

Chapter 4

ANIMALS

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Section 4-0A ARTICLE I. IN GENERAL

Section 4-1 Provisions saved from repeal.

Sections 6-1 through 6-15 of the Code of Ordinances of 1958 are hereby saved from repeal. A copy of these sections shall be on file in the office of the city clerk.

Section 4-2 4-2--4-25. Reserved.

Section 4-25A ARTICLE II. ANIMAL CONTROL

Section 4-26 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 control board means a board established by the city council to perform duties as set forth in this article. The board shall consist of a member of the humane society designated by the humane society who shall serve as chairperson, and two (2) residents of the city as designated by the city council. A new animal control board shall be established on an annual basis, beginning with the second meeting of the city council in the new calendar year or as soon thereafter as practicable. The serving animal control board shall continue in office until the new board is appointed.

Animal control officer means an employee of the humane society whose duties specifically include enforcement of the provisions of this article.

At large means an animal that is not confined within a proper enclosure as defined by this article and is not under restraint as defined by this article.

Dangerous animal means any animal that, according to the record of an appropriate authority:

- (1) Inflicts a severe injury on a human being or domesticated animal without provocation on public or private property at any time after March 31, 1989; or

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- (2) Aggressively bites, attacks, or endangers the safety of humans or domesticated animals without provocation after the animal has been classified as a potentially dangerous animal and after the owner has been notified of such classification.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a dangerous animal or potentially dangerous animal within the meaning of this article. An animal shall not be a dangerous animal or a potentially dangerous animal within the meaning of this article if the injury inflicted by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the animal or had in the past been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime.

Domesticated animal means cat, dog, or any other animal that is kept and cared for as a pet.

Governing authority means the city council.

Humane society means the Thomasville-Thomas County Humane Society or its agent.

Local government means the City of Thomasville, Georgia, a municipal corporation.

Nuisance, as referred to in this chapter, means:

- (1) Allowing or permitting an animal to damage the property, both real or personal, of anyone other than its owner, including but not limited to, the disruption or destruction of trash receptacles, garbage containers, gardens, flower beds, or vegetation; or
- (2) Allowing or permitting an animal to defecate on the property of another; or
- (3) Maintaining an animal in an unsanitary environment which may result in:
 - a. Endangerment to the animal, or
 - b. Endangerment to the public health, safety or welfare of the city through the increased probability of disease transmission, or
 - c. Offensive odors; or
- (4) Allowing or permitting an animal to bark, whine, howl, crow, or cackle in an excessive or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or
- (5) Maintaining an animal that habitually or repeatedly, without provocation, chases, snaps at or attacks pedestrians, joggers, bicyclists and the like or similarly responds to other animals being walked on a leash; or
- (6) Maintaining animals in number, density or location on the property that allows the owner's property to be offensive, annoying or dangerous to the public health, safety or welfare of the community.

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 an animal within the corporate limits of the city.

Potentially dangerous animal means any animal which without provocation bites a human being on public or private property at any time after March 31, 1989.

Pound means any premises designated by the humane society for animals found at large in violation of this article.

Proper enclosure means an enclosure for keeping a dangerous animal or potentially dangerous animal, while on the owner's property, securely confined. Proper enclosure is further defined to mean that if a dangerous animal or potentially dangerous animal is maintained out of doors, then the dangerous animal or potentially dangerous animal must be confined in a pen or kennel of sufficient size for the humane confinement of the animal. The kennel or pen must have secure sides and a secure top attached to all sides. The kennel or pen must have sides which are buried into the ground for a minimum of two (2) feet or the sides must be securely attached to a concrete pad or the sides must be securely attached to a wire bottom. The gate to the kennel must be locked at all times when the animal is confined therein. The kennel or pen must be located within a perimeter fence, and the kennel or pen shall not share common fencing with the perimeter fence, and the perimeter fence shall be of suitable design and construction so

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as to prevent the entry of small children and so as to prevent the escape of the dangerous or potentially dangerous animal. The matter of whether an enclosure for the confinement of a dangerous animal qualifies as a proper enclosure under this definition shall be left to the determination of the animal control officer whose determination in that regard shall be final and from which determination there shall be no appeal.

Rabies control officer means an employee of the county board of health whose specific duties include enforcement of the rabies control rules and regulations of the county.

Records of an appropriate authority means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state, or local court; or records maintained by the animal control officer pursuant to this article.

Restraint means an animal that is:

- (1) Confined within a proper enclosure as defined in this section;
- (2) Confined within a fenced area bordered by fencing of such construction and design so as to prevent the animal from being at large;
- (3) Secured humanely by chain, cable or free running line no longer than fifty (50) feet and no shorter than ten (10) feet, but in no event shall the chain, cable or free running line allow the animal to come closer than ten (10) feet to any adjoining property line or right-of-way;
- (4) Secured within a vehicle being driven or parked on city streets or parked at any other location within the city; or
- (5) Controlled by a leash not over ten (10) feet in length attached to a secure collar.

No dangerous or potentially dangerous animal shall be taken off the property of the owner unless it is attended by the owner and restrained by secure collar and leash not over six (6) feet in length and muzzled so as to prevent the animal from biting persons or other domestic animals.

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.

(Ord. of 3-12-90(2), § 1; Ord. of 3-23-98, § I)

Section 4-27 Keeping of animals.

(a) *General requirements.*

- (1) Every person desiring to keep animals within the corporate limits of the city shall provide and maintain adequate and sanitary facilities for the keeping of such animals in accordance with the standards required by the provisions of this article and the laws of the state.
- (2) In addition every dog and cat kept within the corporate limits of the city shall be inoculated at least annually by a licensed and accredited veterinarian with a recognized antirabies vaccine, approved by the state department of human resources. Each such dog and cat shall wear a tag showing current antirabies inoculation.

(b) *Restraint requirement.* Every owner of an animal shall keep such animal under control to prevent its being at large. When animals are off the owner's premises, they must at all times be under the direct control of such owner or other competent person by means of a secure leash, or other such device, not over ten (10) feet in length or secured within a vehicle.

(c) *Nuisances.* It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance. Whenever an animal is kept in such manner as to constitute a nuisance, the owner or keeper thereof shall be subject to the provisions of section 1-6 of this Code.

(Ord. of 3-12-90(2), § 1; Ord. of 3-23-98, § I)

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Section 4-28 Impoundment, redemption, adoption, destruction of animals.

(a) Animals running at large, shall be taken into custody by an animal control officer and shall be impounded and confined in the humane society pound in a humane manner until disposition can be made of them in accordance with the provisions of this article.

(b) Immediately upon impounding an animal, the humane society shall make reasonable effort to notify the owner, if known, of such animal of its impoundment and to further inform such owner of the conditions under which the animal may be reclaimed. All conditions and fees required for the administration of this article shall be set by the humane society, which conditions and fees shall be prominently posted on the premises operated by the humane society for animal control. This section shall not apply to impounded dangerous animals or potentially dangerous animals.

(c) If the owner of any impounded animal shall not claim such animal within five (5) days after notice of impoundment or if the owner is unknown and cannot be found after reasonable effort within five (5) days after impoundment, such animal may be released to any person desiring to adopt the animal upon payment of the prescribed fee set by the humane society, or in the sole discretion of the humane society the animal may be humanely destroyed.

(d) Notwithstanding any other provisions of this article, the humane society has the absolute authority, after receiving a concurring opinion from a licensed veterinarian, to humanely destroy any animal at any time whatsoever which is suffering extreme pain, has incurred an irreversible medical condition which might reasonably prove to be fatal in the immediate future, or carries a communicable disease dangerous to animals or humans.

(Ord. of 3-12-90(2), § 1; Ord. of 3-23-98, § I)

Section 4-29 Humane treatment and cruelty to animals.

(a) All animals shall at all times be furnished with adequate food, water, shelter, and protection from the elements. It shall be unlawful for any person to treat any animal in a cruel manner, to abandon any animal, or to release any animal upon public or private property with the intention or appearance of abandoning it.

(b) It shall further be unlawful for any person willfully and cruelly to injure or kill any animal by any mode or means causing it unnecessary fright or pain, and it shall further be unlawful for any person, by neglect or otherwise, to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of any pain, suffering or injury so caused to any animal. Acts violating this section shall include, but are not limited to the following:

- (1) Failure to provide adequate shelter from inclement weather;
- (2) Failure to provide animals food for a period of more than twenty-four (24) hours or water for more than eighteen (18) hours;
- (3) Abandoning or the appearance of abandonment of any animal on private or public property;
- (4) Failure on the part of the driver of a motor vehicle to stop or to call the police or other agencies for assistance after striking or injuring an animal by the motor vehicle;
- (5) Leaving or exposing any poisonous substance, food or drink, for man, animal or fowl, or to aid or abet any person in so doing, except insect or rodent poison when used for the control of insects, mice or rodents.

(Ord. of 3-12-90(2), § 1; Ord. of 3-23-98, § I)

Section 4-30 Interference or Obstruction of Officer.

No person shall resist, interfere with, obstruct, hinder, or molest any animal control officer or any agent of the humane society in the performance of the duties imposed upon them by this article or seek to

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release any animal in the custody of the humane society, except as provided in this article.
(Ord. of 3-23-98, § 1)

Section 4-31 Records.

(a) It shall be the duty of the humane society to keep or cause to be kept accurate and detailed records of the impoundment and disposition of all animals coming into its custody.

(b) It shall be the duty of the humane society to keep or cause to be kept accurate and detailed records of all moneys, which records shall be open to inspection at reasonable times by the person responsible for similar records of the city. Such records shall be available for audit by the city annually in the same manner as other city records are audited.

(Ord. of 3-12-90(2), § 1)

Section 4-32 Dangerous and potentially dangerous animals.

(a) It shall be the duty of the animal control officer to identify dangerous animals and the owners of dangerous animals within the territorial boundaries of the city. Whenever the animal control officer classifies an animal as a dangerous animal or potentially dangerous animal or reclassifies a potentially dangerous animal as a dangerous animal, notice shall be given the animal's owner in writing by personal service or by certified mail to the owner at the owner's last known address of such classification or reclassification. Such notice shall be deemed complete upon its personal service on the owner or upon mailing, as set out in sub-section (b) of this section.

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

(1) The notice shall be in writing and either served personally on the owner 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 animal's classification as a dangerous or potentially dangerous animal;

(3) The notice shall be dated and shall state that the owner, within fifteen (15) days after the date shown on the notice, has a right to request a hearing on the animal control officer's determination that the animal is a dangerous animal or a potentially dangerous animal before the animal control board;

(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 animal is a dangerous animal or a potentially dangerous animal will become effective for all purposes under this section on the day after the last day on which the owner has a right to request a hearing;

(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.

(c) In the event the owner of the animal requests a hearing pursuant to this section, then notwithstanding such request, the owner, immediately after receipt of the notice described above, shall cause the animal to be placed under restraint or shall cause the animal to be confined in a proper enclosure. The animal shall remain so restrained or confined until a final determination by the animal control board of the proper classification of the animal, as set forth in this section. Further, until such determination is made by the animal control board, the animal shall not be sold, given or transferred to any other person or party located in the county.

(d) When the animal control board receives a request for a hearing, it shall schedule such hearing within thirty (30) days after receiving the request. The animal control board shall notify the animal owner in writing by certified mail of the date, time, and place of the hearing. No member of the animal control board may participate in a hearing on any matter in which such member previously participated in the classification of the animal at issue. At the hearing, the owner of the animal shall be given the opportunity

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to testify and present evidence, and in addition thereto the animal control board shall receive such evidence and hear such other testimony as the animal control board may find reasonably necessary to make a determination either to sustain, modify or overrule the animal control officer's classification of the animal. Within ten (10) days after the date of the hearing, the animal control board shall notify the owner in writing by certified mail of its determination on the matter. If such determination is that the animal is a dangerous animal or a potentially dangerous animal, the notice shall specify it is effective on the third day following the date of receipt by the owner.

(e) Subject to the requirements of this section, the animal control officer shall issue a certificate of registration to the owner of a dangerous animal or potentially dangerous animal if the owner presents to the animal control officer or if the animal control officer finds sufficient evidence of the following:

- (1) A proper enclosure to confine the dangerous animal or potentially dangerous animal; and
- (2) The posting of the premises where the dangerous animal or potentially dangerous animal is located with a clearly visible sign warning that there is a dangerous animal on the premises and containing a symbol designed to inform children of the presence of the animal. The posting of the premises shall meet the following requirements:
 - a. The sign shall be in the shape of a diamond, similar to a standard highway warning sign, composed of .08 gauge aluminum sheeting and measuring twelve (12) by twelve (12) inches.
 - b. The circle shall measure ten and three-quarters (10 3/4) inches in diameter. The figure of the person shall measure five (5) inches from the top of his finger to the bottom of his feet. The top of the animal's tail to the person's elbow shall measure six and three-quarters (6 3/4) inches. The word "DANGER!" shall measure one and one-eighth (1 1/8) inches by six (6) inches. An illustration of the sign is on file in the city clerk's office.
 - c. The sign shall utilize two (2) colors: standard yellow and black. The background of the sign shall be in standard yellow. The circle, the figures of the person and the word "DANGER!" shall be in black.
- (3) Payment to the city of an initial fee in the amount of two hundred dollars (\$200.00) to defray the cost of administering and enforcing this section, which shall include the cost of the sign referred to above. As long as the owner continues to maintain possession of the dangerous animal, the owner shall pay to the city an administrative fee of fifty dollars (\$50.00) on every anniversary of the payment of the administrative fee. In the event the sign originally posted is lost, destroyed or damaged, additional signs may be obtained at an amount to be designated by the city manager.

(f) In addition to the requirements of subsection (e) of this section, the owner of a dangerous animal shall present evidence to the animal control officer of the following:

- (1) A policy of insurance in the amount of at least fifteen thousand dollars (\$15,000.00) issued by an insurer authorized to transact business within the state insuring the owner of the animal against liability by the dangerous animal; or
- (2) A surety bond in the amount of fifteen thousand dollars (\$15,000.00) or more issued by a surety company authorized to transact business in this state payable to any person injured by the dangerous animal.

(g) The owner of a dangerous animal or potentially dangerous animal shall notify the animal control officer within twenty-four (24) hours if the animal is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the animal has been sold or donated, the owner shall provide the name, address, and telephone number of the new owner of the animal. Any new owner of the animal residing within the corporate limits of the city shall be required to conform with all provisions of this article.

(Ord. of 3-12-90(2), § 1)

Section 4-33 Possession of dangerous or potentially dangerous animal without certificate; keeping of animal in violation of conditions of certificate.

- (a) It shall be unlawful for an owner to have or possess within the city a dangerous animal or

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potentially dangerous animal without certificate of registration issued in accordance with section 4-32 of this article.

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

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

(d) It shall be the duty of the animal control official and any person under his employ to impound the animal if:

- (1) The owner does not secure a certificate of registration in accordance with section 4-32;
- (2) The owner does not secure liability insurance or meet the bond requirement of section 4-32;
- (3) The owner does not keep the animal within a proper enclosure or permits the animal to roam or run free.

(e) Any animal impounded under the provisions of this section shall be returned to the owner upon the owner's compliance with the provisions of this article and upon payment of reasonable impoundment cost, as fixed by a schedule approved by the governing authority, as from time to time amended. Notice of impoundment under this section shall be given the owner in writing, by certified mail, at his last known address. The notice shall state that if the owner has not complied with the provisions of this article within twenty (20) days from receipt of such notice the animal shall be destroyed in an expeditious and humane manner; provided, however, no animal shall be destroyed under this section unless it has been held a full twenty (20) days, exclusive of the date of giving notice.

(f) The owner of a dangerous animal or potentially dangerous animal shall notify the animal control officer if the owner is moving from the animal control officer's jurisdiction. The owner of a dangerous animal or potentially dangerous animal who is a new resident of the state shall register the animal as required in this section with thirty (30) days after becoming a resident. The owner of a dangerous animal or potentially dangerous animal who moves from one (1) jurisdiction to another within the state shall register the dangerous animal or potentially dangerous animal in the new jurisdiction within ten (10) days after becoming a resident.

(g) Issuance of a certificate of registration or the renewal of a certificate of registration by a local government does not warrant or guarantee that the requirements specified in subsections 4-32(e) and (f) are maintained by the owner of a dangerous animal on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

(h) An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.

(i) The certificate of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, an animal control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous animal or potentially dangerous animal is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this article.

(Ord. of 3-12-90(2), § 1)

Section 4-34 Prohibited acts.

(a) It shall be unlawful for the owner of any dog or cat to allow, cause or permit such dog or cat to enter any public hall, restaurant, ice cream parlor, soft drink parlor, or any office or store during such time

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that such office or store is open for public business, unless the dogs or cats are on a leash or otherwise under the immediate control of such owner.

(1) Owners of dogs or cats may allow, cause, or permit such dog or cat to enter City parks as long as the dogs or cats are on a leash or otherwise under the immediate control of such owner, with the exception of the Remington Park Sports Complex, where all pet animals of any kind, including, but not limited to, dogs, cats and horses, shall be prohibited at all times.

(b) It shall be unlawful for the owner of any dog or cat to allow, cause or permit such dog or cat to be in any hallway of any building occupied by two or more families, unless such dog or cat is effectively caged, physically carried or held by a leash by a person thoroughly capable, physically and mentally, of controlling such dog or cat.

(c) The provisions of subsections (a) and (b) of this section shall not apply to guide dogs, hearing dogs, and service dogs properly trained to assist blind, deaf and mobility-impaired persons when such dogs are actually being used by such persons for the purpose of aiding them in going from place to place. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

(d) It shall be unlawful for any person to own or harbor any dog for the purpose of dog fighting.

(e) It shall be unlawful for any person to train, torment, badger, bait or use any dog in such manner as to cause or encourage such dog to make unprovoked attacks upon human beings or domestic animals.

(Ord. of 3-23-98, § I)

(2002-1-14-4-34, Amended, 01/14/2002)

Section 4-35 Bitches in heat.

It shall be unlawful for any owner to allow, cause or permit any bitch in heat to be off the premises of such owner or to remain on such premises to the annoyance of any other person or to the neighborhood. It shall be the duty of the animal control officer or other officer to take into custody and confine in the humane society, to be disposed of in accordance with section 4-28, any such bitch found off the premises of its owner, and also, any such bitch kept on the premises of any owner who, after twenty-four (24) hours notice from the animal control officer or other officer, has failed to effectively confine such bitch in a manner not to cause further annoyance to any person or to the neighborhood.

(Ord. of 3-23-98, § I)

Section 4-36 Disabled or dead animals.

(a) It shall be unlawful for the owner of any animal which may die within the city to suffer the carcass thereof to remain therein without chemically reducing or cremating it, or to dump or deposit any dead animal within the city limits, or within any body of water passing through the city, or upon the banks or margin thereof.

(b) If any person shall cast any dead animal into a road or knowingly permit any dead animal to remain unburied upon his property or having in custody any maimed, diseased, disabled or infirm animal, leave it to lie or be in a street, road or public place, he shall be subject to the provision of section 1-6 of this Code.

(c) The owner of any animal that shall die in the city shall cause the carcass, if not chemically reduced or cremated, to be buried.

(Ord. of 3-23-98, § I)

Section 4-37 Issuance of citations.

For violations of sections 4-27 through 4-30 of this article, an animal control officer or a police officer shall issue a summons to the accused. Each such summons shall state the time and place at which

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the accused is to appear for trial, shall identify the offense with which the accused is charged, shall indicate the identity of the accused and the address of the accused, shall state the date of the violation, the location of the violation, and the date of the service of the summons. The original of the summons shall be personally served upon the accused, and a copy of the summons shall be promptly filed with the clerk of the municipal court. No person shall be arrested prior to the time of trial, except for a violation of section 4-30, and such arrest shall be effected only by a duly sworn police officer of the city. For violation of sections 4-32 and 4-33, an animal control officer shall seek the issuance of a state warrant for the violation of the equivalent sections of the O.C.G.A. §§ 4-8-25 and 4-8-26.
(Ord. of 3-23-98, § I)

Section 4-38 Penalties.

The keeping of any animal in violation of sections 4-27 through 4-30 of this article shall be punished in the municipal court as otherwise provided in section 1-6 of this Code for punishment of violations of ordinances of the city. Punishment for violations of sections 4-32 and 4-33 shall be administered through the state court system under the provisions of O.C.G.A. § 4-8-28.
(Ord. of 3-23-98, § I)