

CHAPTER 4.10. ANIMAL CONTROL

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ARTICLE I. GENERAL PROVISIONS

4.10.010. Definitions.

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

Abandoned animal means any domesticated animal shall be considered "abandoned" for the purposes of this chapter 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 chapter, which shall have been upon or within the property of the owner or custodian of this animal for a period of time in excess of 36 hours unattended and without proper food and water.

Animal at large means an animal not under restraint.

Animal control officer means any officer; agent or employee of the governing authority designated by the governing authority to perform the duties of animal control and enforcement of this chapter 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 shelter means any facility operated by or under contract for the state, county, a municipal corporation, a political subdivision of the state or the Humane Society of Hall County for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

Animal under restraint means any domesticated animal is considered under restraint if:

1. It is controlled within the property limits of its owner by a visible physical barrier (fence (non-electronic), chain, leash, etc.) 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 the occupant enclosure of a vehicle or restrained if within the cargo area of a truck being driven or parked on the streets.

Board of health means the Hall County Board of Health.

Dangerous animal means 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 animal means an animal that is living in or about the habitation of people including, but not limited to, cats, chickens, dogs, ducks, cows, fowl, geese, horses, rabbits, swine, domesticated wild animals and/or exotic animals. Pen raised skunks are categorized as those skunks acceptable by the State of Georgia and may be kept in Georgia as pets.

Exotic animal means any animal not native to Hall County, Georgia, and includes, but is not limited to, emus, iguanas, pythons, ostriches, reptiles and rhea. It shall also include any hybrid animal which is part exotic animal.

Governing authority means the Board of Commissioners of Hall County, Georgia.

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

Humane society means the Humane Society of Hall County or any corporation, organization or association existing for the purpose of prevention of cruelty to animals, education for humane treatment of animals or animal adoption for stray animals.

Law enforcement agency means the Hall County Sheriff's Office or Hall County Enforcement Division.

Livestock means any hoofed animal including, but not limited to, a cow, horse, goat, llama, bovine, equine and swine as well as all other animals used or suitable for either food or labor.

Owner means any natural person or any legal entity, including but not limited to a corporation, partnership, firm, or trust, who or which:

1. Owns;
2. Possesses;
3. Harbors;
4. Keeps;
5. Cares for;
6. Feeds;
7. Maintains;
8. Has custody or control of; or
9. Knowingly permits to be harbored or kept or to remain on or about their premises an animal within the jurisdiction of the governing authority.

Potentially dangerous animal means 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 means 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 have a secure top, 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 from the fence. If the enclosure does not have a floor, the sides of the enclosure shall be embedded in the ground not less than two feet. Any such enclosure shall also provide protection from the elements for the animal.

Public or private animal refuge means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.

Records of 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; 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 chapter.

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.

Sexually mature animal means any dog or cat that has reached the age of 180 days or six months or more.

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

(Res. of 9-28-00, § 2; Res. of 2-28-02, § 1)

4.10.020. **Animal control** unit.

There is created for the governing authority an **animal control** unit (totally separate from and independent of the Humane Society of Hall County), and it shall be staffed with such personnel as may from time to time be authorized by the governing authority.

(Res. of 9-28-00, § 2)

4.10.030. **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 director of the **animal control** unit. The title of the officer shall be "**animal control** officer."

(Res. of 9-28-00, § 2)

4.10.040. Cooperation with **animal control** officer.

A. An **animal control** officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter. All law enforcement agencies of the governing authority shall cooperate with the **animal control** officers in enforcing the provisions of this chapter.

B. It shall be unlawful:

1. To interfere with or fail to cooperate with the **animal control** officer or other officer acting pursuant to this chapter.

2. To take or attempt to take any **animal** from a county vehicle used to transport an **animal** pursuant to this chapter; or

3. To take or attempt to take any **animal** from the **animal control** shelter or other impounding area used by Hall County **Animal Control** for the purposes of this chapter.

(Res. of 9-28-00, § 2; Res. of 2-28-02, § 2)

4.10.050. Enforcement of chapter.

The primary responsibility for enforcement of this chapter shall be vested in the **animal control** unit, which may call upon such other officers and employees of any law enforcement agency of the governing jurisdiction as may be necessary for the enforcement of this chapter.

(Res. of 9-28-00, § 2)

4.10.060. Summons.

Upon information known to, or a complaint lodged with, any officer or member of the **animal control** unit, or any law enforcement agency employee of the governing authority that any owner or possessor of an **animal** is in violation of this chapter, a summons shall be issued requiring the owner or possessor of such **animal** to appear before the judge of the magistrate's court of the county on a day and time certain to stand trial for the violation.

(Res. of 9-28-00, § 2)

4.10.070. Violations; penalty.

Any person, firm, corporation, association or partnership violating any provision of this chapter as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this chapter as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia section 1.50.020 for each violation in the discretion of the court. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Res. of 9-28-00, § 2; Res. of 6-10-04(1), § 1)

ARTICLE II. DUTIES TOWARDS **ANIMALS**

4.10.080. Duty of owner to keep **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 at large and not under restraint.

(Res. of 9-28-00, § 2)

4.10.090. Rabies vaccination; vaccination fee.

A. When any dog, cat or other **animal** as may be required by state law to be vaccinated for rabies is being kept in the jurisdiction of the governing authority, it shall be the duty of any owner or possessor or custodian of said **animal** to procure current rabies vaccination if said **animal** is three months of age or older, as required by and in accordance with the rabies **control** rules of the board of health. The owner, possessor or custodian shall affix to the collar or harness of the **animal** a current vaccination tag as prescribed by the board of health.

B. The veterinarian administering the anti-rabies vaccine required by this section shall collect, in addition to the charges for vaccination, the sum of 50 cents for each dog vaccinated. The fees collected under this provision shall be delivered to the Board of Commissioners of Hall County by the veterinarian collecting said fees on or before the 20th day of the month following the month in which said fees were collected.

(Res. of 9-28-00, § 2)

4.10.100. Display of rabies tag.

It shall be unlawful for any owner of dog, cat or other **animal** required to have a rabies vaccination by state law to allow such **animal** in any area of the jurisdiction of the governing authority without a visible collar which shall have attached a valid and current rabies vaccination tag as required by the board of health. It shall be the duty of each **animal** owner to provide a collar with a rabies vaccination tag for each **animal**, except when such **animal** is participating in an **animal** show or exhibition.
(Res. of 9-28-00, § 2)

4.10.110. Loud noises prohibited.

It shall be unlawful for any person to keep or maintain any domesticated **animal** or bird that makes, continues or causes to be made or continues any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the jurisdiction of the governing authority and which is audible to a person of normal hearing ability more than 100 feet from the point of origin of this sound or noise. Anyone who keeps or maintains an **animal** or bird that unreasonably disturbs the comfort or repose of any person or persons because the **animal** or bird is emitting frequent or long continued sound or noise, and who continues to keep, maintain, or allow any **animal** or bird to so disturb the comfort or repose of any person or persons shall be deemed in violation of this section. This section shall apply to horses, livestock, poultry and other farm **animals**, provided they are maintained in accordance with the governing authority's zoning regulations or ordinances, with the following exception: Multiple roosters being raised on other than a bona-fide farm are subject to this section. Existing roosters are exempt until September 30, 2004.
(Res. of 9-28-00, § 2; Res. of 4-8-04, § 1)

4.10.120. Abandonment.

It is unlawful for the owner of any domesticated **animal** to knowingly abandon the **animal** within the jurisdiction of the governing authority.
(Res. of 9-28-00, § 2)

4.10.130. Guard **animals**.

In addition to all other requirements of this chapter, any person maintaining a guard **animal** in an area for the protection of persons or property shall meet the following requirements:

- A. The **animal** shall be confined to an enclosed area adequate to insure that it will not escape;
- B. When not securely enclosed, the **animal** shall be under the absolute **control** of a handler at all times, muzzled and restrained by a secure leash which is not in excess of six feet in length and which is of sufficient strength to prevent escape;
- C. The owner or other persons in **control** of the premises upon which a guard **animal** is maintained shall post warning signs over or next to all exterior doors stating that such an **animal** is on the premises. At least one such sign shall be posted at each driveway or entranceway 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 **animal** can be reached 24 hours a day; and

D. The owner or custodian shall report to the animal control unit within 24 hours any of the following:

1. Escape of the animal;
2. An attack on a human or animal by the animal;
3. Transfer of ownership of the animal; or
4. Death of the animal.

Prior to the placing of a guard animal on any property, the person or persons responsible for the placing shall inform the animal control officer, all law enforcement agencies of the governing authority as well as the fire chief, in writing, of their intention to post said animal, the number of animals to be posted, the location where said animal will be posted, the approximate length of time said animal will be guarding the area, and the breed, sex, age and rabies tag number of said animal. Said notice must be renewed every 12 months.

(Res. of 9-28-00, § 2)

4.10.140. Confining dogs and cats in heat.

Every female dog or cat in heat shall be confined in a building or other enclosure in such manner that such female animal cannot come into contact with another sexually intact animal of the same species except for planned breeding.

(Res. of 9-28-00, § 2)

4.10.150. Animal abuse--Physical harm.

Any person who causes undue suffering, deprives an injured or sick animal of necessary medical attention, tortures, torments, disfigures, maims, mutilates, kills, beats, bruises, wounds or poisons or exposes any poisonous substance with the intent that the poisonous substance should physically harm any domesticated animal, whether belonging to himself or another, shall be in violation of this chapter.

(Res. of 9-28-00, § 2; Res. of 2-28-02, § 3)

4.10.160. Animal abuse--Food, exercise and air.

Any person who confines any animal, reptile or fowl and fails to supply it with sufficient quantities of wholesome food and water; or who keeps any animal, reptile or fowl in an enclosure without wholesome exercise and change of air shall be in violation of this chapter.

(Res. of 9-28-00, § 2)

4.10.170. Animal abuse--Shelter.

Any owner, custodian or possessor of any animal, reptile or fowl kept outdoors who fails to provide shelter with at least a roof, a floor and three sides of adequate size for the animal, reptile or fowl it is intended for and sufficient to protect said animal, reptile or fowl from the elements shall be in violation of this chapter.

(Res. of 9-28-00, § 2)

4.10.180. Animal abuse--Sanitation.

Any owner, custodian or possessor of any domesticated animal who fails to maintain in a clean and sanitary condition and free from extreme and unreasonable objectionable odor

all structures, pens, yards, and areas adjacent thereto wherein any **animal** is kept shall be in violation of this chapter.

(Res. of 9-28-00, § 2)

4.10.190. **Animal** abuse--Leaving in autos.

Any person who transports any **animal**, reptile or fowl in the trunk of any vehicle or leaves an **animal** or fowl in a vehicle in extreme heat without proper ventilation shall be in violation of this chapter.

(Res. of 9-28-00, § 2)

4.10.200. **Animal** abuse--Fighting.

No person shall:

1. Own, possess, keep or train any **animal** or fowl with the intent that such **animal** or fowl shall be engaged in an exhibition of fighting;
2. Build, make, maintain, or keep a pit on premises owned by him or occupied by him or allow a pit to be built, made, maintained or kept on such premises for the purposes of an exhibition of **animal** or fowl fighting;
3. In any manner encourage, instigate, promote or assist in an exhibition of **animal** or fowl fighting or intentional combat; or
4. Charge admission, be an assistant, umpire or participant or be present as a spectator to any exhibition or **animal** or fowl fighting or combat.

(Res. of 9-28-00, § 2)

4.10.210. **Animal** abuse--Use of **animals** as prizes.

Any person who offers as a prize or gives away any **animal**, reptile or fowl in any contest, raffle or lottery or as an enticement for fund raising or for entry into any place of business shall be in violation of this chapter.

(Res. of 9-28-00, § 2)

4.10.220. **Animal** abuse--Dying or coloring certain **animals** or fowl for display, sale, gift, etc., prohibited.

No person shall sell, offer for sale, give away, or display living baby chicks, ducklings, or other fowl, or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

(Res. of 9-28-00, § 2)

4.10.230. **Animal** abuse--Procuring another to do act.

Any person who procures another person to do any of the acts prohibited in sections 4.10.150 through 4.10.220, shall, upon conviction, be punished as provided for violations of this chapter.

(Res. of 9-28-00, § 2)

4.10.240. **Animal** abuse--Exemptions.

A person who is:

1. Lawfully engaged in any sporting or hunting activity;
2. Slaughtering **animals**, reptiles or fowl for the purpose of providing food;

3. Engaged in the lawful euthanasia of an animal, reptile or fowl; or
4. Acting as a law enforcement officer or animal control officer in the line of duty to protect against a case of aggression of an animal, reptile or fowl, shall not be charged with a violation of this article if the death of an animal, reptile or fowl occurs from any such lawful activity.
(Res. of 9-28-00, § 2)

4.10.250. Disposal of dead animals.

If a domesticated animal shall die, the owner must bury the carcass at least three feet below the ground level and have not less than three feet of earth over the carcass within 12 hours after the death and discovery of the carcass. In the event the public works director or his designee of the governing authority shall be designated by said governing authority to remove said carcasses, then it is unlawful to bury said carcass and said carcass shall be removed at the expense of the owner of the animal, if known, and the finance director of the governing authority shall collect the fee for the same as provided by law.

(Res. of 9-28-00, § 2; Res. of 2-28-02, § 4)

4.10.260. Sterilization of animals.

A. Any public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge shall make provisions for the sterilization of all dogs or cats acquired from such shelter, agency, society, or refuge by:

1. Providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or
2. Entering into a written agreement with the person acquiring such animal guaranteeing that sterilization will be performed by a licensed veterinarian within 30 days after acquisition of such animal in the case of a sexually mature animal or by the sexual maturity of the animal in the case of a sexually immature animal.

Provided, however, that the requirements of this section shall not apply to any privately owned animal which any such shelter, agency, society, or refuge may have in its possession for any reason if the owner of such animal claims or presents evidence that such animal is the property of such person.

B. All costs of sterilization pursuant to this section shall be the responsibility of the person acquiring such animal and, if performed prior to acquisition, may be included in any fees charged by the shelter, agency, society, or refuge for such animal.

C. Any person acquiring an animal from a public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge, which animal is not sterile at the time of acquisition, shall submit to the animal shelter, animal control agency, humane society, or public or private animal refuge a signed statement from the licensed veterinarian performing the sterilization required by subsection A.2. of this section within seven days after such sterilization attesting that such sterilization has been performed.

D. Every public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge selling or offering for sale or exchange any dog or cat shall maintain and furnish to any person

acquiring an **animal** from such shelter, agency, society, or refuge a current list of veterinarians licensed in this state who have notified the shelter, agency, society, or refuge that they are willing to perform sterilizations and the cost for such procedures. (Res. of 9-28-00, § 2)

ARTICLE III. IMPOUNDMENT

4.10.270. Impoundment of **animals**, generally.

Any **animal**, reptile or fowl may be impounded if:

1. It is not under restraint or is at large;
2. It does not have a visible collar with a valid and current rabies vaccination tag affixed as required by (county only: section 4.10.100) (city only: section 4-2-3);
3. It has been abandoned for 36 hours or more;
4. It has bitten or is reasonably suspected of biting another **animal** or human and is being held for the required quarantine period under the rules of the board of health; or
5. It has been abused as prohibited in sections 4.10.150 through 4.10.240.

Said **animal**, reptile or fowl shall be impounded according to such rules and regulations now or hereafter prescribed by law or by the resolutions and ordinances of the governing authority for the detention, **control** and disposition of **animals**, reptiles and fowl. All impounded **animals**, reptiles and fowl, except exotic **animals** and livestock, shall be housed and cared for at the Humane Society of Hall County facilities. Impounded exotic **animals** and livestock will be housed at a facility approved by the governing authority. (Res. of 9-28-00, § 2)

4.10.280. Impoundment, housing and care of dangerous or potentially dangerous **animals**.

A. Upon a finding that an **animal**, reptile or fowl is dangerous or potentially dangerous and that the owner knew the **animal**, reptile or fowl was dangerous or potentially dangerous or upon confiscation pursuant to section 4.10.470, the **animal**, reptile or fowl may be impounded by the **animal control** unit or any law enforcement agency employee of the governing authority until such time as the owner of the dangerous or potentially dangerous **animal** provides proof of compliance with the duties of the owner of dangerous or potentially dangerous **animals** as set forth in sections 4.10.340 through 4.10.500. Any owner shall be held to know that such **animal**, reptile or fowl was dangerous or potentially dangerous if the **animal**, reptile or fowl had at any time displayed any one or more of the behaviors described in the definitions of dangerous or potentially dangerous **animals** under this chapter.

B. All **animals**, reptiles or fowl impounded under this section shall be housed and cared for at the Humane Society of Hall County facilities unless another facility which meets the requirements for housing a dangerous or potentially dangerous **animal** is expressly agreed upon between the **animal control** officer and the **animal's** owner. (Res. of 9-28-00, § 2)

4.10.290. Notice to owner of impounded **animal**; impound fees; redemption by owner. It shall be the responsibility of the **animal control** unit to immediately notify the owner of each domesticated **animal** impounded if the owner of the domesticated **animal** is known

or can be reasonably ascertained. The owner of any domesticated **animal** impounded may reclaim such domesticated **animal** by the payment of:

1. Any impoundment fee as charged by Hall County;
2. Any charges assessed by the Humane Society of Hall County for processing and boarding the **animal**;
3. The cost of the rabies inoculation, if required due to the **animal** not wearing a current rabies inoculation tag; and
4. Upon proof of payment of any fine already imposed for a violation of this chapter within 72 hours of the impoundment of the **animal**, and if after 72 hours, the **animal** has not been adopted through the Hall County Humane Society. Owners of **animals** who have been identified and notified but who refuse to reclaim their **animals** will be responsible for said fees as charged by Hall County and the humane society.

(Res. of 9-28-00, § 2; Res. of 2-28-02, § 5)

4.10.300. Disposition of impounded **animals**.

The **animal control** unit shall release to the Humane Society of Hall County for adoption or euthanasia any **animal** unredeemed or unclaimed by the owner after 72 hours except as otherwise provided herein. Any person adopting an **animal** from the Hall County Humane Society that has been impounded by **animal control** shall pay any charges assessed by the humane society for required inoculations as well as processing and boarding the **animal** and show proof of payment of any fine already imposed for a violation of this chapter prior to receiving the **animal**. In the case of a dangerous or potentially dangerous **animal**, shall show proof of compliance with the duties of owners of dangerous or potentially dangerous **animals** before receiving the **animal**.

(Res. of 9-28-00, § 2; Res. of 2-28-02, § 6)

4.10.310. Destruction of biting **animals**.

All **animals** or fowl, other than a dog or cat, which are known to have bitten a person or any **animal** which cannot be held for a rabies observation period, shall be euthanized and a lab specimen of brain tissue sent to the state Department of Epidemiology for testing and **control** of rabies in accordance with the rules of the board of health.

(Res. of 9-28-00, § 2)

4.10.320. Destruction of suffering **animals**.

While being impounded, any **animal**, reptile or fowl which is suffering excessively or any **animal** which represents a real danger to persons or other **animals**, without regard to the period of confinement as provided in section 4.10.300 shall be destroyed by an **animal control** officer in as humane a manner as possible.

(Res. of 9-28-00, § 2)

ARTICLE IV. DANGEROUS AND POTENTIALLY DANGEROUS **ANIMALS**

4.10.330. **Animal control** officer; duties generally.

The **animal control** officer shall make such investigations and inquiries as may be necessary to identify dangerous **animals** and dangerous **animal** owners within the jurisdiction of the governing authority.

(Res. of 9-28-00, § 2)

4.10.340. Classification of dangerous or potentially 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.

(Res. of 9-28-00, § 2)

4.10.350. Classification of dangerous or potentially dangerous **animals**; contents of notice to owner.

Notices to the owner shall meet the following requirements:

A. The notice shall be in writing and either mailed by certified mail to the owner's last known address or hand-delivered to the owners. Such notice shall be complete either upon its mailing, or, if hand-delivered, upon personal receipt;

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 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 or potentially dangerous **animal**;

D. The notice shall state that the hearing, if requested, shall be before the governing authority or its designee, and shall specify the name of the agency which shall conduct the hearing;

E. The notice shall state that either a filing fee in the amount of \$250.00 or a sufficient pauper's affidavit showing that the owner is unable without undue financial hardship to pay the filing fee shall be filed with the hearing request to the governing authority or its designee for said hearing;

F. The notice shall state that, if a hearing is not requested, the **animal control** officer's determination that an **animal** is a dangerous or potentially dangerous **animal** will become effective for all purposes under this chapter 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

G. The notice shall include a form to request a hearing before the governing authority or its designee and shall provide specific instructions on mailing or delivering such request to the governing designee.

(Res. of 9-28-00, § 2; Res. of 10-14-04, § 1)

4.10.360. Liability of owner of dangerous or potentially dangerous **animal**.

The notice procedures provided for in this article are not an essential condition for the enforcement of the provisions of this chapter. The owner of a dangerous 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 definition of dangerous **animal** or potentially dangerous **animal** as provided in this chapter.

(Res. of 9-28-00, § 2)

4.10.370. Presiding body at hearings on dangerous or potentially dangerous **animals**. Pursuant to O.C.G.A. §§ 4-8-22 and 4-8-24, the governing authority may conduct hearings provided for in this article, may designate an **animal control** board to conduct such hearings, or may designate the board of health to conduct such hearings. (Res. of 9-28-00, § 2)

4.10.380. Procedure for hearings on dangerous or potentially dangerous **animals**. When the governing authority or its designee receives a request for a hearing as provided in section 4.10.350 along with payment of the fee or a sufficient pauper's affidavit showing that the owner is unable without undue financial hardship to pay the filing fee required for said hearing, it shall schedule such hearing within 30 days after receiving the request. The governing authority 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 governing authority or its designee shall receive such other evidence and hear such other testimony as the governing authority 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**. (Res. of 9-28-00, § 2; Res. of 2-28-02, § 7; Res. of 10-14-04, § 1)

4.10.390. Notice of determination regarding dangerous or potentially dangerous **animal**. Within ten days after the date of the hearing, the governing authority 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. If such determination is that the **animal** is not a dangerous **animal** or a potentially dangerous **animal**, then the governing authority or its designee for said hearing may, in its discretion, return any filing fee paid to the **animal** owner. (Res. of 9-28-00, § 2; Res. of 10-14-04, § 1)

4.10.400. Certificate of registration required for dangerous or potentially dangerous **animals**. It is unlawful for an owner to have or possess within the jurisdiction of the governing authority a dangerous **animal** or potentially dangerous **animal** without a certificate of registration issued annually in accordance with the provisions of this chapter. (Res. of 9-28-00, § 2)

4.10.410. Certificate of registration for dangerous or potentially dangerous **animal**; proof of proper enclosure and posting of premises. Subject to the additional requirements of section 4.10.420, the **animal control** officer shall issue a certificate of registration to the owner of a dangerous 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** on the property and containing a symbol designed to inform children of the presence of a dangerous **animal**.

(Res. of 9-28-00, § 2)

4.10.420. Certificate of registration for dangerous **animal**; proof of insurance or bond. In addition to the requirements of section 4.10.410, 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 \$100,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous **animal**.

(Res. of 9-28-00, § 2)

4.10.430. Notice of escape, death, or change of ownership of dangerous or potentially dangerous **animal**.

The owner of a dangerous **animal** or potentially dangerous **animal** shall notify the **animal control** officer immediately if the **animal** has attacked a human, reptile or fowl or within 24 hours if the **animal** is on the loose, is unconfined, 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**.

(Res. of 9-28-00, § 2)

4.10.440. Dangerous or potentially dangerous **animals**; annual registration fee.

An annual fee of \$50.00 shall be charged by the **animal control** officer to defray the cost to register dangerous **animals** and potentially dangerous **animals** as required in this chapter. Said fee shall be due and payable at the time an application is made for a certificate of registration to be issued.

(Res. of 9-28-00, § 2; Res. of 2-28-02, § 8)

4.10.450. Dangerous **animals**; muzzling.

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 will prevent it from biting any person. The leash shall not be in excess of six feet in length and shall be of sufficient strength to prevent escape.

(Res. of 9-28-00, § 2)

4.10.460. 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. The leash shall not be in excess of six feet in length and shall be of sufficient strength to prevent escape.

(Res. of 9-28-00, § 2)

4.10.470. Dangerous or potentially dangerous animals; confiscation; return to owner or destruction.

A. A dangerous animal shall be immediately confiscated by the animal control officer or by a law enforcement officer or by another person authorized by the animal control officer if:

1. The owner of the animal, reptile or fowl does not secure and maintain the liability insurance or bond required by this chapter;
2. The animal, reptile or fowl is not validly registered as required by this chapter;
3. The animal, reptile or fowl is not maintained in a proper enclosure;
4. The premises where the animal, reptile or fowl is located are not posted as required by this chapter; or
5. The animal, reptile or fowl is outside a proper enclosure in violation of this chapter.

B. A potentially dangerous animal shall be confiscated in the same manner as a dangerous animal if the animal, reptile or fowl is:

1. Not validly registered as required by this chapter;
2. Not maintained in a proper enclosure; or
3. Outside a proper enclosure in violation of this chapter.

C. Any animal, reptile or fowl 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 chapter and upon the payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this chapter within ten business days of the date the animal, reptile or fowl was confiscated, said animal, reptile or fowl shall be destroyed in an expeditious and humane manner.

(Res. of 9-28-00, § 2)

4.10.480. Dangerous or potentially dangerous animals; 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 chapter. An animal shall not be a dangerous animal or a potentially dangerous animal within the meaning of this chapter 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 shall be held criminally liable under this chapter for injuries inflicted by said owner's animal to any human being while on the owner's property if said owner is in compliance with the provisions of this chapter at the time of the injuries being inflicted.

(Res. of 9-28-00, § 2)

4.10.490. Destruction of dangerous or potentially dangerous animals.

If impracticable to impound a dangerous or potentially dangerous animal due to its viciousness, or if the delay or attempt to impound the same be attended with danger, it shall be the duty of any law enforcement agency of the governing authority or the animal control officer to destroy the animal.

(Res. of 9-28-00, § 2)

4.10.500. Citation and court appearance for violations relating to dangerous or potentially dangerous animals.

Upon information known to or upon a complaint being lodged with an animal control officer, or any law enforcement agency employee of the governing authority that an animal is dangerous or potentially dangerous and not being kept by its owner under restraint in compliance with (city only: articles 1, 2, 3 and 4 of) this chapter, the animal control officer, or any law enforcement agency employee of the governing authority shall issue a citation for the violation to the owner of the animal to appear before the judge of the magistrate's court of the county on a day and time certain for a hearing to determine if the animal is dangerous or potentially dangerous as defined herein.

(Res. of 9-28-00, § 2)