

Animal Control Ordinance
City of Maysville, Georgia
Ordinance Number 98-2

Section 1. Definitions.

For the purposes of this Ordinance, the following words shall have the meanings set forth below:

Abandoned Animal. Any domesticated animal shall be considered "abandoned" for the purposes of this Ordinance 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 attendant of the private property and is unattended or uncared for. Any Domesticated Animal shall also be considered as abandoned, for the purposes of this Ordinance, 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 36 hours unattended and without proper food and water.

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

Animal Control Officer. The Chief of Police or any other person so designated by the city council to perform the duties of animal control and resolution enforcement and to perform the duties of dog control officer pursuant to O.C.G.A. § 4-8-22(c), as amended from time to time.

Animal under Restraint. Any Domesticated Animal is considered under restraint if:

1. it is controlled within the property limits of its Owner;
2. it is controlled by a leash;
3. it is at heel or beside a competent person and is obedient to the person's commands;
or
4. it is within a vehicle being driven or parked on the streets.

Dangerous Animal. Any animal that, according to the records of an appropriate authority:

1. has without provocation inflicted severe injury on a human being on public or private property; or
2. aggressively bites, attacks, or endangers the safety of humans without provocation after the animal has been classified as a Potentially Dangerous Animal and after the Owner has been notified of such classification.

Domesticated Animals. Animals that are accustomed to living in or about the habitation of people, including, but not limited to, cats, dogs, cows, fowl, horses, swine, domesticated wild

animals and/or domesticated exotic animals, except animals classified as a Dangerous Animal or Potentially Dangerous Animal by the Animal Control Officer or other authorized official.

Guard Dog. Any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which it is located.

Owner. Any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust, owning, possessing, harboring, keeping, or having custody or control of a Domesticated Animal, Potentially Dangerous Animal or Dangerous Animal.

Potentially Dangerous Animal. Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings, or any animal that when unprovoked:

1. inflicts injury on a human being on public or private property; or
2. chases or approaches a human being upon the street, sidewalks or any public grounds in a vicious or terrorizing manner in an apparent attitude of attack.

Proper Enclosure. An enclosure for keeping a Dangerous Animal or Potentially Dangerous Animal 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 animal from escaping. Any such structure shall provide adequate security against escape, and, if the animal is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed in such a manner as to prevent the animal's escape either from over or under the fence. Any such enclosure shall also provide protection from the elements for the animal.

Records of Appropriate Authority. 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; records of a dog control officer as provided in O.C.G.A. §4-8-22; or records of an Animal Control Officer as provided by this Ordinance.

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.

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

It is unlawful for the Owner of any Domesticated Animal, or anyone having a Domesticated Animal in his possession or control, to permit such Domesticated Animal to be an Animal at Large within the incorporated area of the City of Maysville.

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 city.

Section 4. Animal Control Officer; Position Established.

Pursuant to O.C.G.A. §4-8-22(c), the duties of the dog control officer shall be vested in the Chief of Police or such other person who may be appointed from time to time by the city council. The title of the officer shall be "Animal Control Officer."

Section 5. Animal Control Officer; Duties Generally.

It shall be the duty of the Animal Control Officer to make such investigations and inquiries as may be necessary to identify Dangerous Animals and Potentially Dangerous Animals, and the Owners thereof within the incorporated areas of the city and to otherwise enforce the provisions of this Ordinance.

Section 6. Classification of Dangerous Animals; Notice to Owner Required.

When a Dangerous Animal or Potentially Dangerous Animal is classified as such, or when a Potentially Dangerous Animal is reclassified as a Dangerous Animal, the Animal Control Officer shall notify the animal's Owner of such classification.

Section 7. Classification of Dangerous Animals; Contents of Notice to Owner.

Notices to the Owner shall meet the following requirements:

- A. The notice shall be in writing and mailed by certified mail to the Owner's last known address. Such notice shall be complete upon mailing;
- B. The notice shall include a summary of the Animal Control Officer's findings that formed the basis for the animal's classification or reclassification as a Dangerous Animal or Potentially Dangerous Animal;
- C. The notice shall be dated and shall state that the Owner, within 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 Potentially Dangerous Animal;
- D. The notice shall state that the hearing, if requested, shall be before the city council, or its designee, and shall specify the name of the agency which shall conduct the hearing;
- E. The notice shall state that, if a hearing is not requested, the Animal Control Officer's determination that an animal is a Dangerous Animal or Potentially Dangerous Animal will become 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

- F. The notice shall include a form to request a hearing before the applicable agency and shall provide specific instructions on mailing or delivering such request to the agency.

Section 8. Liability of Owner of Dangerous Animal.

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

Section 9. Presiding Body at Hearings on Dangerous Animals.

Pursuant to O.C.G.A. §§4-8-22 and 4-8-24, the city council may conduct hearings relating to matters covered by Sections 4 through 20, may designate an animal control board to conduct such hearings, or may designate the board of health to conduct such hearings. Under no circumstances shall the Animal Control Officer participate in a hearing other than to testify as to the determination that an animal is a Dangerous Animal or Potentially Dangerous Animal.

Section 10. Procedure for Hearings.

When the city council or its designee receives a request for a hearing as provided in Section 7C., it shall schedule such hearing within 30 days after receiving the request. The city council or its designee shall notify the animal Owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the animal Owner at least ten days prior to the date of the hearing. At the hearing, the Owner of the animal shall be given the opportunity to testify and present evidence, and, in addition thereto, the city council or its designee shall receive such other evidence and hear such other testimony as the city council or its designee may find reasonably necessary to make a determination either to sustain, modify, or overrule the Animal Control Officer's classification of the animal.

Section 11. Notice of Determination.

Within ten days after the date of the hearing, the city council or its designee shall notify the animal 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 the date upon which that determination is effective.

Section 12. Certificate of Registration Required.

It is unlawful for an Owner to have or possess within this city a Dangerous Animal or Potentially Dangerous Animal without a certificate of registration issued in accordance with the provisions of this Ordinance.

Section 13. Certificate of Registration; Proof of Proper Enclosure and Posting of Premises.

Subject to the additional requirements of Section 14, 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 the Animal Control Officer otherwise finds sufficient evidence of:

- A. A Proper Enclosure to confine the Dangerous Animal or Potentially Dangerous Animal; and
- B. 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 or Potentially Dangerous Animal on the property and containing a symbol designed to inform children of the presence of a Dangerous Animal or Potentially Dangerous Animal.

Section 14. Certificate of Registration; Proof of Insurance or Bond.

In addition to the requirements of Section 13, the Owner of a Dangerous Animal shall present to the Animal Control Officer evidence of:

- A. A policy of insurance in the amount of at least \$100,000.00 per occurrence issued by an insurer authorized to transact business in this state insuring the Owner of the Dangerous Animal against liability for any personal injuries inflicted by the Dangerous Animal; or
- B. A surety bond in the amount of at least \$100,000.00 issued by a surety company authorized to transact business in this state stating that it shall be payable to any person or persons which is subsequently injured by the Dangerous Animal.

Section 15. Notice of Escape, Death, or Change of Ownership.

The Owner of a Dangerous Animal or Potentially Dangerous Animal shall notify the Animal Control Officer within 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 also provide the Animal Control Officer with the name, address, and telephone number of the new Owner of the animal.

Section 16. Annual Registration Fec.

An annual fee in the amount of \$100.00 shall be charged by the city, in addition to any regular animal licensing fees, to defray the cost to register Dangerous Animals and Potentially Dangerous Animals as required in this Ordinance.

Section 17. Dangerous Animals; Muzzling and Restraint.

It is 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. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but which will prevent it from biting any person.

Section 18. Potentially Dangerous Animals; Restraint.

It is unlawful for the 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.

Section 19. Confiscation; Return to Owner or Destruction.

A. A Dangerous Animal shall be immediately confiscated by the Animal Control Officer or by another law enforcement officer or by another person authorized by the Animal Control Officer if:

1. The Owner of the animal does not secure the liability insurance or bond required by this Ordinance;
2. The animal is not validly registered as required by this Ordinance;
3. The animal is not maintained in a Proper Enclosure;
4. The animal is outside a Proper Enclosure in violation of this Ordinance.

B. A Potentially Dangerous Animal shall be confiscated in the same manner as a Dangerous Animal if the animal is:

1. Not validly registered as required by this Ordinance;
2. Not maintained in a Proper Enclosure; or
3. Outside a Proper Enclosure in violation of this Ordinance.

C. Any animal that has been confiscated under the provisions of this section shall be returned to its Owner upon the Owner's compliance with the provisions of this Ordinance and upon the payment of reasonable confiscation costs. In the event the Owner has not complied with the provisions of this Ordinance within 20 days after the date the animal was confiscated, said animal shall be destroyed in an expeditious and humane manner.

Section 20. Exemptions.

A. An animal that inflicts an injury upon a person when the animal 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 Ordinance 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.

B. No Owner of a Dangerous Animal or Potentially Dangerous Animal shall be held criminally liable under this Ordinance for injuries inflicted by said Owner's animal to any human being while on the Owner's property.

Section 21. Enforcement of Ordinance Relating to Domesticated Animals; Impoundment of Animals when Owner is Unknown.

The primary responsibility for enforcement of this Ordinance shall be vested in the Animal Control Officer, which may call upon such other officers and employees of the city as may be necessary for aid in the enforcement of this Ordinance. Upon information known to, or a complaint lodged with, any officer that any Owner of a Domesticated Animal is in violation of this Ordinance, the Owner shall be advised to immediately get the Animal under Restraint, and upon the failure to do so, the Animal Control Officer may immediately take possession of the Domesticated Animal and impound it according to such rules and regulations now or hereafter prescribed by law or resolutions and ordinances of the city for the detention, control and disposition of Domesticated Animals. In addition, a summons shall be issued requiring the Owner of such Domesticated Animal to appear before the judge of the city court on a day and time certain to stand trial for the violation of this Ordinance. If such violation of this Ordinance has not been witnessed by an officer or other employee of the city, a subpoena shall be issued to the person making the complaint requiring said person to appear on the day and time set to testify on behalf of the city. In the event that the Owner of any Domesticated Animal is not known and such Domesticated Animal is an Animal at Large in violation of this Ordinance, upon complaint made to, or information known to, the city, the Animal Control Officer may immediately take possession of such Domesticated Animal and impound it according to such rules and regulations now or hereafter prescribed by law or by resolutions and ordinances of the city for the detention, control and disposition of Domesticated Animals.

Section 22. Enforcement of Ordinance Relating to Dangerous Animals or Potentially Dangerous Animals.

Upon information known to or upon a complaint being lodged with an Animal Control Officer, that an animal is a Dangerous Animal or Potentially Dangerous Animal and not being kept by its Owner under restraint in compliance with this Ordinance or that the Owner is otherwise in violation of this Ordinance, the Animal Control Officer shall issue a citation for the violation of this Ordinance to the Owner of the animal to appear before the judge of the city court of the city on a day and time certain for a hearing to determine if the animal is a Dangerous Animal or Potentially Dangerous Animal as defined herein and whether a violation has occurred. If such violation has not been witnessed by an officer or other employee of the city, a subpoena shall be issued to the person making the complaint requiring said person to appear on the day and time set to testify on behalf of the city.

Section 23. Impoundment of Dangerous Animals or Potentially Dangerous Animals

Upon a finding that an animal is a Dangerous Animal or Potentially Dangerous Animal or upon any violation of this Ordinance by the Owner of a Dangerous Animal or Potentially

Dangerous Animal, the animal may be impounded by the Animal Control Officer until such time as the Owner of the Dangerous Animal or Potentially Dangerous Animal provides proof of compliance with the duties of the Owner of a Dangerous Animal or Potentially Dangerous Animal set forth in Sections 4 through 22. Any Owner shall be held to know that such animal was a Dangerous Animal or Potentially Dangerous Animal if the animal had at any time displayed any one or more of the behaviors described in the definitions of Dangerous Animal or Potentially Dangerous Animal under the Ordinance.

Section 24. Housing and Care of Impounded Animals.

All impounded animals shall be housed and cared for at a licensed animal shelter facility under contract with the city, and the Owner shall be responsible for all costs incurred by the city in connection therewith.

Section 25. Notice to Owner of Impounded Animal; Impound Fees; Redemption by Owner.

It shall be the responsibility of the Animal Control Officer to immediately notify the Owner of each animal impounded if the Owner of the animal is known or can easily be ascertained. The Owner of any Dangerous Animal or Potentially Dangerous Animal may reclaim the animal only in accordance with Section 19 of this Ordinance. The Owner of any Domesticated Animal impounded may, within five (5) days after such impoundment, reclaim such Domesticated Animal by the payment of the impoundment fee of \$25.00, plus \$10.00 per day for each day that the animal was impounded, the cost of the rabies inoculation, if required due to the animal not wearing a current rabies inoculation tag, and upon proof of payment of any fine for a violation of this Ordinance, the amount of which is then ascertainable.

Section 26. Destruction of Impounded Animals; Adoption of Impounded Animals.

The Animal Control Officer shall notify the licensed animal shelter that an impounded animal shall be available for adoption or may be destroyed by euthanasia if the animal has not been claimed by the Owner from such licensed animal shelter within the time period provided in this Ordinance. Any person adopting an animal shall pay the required license fees, costs of rabies inoculation, impoundment fee and any other fee deemed necessary, and, in the case of a Dangerous Animal or Potentially Dangerous Animal, show proof of compliance with the duties of Owners of a Dangerous Animal or Potentially Dangerous Animal.

Section 27. Rabies Vaccination.

It shall be the duty of any Owner of any Domesticated Animal, Dangerous Animal or Potentially Dangerous Animal which is three months of age or older, when the animal is being kept in the incorporated areas of the city, to procure a current rabies vaccination as required by and in accordance with the applicable rabies control rules and regulations and to affix to the collar or harness of the animal a current vaccination tag as prescribed by the Georgia Department of Human Resources.

Section 28. Guard Dogs.

In addition to all other requirements of this Ordinance, any person maintaining Guard Dogs in an area for the protection of persons or property shall meet the following requirements:

- A. (1) The dog shall be confined to an enclosed area adequate to insure that it will not escape; or
- (2) The dog shall be under the absolute control of a handler at all times when not securely enclosed;
- B. The Owner or other persons in control of the premises upon which a Guard Dog is maintained shall post warning signs over or next to all exterior doors and gates, stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entrance way to said premises. Such sign shall be in lettering clearly visible from either the curb line or at a distance of 50 feet, whichever is greater, and shall contain a telephone number where some person responsible for controlling such Guard Dog can be reached 24 hours a day; and
- C. Prior to the placing of a Guard Dog on any property, the person or persons responsible for the placing shall inform the Animal Control Officer, in writing, of their intention to place said dog or dogs, the number of dogs to be placed, the location where said dog or dogs will be placed, the approximate length of time said dog or dogs will be guarding the area, and the breed, sex, age and rabies tag number of said dog or dogs. Said notice must be renewed every 12 months.

Section 29. Violations; Penalty.

Any person who shall do anything prohibited by this Ordinance as the same exists or as it may hereafter be amended, or who shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amendable to the process of the city court of the city, and upon conviction shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 30 days or both by such fine and imprisonment; provided, however, that if O.C.G.A. § 4-8-28 requires a greater penalty, such greater penalty shall be imposed. Each day of a continuing violation shall constitute a separate offense.

Section 30. 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.

The above ordinance was passed by unanimous vote of the City Council on
~~September~~ 2, 1998.
Nov.

CITY OF MAYSVILLE

By: *Richard Presley Mayor*
Richard Presley, Mayor

Krusty Cannon
Council Member

Scott Harper
Council Member

Vincent G. Hunt
Council Member

Jan J. Smith, Sr.
Council Member

Attest:

Lois H. Harper
Lois H. Harper, Clerk

CLERK'S CERTIFICATE

I, LOIS H. HARPER, Clerk of the Council of the City of Maysville, Georgia, do hereby certify that the foregoing constitutes a true and correct copy of a Resolution which was adopted on the 2nd day of November, 1998 by the Council of the City of Maysville in a meeting duly called and assembled which was open to the public; that the original of said resolution appears on record in the Minute Book of the Council of the City of Maysville which is in my custody and control; and that the same has not been amended or repealed.

Given under my hand and seal of the City of Maysville, Georgia, this 5th day of November, 2001.

Lois H. Harper
Clerk, City of Maysville, Georgia

(SEAL)