

**AN ORDINANCE FOR THE CONTROL, ENFORCEMENT  
AND DISPOSITION OF ANIMALS**

**WHEREAS**, in accordance with the laws of the State of Georgia, it is necessary and expedient for the Town of Maysville, Georgia, herein "Town", to establish and promulgate certain standards and regulations to require control of domesticated animals; to provide for enforcement; to provide for the disposition of impounded animals; to provide definitions and penalties; and for other purposes.

**WHEREAS**, the Mayor and Council of Maysville, Georgia is authorized by the Constitution of the State of Georgia to exercise power over Animal Control; and

**WHEREAS**, the Mayor and Council of Maysville, Georgia desire to adopt an Animal Control Ordinance pursuant to said authority;

**BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:**

**Section 1. Definitions**

The following words, terms, and phrases shall have the meanings ascribed to them in Georgia Law, except where the context clearly indicates a different meaning.

*Abandoned Animal.* Any domesticated animal shall be considered "abandoned" when it has been placed upon public property or within a public building, unattended and uncared for, or upon the private property of another without the express permission of the owner, custodian or attendant of the private property and is unattended or uncared for. Any animal shall also be considered as abandoned which has been upon or within the property of the owner or custodian of the animal for a period of time in excess of 36 hours unattended and without proper food and water.

*Animal at Large.* An animal which is not an "Animal under Restraint".

*Animal Control Officer.* Any person so designated by the County Manager of Jackson County, Georgia to perform the duties of animal control and ordinance enforcement, to perform the duties of Dangerous Dog Control Officer, and further to perform the duties of animal control officer pursuant to O.C.G.A. § 4-8-22(c), as amended from time to time.

*Animal control Ordinance.* This Ordinance may be referred to by such short title.

*Animal under Restraint.* Any animal is considered under restraint if (i) it is within the property limits of its owner or on property where its presence is expressly permitted by the property owner; or (ii) it is controlled by a leash; or (iii) it is at heel or beside a competent person and is obedient to the person's commands; or (iv) it is participating in a

hunting activity allowed by Georgia Law and is not otherwise in violation of this ordinance (for purposes of this subsection, there shall be no violation of this ordinance where an animal is participating in a hunting activity and crosses the property of another, unless such property has been posted with signs prohibiting hunting in accordance with state law or such property is within a residential subdivision); or (v) it is within a vehicle either parked or in transit.

*Dangerous Dog.* Any dog that, according to the records of an appropriate authority (i) 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 (ii) aggressively bites, attacks, or endangers the safety of humans or domesticated animals without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

*Domesticated Animal.* For the purposes of this Ordinance, a domesticated animal is defined as a dog or cat, except dogs classified as a dangerous dog or potentially dangerous dog by the Animal Control Officer or other authorized agents.

*Guard Dog.* Any dog which has been trained by a recognized training facility to attack persons or other animals, independently or upon command, and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which it is located. A recognized training facility shall be deemed to mean any person, partnership, company or corporation holding (i) a state kennel license and (ii) a business license for either of the above purposes.

*Owner.* Any person or legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of a domesticated animal, potentially dangerous dog, or dangerous dog. This shall include any person hired or acting as custodian of the animal for its owner.

*Potentially Dangerous Dog.* Any dog that without provocation bites a human being or domesticated animal on public or private property at any time after March 31, 1989.

*Proper Enclosure.* An enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

*Records of Appropriate Authority.* Records of any federal, state, county, or municipal law enforcement agency, animal control agency, board of health, court, or records of an animal control officer as provided by this ordinance.

*Severe Injury.* Any physical injury to a human or domesticated animal that results in broken bones, disfiguring lacerations requiring multiple sutures or cosmetic injury, or a physical injury that results in death.

## **Section 2. Duty of Owner to Keep Domesticated Animals Under Control**

It shall be unlawful at any time for the owner of any domesticated animal, or anyone having a domesticated animal in their possession or control, to permit such domesticated animal to be an animal at large within the incorporated area of the Town. At no time shall any domesticated animal be permitted upon the property of another without the express permission of the property owner.

Nothing in this Ordinance shall be construed as prohibiting a person or persons from conducting hunting, training, or field trial competition activities with dogs in the legal manner provided for in Georgia law.

## **Section 3. Abandonment**

It is unlawful for the owner of any domesticated animal to cause or permit the animal to become an abandoned animal within the incorporated area of the Town.

## **Section 4. Designation of Enforcement Authority**

Pursuant to an intergovernmental contract between the Town and Jackson County, the Animal Control Department of Jackson County (the "Department") shall be the enforcement authority for this Ordinance and shall have all powers of enforcement within the Town authorized by this Ordinance or Georgia law.

## **Section 5. Duties of the Department**

It shall be the duty of the Department to make such investigations and inquiries as may be necessary to identify dangerous and potentially dangerous dogs, and the owners thereof within the incorporated areas of the Town and to otherwise enforce the provisions of this ordinance. The primary responsibility for enforcement of this Ordinance shall be vested in the Department. The Department shall be vested with the authority to issue citations for violations of this Ordinance, and the Department may also call upon such other officers, constables and employees of any Magistrate's Office, Sheriff's Department and the Town Police Department as may be necessary for the enforcement of this Ordinance.

The Department shall be authorized to enforce the provisions of this Ordinance upon receipt of a credible report of a violation of this Ordinance, in written or oral form, from a law enforcement officer, 911 dispatcher, board of health representative, rabies control officer, or citizen. Appropriate records of complaints and the results of the ensuing investigation shall be kept in the offices of the Department.

The Department may pursue animals in violation of this Ordinance onto private property

to effect capture and impoundment of said animals. All impounded animals shall be housed and cared for at a facility designated for such purpose by the Department.

It shall also be the responsibility of the Department to enforce O.C.G.A. § 4-8-20 through § 4-8-30 relating to dangerous dogs.

### **Section 6. Identification and Inoculation**

It shall be unlawful for any person to own, possess or maintain any dog or cat that does not have a current rabies inoculation and any such dog or cat shall wear a securely attached collar about its neck displaying such current rabies tag and owner identification and contact information. In the event that such tag is lost, the owner of the dog or cat shall be prepared to present documentation of current rabies inoculation. No person shall vaccinate dogs or cats against rabies unless permitted to do so under applicable Georgia Law.

It shall be the duty of any person bitten by any animal reasonably suspected of being rabid to immediately notify the applicable County board of health. It shall be the duty of the owner, custodian, or person having possession and knowledge of any animal which has bitten any person or animal or of any animal which exhibits any signs of rabies to notify the applicable County board of health and to confine such animal in accordance with rules and regulations of the applicable County board of health.

### **Section 7. Classification of Dangerous Dogs; Notice to Owner Required**

When a dangerous or potentially dangerous dog is classified as such, or when a potentially dangerous dog is reclassified as a dangerous dog, the Department shall notify the owner of the dog of such classification. Such notice shall be in writing and mailed by certified mail to the owner's last known address. Such notice shall be complete upon mailing and shall contain, at a minimum, the following items:

1. A summary of the Department's findings that formed the basis for the dog's classification or reclassification;
2. The date of classification and a statement that the owner has 15 days to request a hearing on the Department's determination;
3. A statement that the hearing, if requested, shall be before the Mayor and Town Council, or its designee, and shall specify the name of the agency which shall conduct the hearing;
4. A statement that, if a hearing is not requested, the Department's determination will be come effective for all purposes under this Ordinance 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
5. A form to request a hearing before the hearing board designated by the Mayor and Town Council and specific instructions on mailing or delivering such request to such hearing board.

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 dog or potentially dangerous dog within the meaning of this Ordinance. A dog shall not be a dangerous dog or a potentially dangerous dog within the meaning of this Ordinance if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

### **Section 8. Liability of Owner of Dangerous Dogs**

The notice procedures provided for in this Ordinance are not essential conditions for the enforcement of the provisions of this Ordinance. The owner of a dangerous or potentially dangerous dog is held to know that such dog is dangerous or potentially dangerous if the dog has, at any time, displayed one or more of the behaviors described in the definitions of Dangerous Dog or Potentially Dangerous Dog as provided in this Ordinance.

### **Section 9. Hearings; Presiding Body and Procedure**

Pursuant to O.C.G.A § 4-8-22 and § 4-8-24, the Mayor and Town Council may conduct hearings relating to matters covered by this Ordinance, may designate a dangerous dog hearing board to conduct such hearings, or may designate the applicable board of health to conduct such hearings. Under no circumstances shall the Department participate in a hearing other than to testify as to the determination that a dog is a dangerous dog or a potentially dangerous dog.

When the Mayor and Town Council or its designee receives a request for a hearing as provided in Section 7, it shall schedule such hearing within 30 days after receiving the request. Notice shall be mailed to the owner at least ten days prior to the hearing. At the hearing the owner of the dog shall be given the opportunity to testify and present evidence, and the Mayor and Town Council or its designee shall receive such other evidence as they may find reasonable to make a determination either to sustain, modify, or overrule the Department's determination.

Within ten days of the hearing, the Mayor and Town Council or its designee shall notify the dog owner in writing by certified mail of its determination on the matter.

### **Section 10. Certificate of Registration Required**

It shall be unlawful for a dog owner to possess within the incorporated area of the Town a dangerous dog or a potentially dangerous dog without a certificate of registration issued in accordance with the provisions of this Ordinance. Such certificate shall be issued annually to the owner of a dangerous or potentially dangerous dog by the Department if the owner presents to the Department sufficient evidence of: (i) a proper enclosure to confine the dangerous or potentially dangerous dog; (ii) the proper posting of the premises where a dangerous or potentially dangerous dog is located with a clearly visible sign warning of such a dog on the property and containing a symbol designed to inform children of the presence of a dangerous or potentially dangerous dog; (iii) an insurance policy in the amount of at least \$15,000.00 per occurrence issued by an insurer authorized to transact business in this state insuring the owner of a dangerous dog against liability for any personal or property damages inflicted by the dangerous

dog; (iv) a surety bond in the amount of \$15,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by a dangerous dog; (v) the owner of a dangerous dog or potentially dangerous dog shall notify the Department within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the Department with the name, address, and telephone number of the new owner of the dog; and (vi) the owner of a dangerous dog or potentially dangerous dog shall notify the Department if the owner is moving from the Department's jurisdiction. The owner of a dangerous dog or potentially dangerous dog who is a new resident of the State of Georgia shall register the dog as required in this Ordinance within 30 days after becoming a resident. The owner of a dangerous dog or potentially dangerous dog who moves from one jurisdiction to another within the State of Georgia shall register the dangerous dog or potentially dangerous dog in the new jurisdiction within ten days after becoming a resident.

### **Section 11. Annual Registration Fee for Dangerous Dogs and Potentially Dangerous Dogs**

An annual registration fee in the amount of \$100.00 shall be charged by the Department, in addition to any regular animal licensing fees, to defray the cost to register the dangerous dog or potentially dangerous dog as required in this Ordinance.

### **Section 12. Guard Dogs**

It shall be the duty of the owner, tenant, or custodian of any property on which a guard dog is kept for security purposes to post a notice in a conspicuous location on such property. Such notice shall consist of the words "Warning-Guard Dog" and shall be in clearly distinguishable block letters not less than five inches in height and one inch in width and containing a symbol designed to inform children of the presence of a guard dog. If a guard dog is confined within a fenced area, such notice must be conspicuously posted at every entrance and exit of such fence.

### **Section 13. Impoundment of Animals**

A dog or cat that is an animal at large or otherwise in violation of this Ordinance shall be impounded by the Department in accordance with the published policies of the Department.

### **Section 14. Redemption of Impounded Animals**

It shall be the duty of the Department to notify the owner, if known or can be reasonably ascertained, of every animal impounded, by telephone or by mail, as quickly as possible after the impoundment. The owner of any impounded animal may claim and take custody of the animal within five days of such impoundment and by paying an impoundment fee plus payment of a boarding fee for each day of impoundment and the cost of a rabies inoculation if the animal does not display a current rabies tag or if the owner cannot provide proof of rabies inoculation. Fees shall be set by the Department.

## **Section 15. Disposition of Animals**

The Department or its designee shall be authorized to dispose of any animal in as humane and painless a manner as possible, or to donate any animal to a public or non-profit institution or agency (for purposes other than experimentation), if such an animal has remained unclaimed within the prescribed period of time, or if it has been injured and is suffering or in great pain and such animal does not display an identification tag and no determination of the owner can be made from a reasonable investigation. The disposal of any animal as provided herein does not relieve the owner of any liability for any violation of this Ordinance. If the owner of the animal is known or ascertainable, but for any valid reason cannot be reached within the prescribed period, the Department shall be authorized to hold the animal until such a time as the owner can be reached.

No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within thirty days of the specified date in the contract for pups and kittens under two months of age. The Department shall develop the fees to be paid at the time of adoption for dogs and for cats. Adoption fees set by the Department will include the following: physical examination, rabies shots, and spaying or neutering at the appropriate age. The adoption fee shall be collected and disbursements shall be made to the participating veterinarian who actually performs the service.

## **Section 16. Cruelty to Animals**

The Department shall be authorized to remove or cause to have removed to a safe location any animal that appears to be abused or suffering undue pain from abuse or neglect, as may be necessary to prevent further suffering. The Department shall be authorized to refer the matter to the appropriate law enforcement office for charges to be brought under O.C.G.A. §16-12-4, Cruelty to Animals.

The provisions of this Ordinance shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific research, medical uses, zoological exhibition, competition, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine or to limit in any way the authority or duty of the Department of Agriculture, Department of Natural Resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.

Nothing in this Ordinance shall be construed as prohibiting a person from: (i) defending his or her person or property, or the person or property of another, from injury or damage being caused by an animal; or (ii) injuring or killing an animal reasonably believed to constitute a threat for injury or damage to any property, livestock, or poultry. The method used to injure or kill such animal shall be designed to be as humane as is possible under the circumstances. A person who humanely injures or kills an animal under the circumstances indicated in this section shall incur no civil or criminal liability for such act.

## **Section 17. Nuisance Animals**

It shall be unlawful for the owner of an animal to permit that animal to be a nuisance at any time within the incorporated area of the Town. An animal shall be deemed a nuisance if it is permitted to go upon the property of another person other than its owner or keeper without the expressed consent of such other property owner or occupant; or if the animal attacks; or acts so as to menace pedestrians or other persons using public ways; or if the animal damages the real property of anyone other than the owner of said animal; or if it is in heat and is not confined to the property of its owner or keeper.

## **Section 18. Records**

It shall be the duty of the Department to keep and maintain current and accurate records of all activities and transactions relating to this Ordinance. Such records shall include but not be limited to incident reports, a description of each animal placed in custody; the date, time, and circumstances of impoundment or receipt of the animal; the date time, and circumstances of the disposition of the animal; all fees of every kind that are collected; any other such records that are deemed proper and necessary to provide an accurate accounting of the enforcement activities. Such records shall be retained for a period of not less than twelve months and shall be open for public inspection at any time during normal business hours.

## **Section 19. Liability of Town, Jackson County, and Officers and Employees**

Neither the Town, Jackson County, the Department, nor any of their officers or employees shall be held responsible or liable for any accidents, diseases, injuries or deaths to any animal while being impounded or boarded in association with this Ordinance.

## **Section 20. Severability**

If any section, paragraph, or any other part of this Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the validity of all other parts of this Ordinance which shall remain in full force and effect as if separately adopted.

## **Section 21. Repeal**

Any existing ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

## **Section 22. Violations**

Any person that violates the provisions of this Ordinance shall be issued a citation for that violation to appear before the Municipal Court of the Town and, upon conviction shall be punished as provided in Section 20 and 23 of this Ordinance. Such a citation may be issued by the Department based upon his own personal knowledge or upon a sworn written statement of another person who witnessed the violation, in which case the witness shall be subpoenaed to