

April 4, 2006

DOG CONTROL ORDINANCE

As is consistent with Georgia Law, the Evans County Board of Commissioners has the authority to establish by ordinance or resolution such local rules and regulations, not in conflict with existing State or Federal Law, relating to the health, safety, and welfare of the public.

Section 1 – Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

- a) *Advisory council* means the dog control advisory council created under this article.
- b) *Animal control officer* means any employee of the county or the county sheriff, duly commissioned under the legal authority of the county to enforce the rules and regulations of this ordinance, including any individual authorized to aid in the administration and enforcement of this ordinance and applicable state laws.
- c) *Animal running at large or stray animal* means any dog that a citizen of the county has reported as stray to the animal control division of the Humane Society of Evans County, provided that the dog is not under immediate control, which is not on a leash, not at heel, not beside a competent person, not in a vehicle or not within the property limits of its owner. This shall not include dogs which are actively engaged in sporting activities, including, but not limited to, hunting, field trials, show, competition, or other exhibitions.
- d) *County kennel or shelter* means any premises designated by the animal control division for the purpose of impounding and caring for dogs found running at large in violation of this ordinance.
- e) *Dangerous dog* means any dog that, according to the records of an appropriate authority, inflicts a severe injury on a human being, without provocation, on public or private property, at any time after March 31, 1989; or 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 of such dog has knowledge of such classification; provided, however, that this definition shall not include a dog which inflicts an injury:

1) Upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties.

2) Which 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.

f) *Impoundment* means taking physical possession and control of a dog and transporting such dog to the county kennel or shelter.

g) *Inoculation* means the administration of an anti-rabies vaccine, approved by the county board of health, administered by a licensed veterinarian or other person approved and authorized by the board of health of the county to administer inoculations.

h) *Owner* means any natural person or legal entity, including, but not limited to, a corporation, partnership, firm or trust, who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or permits a dog to be harbored or kept, or has a dog in his care, or who permits a dog to remain on or about his premises; provided, however, this shall not include a person hired or acting as custodian of the dog for

i) *Potentially dangerous dog* means any dog that, without provocation, bites a human being on public or private property at any time after March 31, 1989; provided, however, that this definition shall be subject to the same exceptions as those set forth in the definition of "dangerous dog" in this section.

j) *Proper Enclosure* means 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 bottom, 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 under the fence. Any such enclosure shall also provide protection from the elements for the dog.

k) *Records of an appropriate authority* means record of any:

- 1.) State, county, or municipal law enforcement agency;
- 2.) County or municipal animal control agency;
- 3.) County board of health; federal, state or local court; or
- 4.) An animal control officer provided for in this ordinance.

l) *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.

m) *Vicious dog* means any dog that has been known to attack, bite, or injure human beings, pets, companion animals, or livestock without provocation or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings, pets, companion animals or livestock.

Section 2 – Duties of Animal Control Officer. Animal control officers shall have the obligation to issue citations for violations of this ordinance, to impound animals as provided in this ordinance, and to perform such other duties as set forth in this ordinance.

Section 3 – Creation of the Dog Control Advisory Council. There is created a dog control advisory council which shall consist of five members, one each from the County Health Department, the Board of Commissioners, and the Evans County Humane Society and two other members chosen by the Board of Commissioners. Each member of the council shall be appointed by the Board of Commissioners to a three year term; however, in order to ensure that all terms do not expire on the same date, the terms of the original advisory council shall be appointed to three year terms. Members may be re-appointed to successive terms. Each member of the dog control advisory council shall carry out the duties set forth in this ordinance. In the event that a willing person can not be found to serve on the dog control advisory council from one of the above organizations, the Board of Commissioners shall appoint an additional person to serve on the advisory council.

Section 4 – Duties of the Dog Control Advisory Council. The dog control advisory council is authorized to propose, for adoption by the Board of Commissioners, rules and regulations covering the operation of the animal control division, including but not limited to, the impounding and disposal of animals, the fees to be charged in connection therewith when not otherwise provided for in this ordinance, and the manner and method to be employed

in such actions. Such rules and regulations shall not become effective until approved by the Board of Commissioners. The advisory council is not authorized to spend any monies or create any debt in the name of the county. The advisory council shall also have the duties ascribed to it in this ordinance as pursuant to fulfilling state law with regard to dangerous dogs.

Section 5 – Duties of Dog Owners. It shall be the duty of every owner or custodian of a dog to exercise reasonable care to protect other people, property, and animals from injuries or damage which might result from such person's animal's behavior. If the owner or custodian of a dog is a minor, the parent or guardian of such minor child shall be responsible to see that such reasonable care is exercised.

a) *Duty to Keep Dog under Control While Off Property.* It shall be the duty of the owner or custodian of any dog to keep such dog under control at all times while the dog is off the real property limits of the owner, possessor, or custodian when it is:

- 1) Within a vehicle;
- 2) Properly confined within a secure enclosure;
- 3) Securely restrained by a leash or other device held by a competent person;
- 4) Under voice command of a competent person who is in the immediate proximity of the dog.

b) *Abandonment.* No person shall release a dog on any property, public or private, with the intention of abandoning the dog. (O.D.C.A. § 4—8-3).

Section 6 – Impoundment of Dogs; Disposition.

a) All dogs found to be running at-large in violation of this ordinance may be seized or impounded by an animal control officer or any officer empowered to act by law, and detained at the county kennel or shelter. In the alternative, in his discretion, the animal control officer may return the dog to its owner. If the dog is impounded, the animal control division shall notify the owner, if the owner is known or can be reasonably ascertained, that the dog has been impounded. The owner of the impounded dog may, within seven days of such impoundment, reclaim the dog by the payment of an impoundment pickup fee, plus a boarding fee for each day the dog was impounded. If a dog which is impounded has not been inoculated for rabies as required by this article, the animal control division upon reclamation of the dog by the owner, will have a

veterinarian inoculate the dog against rabies before allowing the owner to remove the dog from the county kennel or shelter. The owner will be liable to the county for all costs of such inoculation.

b) If any dog impounded by the animal control division evidences symptoms of contagious, infectious, or fatal diseases, is seriously ill or severely injured, the animal control division shall determine whether to treat the dog or euthanize the dog. Such action may be taken to control the spread of disease or to eliminate any further pain and suffering of the dog. If the owner is known or can be reasonably ascertained and the circumstances of the situation permit, reasonable attempts should be made to stabilize the dog and to afford the owner the opportunity to pick up the dog.

Section 7 – Reclamation of Impounded Dogs. Any dog impounded pursuant to the provisions of this article may be reclaimed, except as provided in this ordinance for dangerous dogs or potentially dangerous dogs, by its owner within seven days from the time when the dog was impounded. The owner shall pay an impoundment pickup fee and a boarding fee for each day the dog was impounded, as set forth in the schedule of fees and charges on file in the office of the County Clerk. If a reclaimed dog has been treated, such person reclaiming the dog shall reimburse the County for the cost of treatment. The animal control division shall cause the owner of such dog to have such dog vaccinated or inoculated as required by this article, at the expense of the person reclaiming such dog. Even if the owner fails to reclaim his dog, the owner is still liable to pay the County for all fees and costs associated with the dog's impoundment.

Section 8 – Humane Disposition.

a) If a dog is not claimed by its owner or adopted within seven days of impoundment, then it shall be the duty of the animal control division to euthanize the dog in as humane and painless a manner as possible by a person approved by the state to euthanize animals.

b) Any dog which is suffering excessively or which represents a danger to persons or other animals may be euthanized in the manner set forth in subsection (a) of this section, at the discretion of the manager of the animal control division or his designee, without regard to the seven day holding period.

c) When, in the opinion of a supervisor in the animal control division, a diseased or injured dog which has been taken into custody is in need of immediate treatment so as to lessen the dog's suffering or to prevent the spread of a communicable disease to other dogs, he may immediately

obtain the services of, or place the animal with, a licensed veterinarian for the purpose of administering necessary treatment. The owner of the dog shall be liable to the County for all costs associated with such treatment.

Section 9 – Vicious and Dangerous Dogs. It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious dog on the streets or public places of the county. Upon impounding a vicious dog for any reason, if the owner of such vicious dog seeks to reclaim such dog, the animal control division may, for the reasons of public safety, retain such dog until the disposition of all matters relating to the dog and the violations of this ordinance by a court of appropriate jurisdiction.

Section 10 – Impoundment of Biting Dogs.

a) A dog known to have bitten a person shall be treated in accordance with the rules and regulations promulgated by the County Board of Health.

b) In accordance with rules and regulations promulgated by the State Department of Health, all dogs known to have bitten a person, which can not reasonably be held for a rabies observation period and which do not bear a valid rabies tag, shall be euthanized and a lab specimen of brain tissue sent to the State Department of Epidemiology for testing and control of rabies.

Section 11 – Adoption.

a) The animal control division or its designee may offer for adoption any dog that is not a dangerous dog and that has not been reclaimed by its owner within seven days after the impoundment of such dog. When a dog is brought to the county kennel bearing no collar or identification tag, the animal control division or its designee may offer it for immediate adoption after a period of 48 (forty-eight) hours. In the case of a dog bearing a collar and/or identification, the animal control division or its designee may keep a waiting list of person(s) who are willing to adopt such dog. After the seven day period, any dog that a person has expressed an interest in adopting may be held for an additional 24 hours to allow such a person to pick up their new dog. All persons adopting dogs shall be over the age of 18, and shall provide proper and humane care, feeding, shelter, and protection from the weather, and veterinary treatment as required. The animal control division or its designee shall strongly recommend that all adopted dogs be spayed or neutered. Such action will assist in reducing the dog population in the County.

b) Adoption fees may be set by the Board of Commissioners from time to time and shall be set forth in the schedule of fees and charges on file in the office of the County Clerk. In addition, the Board of Commissioners may require that all or part of the costs of examination, rabies inoculation, and neutering or spaying be paid by the adopting party.

Section 12 – Vaccinations. All 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.

Section 13 – Collar and Vaccination Tag.

a) It shall be the duty of each dog owner or custodian to provide a collar and valid vaccination and identification tag, label, or impression showing the name and address of the owner of such dog. The collar and tag shall be worn by the dog at all times when such dog is not under the immediate control of the owner or possessor of the dog.

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

Section 14 – Dangerous Dogs.

O.C.G.A. § 4-8-20 through 4-8-30 (also known as 'Dangerous Dog Control Law') shall be followed for the regulation of dangerous dogs in Evans County. Hearings and other matters relating to dangerous dogs or potentially dangerous dogs shall be conducted by the dog control advisory council in accordance with Georgia State Laws.

Evans County
Dog Control Fees Schedule

Impoundment Pickup Fee	
- First Time	\$ 25
- Second Time	\$ 40
- Third Time	\$ 55
- Fourth Time	\$ 70
- Fifth Time	\$100
Boarding Fee (per day)	\$ 10
Euthanasia Fee for Vicious Dogs	\$ 50
Quarantine for Bite Cases	\$150
Adoption	\$ 25
Delivery Fee (transporting dog back to owner)	\$ 50