8. Fowl running at large prohibited. It shall be unlawful for any person to allow fowl of any kind to run at large in the city.
(Code 1959, § 5-7; Code 1981, § 4-4008)

Sec. 4-9. Bird sanctuary; area designated. The entire area within the corporate limits of the city is hereby designated as a bird sanctuary.
(Code 1959, § 5-8; Code 1981, § 4-4009)

Sec. 4-10. Birds or wildfowl; shooting, trapping, hunting, molesting or robbing nests of same prohibited; exception. It shall be unlawful for any person to trap without a federal permit, hunt, shoot or attempt to shoot or molest in any manner any bird or wildfowl or to rob bird nests or wildfowl nests within the city. Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular location that they constitute a nuisance or a menace to health or property, and if no satisfactory alternative is found to abate such nuisance, then these birds may be destroyed under the supervision of the chief of police.
(Code 1959, § 5-9; Code 1981, § 4-4010)

Sec. 4-11. Enforcement.

(a) Upon information made known to the chief of police or his authorized representative that any owner of any dog or other animal is in violation of this chapter, he shall cause a summons to be issued requiring the owner of such dog or other animal to appear before the judge of the municipal court on a day and time certain, then and there to stand trial for violation of this chapter. If a violation of this chapter has been personally witnessed by the chief of police or his authorized representative, a subpoena shall be issued to the person making the complaint to appear on the day and time set for trial, then and there to testify on behalf of the city.

(b) To the extent practicable, an animal running at large unattended and whose owner is known shall be taken to the owner's residence, unless no adult person shall be present, in which event it shall be taken to the animal control center. In either event, a redemption fee shall be paid by the owner.

(c) If the owner of any dog or other animal is not known and such dog or other animal is upon the public streets, alleys, sidewalks, school grounds, or other public places or premises or upon the property of another without that property owner's permission as prohibited by this chapter, upon complaint made to, or information made known to the animal control department, it shall be the duty of the animal control superintendent or his authorized representative to take possession of the dog or other animal and impound it in the animal control center. Such impoundments shall be regulated as set out in this chapter.

(Ord. No. 82-2-1, § 2, 2-15-82; Code 1981, § 4-4030)

Sec. 4-12. Penalty; second offense.

(a) Any person violating the terms of this chapter, or rules and regulations promulgated pursuant thereto, may be punished as provided in section 1-9. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

(b) Any person convicted of a second offense for violating the terms of this chapter, or rules and regulations promulgated pursuant hereto, may be, in addition to the penalty provided in subsection (a) of this section, deprived of the right to keep an animal within the corporate limits of the city for a period of up to two (2) years after such violation.

(Ord. No. 83-4-2, § 1, 4-4-83; Code 1981, § 4-4043)
Secs. 4-13--4-45. Reserved.

ARTICLE II. ANIMAL CONTROL*

***State law references:** Dogs, O.C.G.A. § 4-8-1 et seq.; destroying or injuring police dog, O.C.G.A. § 16-11-107; state assistance for control or elimination of wild or abandoned dogs, O.C.G.A. § 27-1-7; hunting with dogs, O.C.G.A. § 27-3-16; dogs endangering deer, O.C.G.A. § 27-3-49; guide dogs for the handicapped, O.C.G.A. § 30-4-1 et seq.; control of rabies, O.C.G.A. § 31-19-1 et seq.

Sec. 4-46. Purpose.

The purpose of this article is to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city. This article sets forth necessary controls on the unrestrained activities of vicious animals which threaten the safety and pleasantness of streets, parks, sidewalks, yards, and all areas of the city. The lack of knowledge or intent is not a defense in violation thereof.

(Ord. No. 85-11-3, § 1, 11-4-85; Code 1981, § 4-4022)

Sec. 4-47. Contract.

The city may contract with the county for animal control.

Sec. 4-48. Public nuisance.

Any animal which:

- (1) Is found at large in violation of section 4-49, 4-50, or 4-51;
- (2) Is a vicious animal and while on the property of its owner is not kept enclosed by a fence at least five feet in height, the sides of which are embedded into the ground no less than one foot, and the gate of which is secured by a child proof lock, and restrained by a leash or chain to prevent it from wandering out of the confined area; or while off the real property of its owner, is not muzzled and kept secured by a leash or chain held by a competent person;

- (3) Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the city;
 - (4) Attacks passersby or passing vehicles;
 - (5) Makes or causes frequent or long continued noise which disturbs the comfort or repose of any person in the vicinity; or
 - (6) Is inimical to the public health, welfare or safety according to rules and regulations promulgated by the county board of health;
- is hereby declared to be a public nuisance, and any person who knowingly keeps, owns, harbors or acts as custodian of an animal constituting a nuisance shall be guilty of an unlawful act and shall be punishable as provided in this chapter.
(Ord. No. 85-11-5, § 1, 11-4-85; Code 1981, § 4-4024)

Sec. 4-49. Running at large prohibited.

It shall be unlawful for the owner of any animal, or any person having an animal in his custody, to allow it to run at large unattended on or about the streets and highways of the city, or on the property of another person without permission of the owner of that property or of the person in possession of that property.
(Code 1981, § 4-4025)

Sec. 4-50. Duty to keep animal under restraint while on property.

It shall be the duty of every owner of any animal, or any person having any animal in his possession or custody, to ensure that the animal is enclosed by a fence or other enclosure or is restrained by a chain or leash or in some other physical manner or under control by a competent person so that it cannot wander off of the real property limits of its owner, possessor or custodian except as provided in this article, it being the intent of this article that all animals be prevented from leaving while unattended the real property limits of their owners, possessors or custodians thereof.
(Code 1981, § 4-4026)

Sec. 4-51. Duty to keep animal under restraint while off property.

- (a) It shall be the duty of the owner of any animal or any person having an animal in his possession to keep that animal under control at all times while the animal is off the real property limits of the owner, possessor, or custodian.
- (b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Under control means confined within a vehicle, parked or in motion, secured by a leash or other device held by a competent person, or properly confined within an enclosure with the permission of the owner of the property where the enclosure is located.
(Code 1981, § 4-4027)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 4-52. Vaccinations for rabies; dogs.

- (a)(1) All cats and dogs owned, possessed, harbored or residing within the corporate limits of the city shall be inoculated for the prevention of rabies by a veterinarian licensed to practice veterinary medicine in the state, using only those vaccines prescribed and/or approved by the state department of human resources.

(2) All cats and dogs shall be vaccinated against rabies once reaching three (3) months of age. All cats and dogs shall be revaccinated within twelve (12), twenty-four (24), or thirty-six (36) months as specified by the type of vaccine used. Any cat or dog found not to be vaccinated once reaching three (3) months of age must have the consent of a licensed veterinarian stating the reason why such cat or dog should not be vaccinated.

(3) Any person keeping, owning, harboring, or having any other type of animal, excluding cats and dogs, is not required to have the animal vaccinated against rabies unless required by the laws of this state, but such failure to have such animal vaccinated is at the risk of such person.

(b) Any person keeping, owning, harboring, or having any cat or dog shall maintain a valid vaccination tag for any such cat or dog as required by rabies control rules and regulations of the laws of this state.

(c) It shall be unlawful for any person to attach a vaccination or owner's license tag to the collar of any animal for which such tag was not issued, or to remove such tag from any animal without the consent of such animal's owner, possessor or custodian.

(Code 1981, § 4-4028)

Sec. 4-53. Animal control center; appointment of animal control superintendent and officers.

(a) The city manager shall designate an area to be known as the city animal control center.

(b) The city manager shall appoint a person to be known as the animal control superintendent to supervise such other persons as is necessary to operate the animal control center.

(c) The animal control superintendent shall be charged with responsibilities including, but not limited to, the following:

(1) Cooperating with the rabies control officer and the county board of health and assisting in the enforcement of the laws of the state with regard to dogs, and especially with regard to the vaccination of said dogs against rabies and the confinement or leashing of vicious dogs.

(2) Investigating all complaints made regarding animals.

(3) Issuing warning citations to ordinance offenders.

(4) Enforcing, only through duly authorized personnel, all state laws and ordinances enacted by the city for the care, control and custody of animals.

(5) Exacting, collecting, reporting and remitting fees and costs.

(6) Supervising and being in charge of the city animal control center.

(Ord. No. 82-2-1, § 3, 2-15-82; Code 1981, § 4-4032)

Cross references: Administration, ch. 2.

Sec. 4-54. Impounding dogs and cats--Redemption and destruction.

Any dog or other animal within the city without an owner, or any dog or other animal running at large at any time, or any dog or other animal within the city whose owner fails to have the dog or other animal vaccinated by a rabies inspector or a licensed veterinarian, in accordance with the laws of the state, shall be impounded or confined in the animal control center for a period of 72 hours for redemption by the owner, if any. Any dog or other animal not redeemed in accordance with this section may be released to the humane society. Any dog or other animal not

redeemed in accordance with this section or not accepted by the humane society in accordance with this section shall be destroyed in a humane manner.
(Ord. No. 82-2-1, § 5, 2-15-82; Code 1981, § 4-4033)

Sec. 4-55. Same--Redemption procedures; disposition of funds.

(a) Not later than two days after any dog or other animal has been taken to the animal control center, notice thereof shall be given to its owner or, if the owner is unknown, then notice thereof shall be posted for three days or until the animal is disposed of, on a bulletin board at the animal control center, with a description of the animal and the time and place of taking the animal, together with the time and date of posting the notice. The time for the redemption of the animal, as provided in this article, shall not begin to run until such notice has been given or posted.

(b) In order for an owner to redeem an animal, the owner must have the animal fully vaccinated for rabies by an authorized rabies inspector or licensed veterinarian, if it has not been so vaccinated within one year from the redemption date and shall pay a penalty in an amount provided by contract, plus a cost to the animal control department for taking and caring for the animal, as provided by contract.

(Ord. No. 82-2-1, § 6, 2-15-82; Code 1981, § 4-4034)

Sec. 4-56. Guard dogs.

It shall be the duty of each owner, tenant or custodian of property upon or within which a guard dog is located to conspicuously and prominently post the following notice on the outside of the property:

"WARNING
GUARD DOG"

in either red or black letters upon a white background, large enough to be easily read at a distance of 25 feet. In the case of a building, the notice shall be conspicuously posted on or about every entrance and every exit. In the case of a general enclosure in which a guard dog is located, the notices shall be conspicuously posted upon the enclosure at a distance not greater than 50 feet apart as well as upon every entrance and every exit through the enclosure. In the case of apartments, condominiums or businesses located within a larger building where the guard dog is located within the apartment, condominium or building solely, the notice shall be conspicuously posted on or about every entrance and every exit. Failure to comply with this section shall be punishable as provided in this chapter.

(Code 1981, § 4-4035)

Sec. 4-57. Dogs suspected of being rabid--Generally; diseased dogs.

Any animal impounded which appears to be suffering from rabies, or if affected with rabies, shall not be redeemed but shall be kept for ten (10) days under observation; and thereafter if the animal control officer determines that the animal is affected with the disease, the animal shall be destroyed in a humane manner. Otherwise, it shall be subject to redemption as provided in this article. Any animal which is suffering from any infectious, contagious or dangerous disease may be redeemed by the owner in order to provide proper treatment for the animal.

(Code 1981, § 4-4036)

Sec. 4-58. Same--Duty of owner or custodian; procedure in suspected cases.

a) Any animal that shows symptoms of rabies, or which has bitten any person, shall be penned up immediately by its owner or immediate custodian, and the animal control center shall be notified immediately. The animal shall be confined in a place approved by the animal control superintendent, and under conditions approved by him for not less than ten (10) days, and the animal shall be subject to observation by a person designated by the superintendent at all times during this period.

(c) If rabies does not develop within this period, then the animal shall be released to his owner; but, if rabies does develop, the animal shall be destroyed in a humane manner.

(Code 1981, § 4-4037)

Sec. 4-59. Teasing; molesting; poisoning.

It shall be unlawful for any person to tease, molest, bait, poison or in any way bother any animal not belonging to him or legally under his control.

(Code 1981, § 4-4038)

Sec. 4-60. Injuring companion animals; notice required.

It shall be unlawful for any person injuring a companion animal by running over or into the animal, or coming into contact with it with an automobile, motorcycle, bicycle or other vehicle, to fail to notify immediately the owner of the animal, the animal control center or the police department.

(Code 1981, § 4-4039)

Sec. 4-61. Abandonment.

It shall be unlawful for anyone to knowingly abandon any animal within the city. Each person who knowingly abandons an animal, or willingly permits such abandonment, or aids in the abandonment of any animal, shall be in violation of this section.

(Code 1981, § 4-4040)

Sec. 4-62. Wild animals--Permit.

No person shall have, keep or maintain any wild, exotic, dangerous or nondomestic animal or reptile without first applying to and receiving from the police department a permit to do so. The charge for this permit shall be as set forth in the fee schedule book of the city as provided in section 8-36.

(Code 1981, § 4-4041)

Cross references: Police, ch. 17.

Sec. 4-63. Same--Authority of police department.

The police department is hereby vested with the authority to issue permits to any person for the keeping or maintaining of any wild, exotic, dangerous or nondomestic animal or reptile when, in the opinion of the chief of police, any such animal or reptile may be kept or maintained without menacing the safety of any person or property. Provided, however, that the police department may require any such animal or reptile to be properly caged or secured or may make

additional rules or regulations regarding the keeping or maintaining of any such animal or reptile, and may revoke any permit for any violation of any of the provisions of this chapter or of any of the rules and regulations of the police department, or when, in the opinion of the chief of police, the safety of any person or property is menaced by the keeping of any such animal or reptile.

(Code 1981, § 4-4042)

ARTICLE III. DANGEROUS DOGS

Sec. 4-64. Investigations by animal control officers; notice of classification as a dangerous dog.

Upon receiving a report of a dangerous dog or potentially dangerous dog within the city limits, the animal control officer shall conduct an investigation in order to carry out the provisions of this article. If the dog is classified as a dangerous dog or potentially dangerous dog, the animal control officer shall notify the dog's owner pursuant to the provisions of 4-65(b) of this Code. Such notice shall be complete upon its mailing.

Sec. 4-65. Procedures for classification as a dangerous dog or potentially dangerous dog; notice; hearing.

(a) **Applicability for enforcement purposes.** As applied to the owners of potentially dangerous dogs, the procedures provided for in this section must be carried out as a necessary condition for the enforcement of the provisions of this article against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this section shall not be an essential element of any crime provided for in this article or in the Code of the City of Rome, Georgia.

(b) **Notice of classification required.** When a dangerous dog or potentially dangerous dog is classified as such, the animal control officer shall notify the dog's owner of such classification.

(c) **Contents of notice of classification.** The notice to the owner shall meet the following requirements:

(1) The notice shall be in writing and delivered in person by an animal control officer or mailed by certified mail to the owner's last known address.

(2) The notice shall include a summary of the animal control officer's findings that formed the basis for the dog's classification as a dangerous dog or potentially dangerous dog.

(3) The notice shall be dated and shall state that the owner, within ten (10) days after the date shown on the notice, has the right to request a hearing on the animal control officer's determination that the dog is a dangerous dog or potentially dangerous dog.

(4) The notice shall state that the hearing, if requested, shall be before the animal control board;

(5) The notice shall state that if a hearing is not requested, the animal control officer's determination that the dog is dangerous or potentially dangerous will become effective for all purposes under this article 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

(6) The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such request to the animal control board and will advise the owner that failure to appear at the requested hearing will be deemed a withdrawal of the appeal and consent to the classification.

(d) Hearing. When the animal control board receives a timely request for a hearing as provided for in subsection (c) of this section, it shall schedule such hearing within thirty (30) days after receiving such request. Animal control shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the owner of the dog at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence and, in addition thereto, the board shall receive such other evidence and hear such other testimony as the board may find reasonably necessary to make a determination to sustain, modify, or overrule the animal control officer's classification of the dog.

(e) Notice of determination by animal control board. Within ten (10) days after the date of the hearing, the board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

Sec. 4-66. Restrictions on permitting dangerous or potentially dangerous dogs to be outside a proper enclosure.

It is unlawful for an owner of a dangerous dog or potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or substantial 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.

Sec. 4-67. Confiscation of dogs; grounds; disposition.

(a) 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 animal control officer if the:

(1) Owner of the dog does not secure the liability insurance or bond as required by subsection Sec. 4-68(c);

(2) Dog is not validly registered as required by subsection Sec. 4-68(a);

(3) Dog is not maintained in a proper enclosure; or

(4) Dog is outside a proper enclosure and in violation of Sec. 4-66.

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

(1) Not validly registered as required by 4-68(a)

(2) Not maintained in a proper enclosure; or

(3) Outside a proper enclosure in violation of section 4-66.

(c) Any dog that has been confiscated under the provisions of subsections (a) or (b) of this section shall be returned to its owner upon the owner's compliance with the provisions of this section and upon payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within ten (10) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner in accordance with section 4-54.

Sec. 4-68. Requirements for possession of a dangerous or potentially dangerous dog.

(a) Certificate required. It shall be unlawful for an owner to have or possess a dangerous dog or potentially dangerous dog without a certificate of registration issued by the county in accordance with the provisions of this section.

(b) Conditions for issuance of certificate. Subject to the additional requirements of subsection (c) for dangerous dogs, 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 director sufficient evidence of the following:

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

(2) The posting at the premises with a clearly visible dangerous dog or potentially dangerous dog sign warning that there is a dangerous or potentially dangerous dog on the property.

(c) Dangerous dogs. In addition to the requirements of subsection (b), the owner of a dangerous dog shall present to the animal control director evidence of:

(1) Insurance. A policy of insurance in the amount of at least fifteen thousand dollars (\$15,000) issued by an insurer authorized to transact business in this state insuring the owner of a dangerous dog against liability for any personal injuries inflicted by the dangerous dog, and:

a. It shall be the continuing and sole duty of the owner to provide the director of animal control proof of an updated and effective policy;

b. The owner shall notify the director of animal control of any changes, renewals, and/or cancellations by certified written notice at least thirty (30) days prior to any change, renewal and/or cancellation;

c. The county shall have the right to rely on the representations of the owner that he will maintain the required insurance when he qualifies for the insurance of the certificate of registration.

(2) Surety bond. A surety bond in the amount of at least fifteen thousand dollars (\$15,000) issued by a surety company authorized to transact business in this state payable to any person injured by the dog.

(3) Fees. An annual fee to register dangerous dogs and potentially dangerous dogs as listed in the fee schedule book, reference in Sec. 8-36.

(d) Right to inspect. The animal control director or his designee shall have the right to inspect randomly and without notice a dangerous dog or potentially dangerous dog which is required to be confined pursuant to this section. Permission of the owner or person in custody of the animal confined shall not be unreasonably withheld.