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ANIMAL CONTROL

Article I- Purpose and Definitions

Sec. 2-4-1. - Purpose

In order to protect the health and safety of persons and animals in Lamar County, to improve and make more safe motor vehicle and pedestrian traffic, to control the incidence and spread of rabies, to prohibit abandonment and other forms of cruelty to animals, to promote the general welfare of the citizens of this county by providing specific regulations concerning the care and treatment of animals and providing for violations of those regulations, and to invest the authority to enforce those regulations, the board of commissioners of Lamar County, Georgia, hereby adopt this chapter, to be known and cited as the "Lamar County Animal Control Ordinance."

Sec. 2-4-2. -Definitions

- a) Animal establishment: Any business or animal rescue organization wherein any person engages in the business of boarding, breeding, letting for hire, training for a fee, trading, exchanging, giving away or selling animals.
- b) Abandoned animal or stray: Any domesticated animal shall be considered abandoned, for the purposes of this chapter, which has been placed upon public property or within a public building unattended and uncared for, or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned, for the purposes of this chapter, which has been upon or within the property of the owner or custodian of this animal for a period of time in excess of thirty-six (36) continuous hours unattended and without proper food and water and shelter. Any domesticated animal shall also be considered as abandoned if the animal's owner has been incapacitated, incarcerated by lawful authorities or for any reason is unable or unwilling to care for the animal. The determination of the owner's status shall be the sole responsibility of the animal control officer.
- c) Abused animal: Any animal which (1) is mistreated, beaten, tormented; or (2) is deprived of adequate water, food, or shelter; or (3) is kept under unsanitary conditions; (4) trained/used for fighting other animals or used as bait to train other animals to fight; or (4) is abandoned. This subsection is not intended to require shelter for livestock as that term is defined in this Code section.
- d) Adequate and humane care: means attention to the needs of an animal, including but not limited to, the provision of adequate water, food, shelter, bedding, sanitary conditions, ventilation, heating/cooling (temperature control), space, exercise and veterinary medical attention necessary to maintain the health of the animal with regard to the specific age, size, species, and breed of animal.

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- e) adequate food and water: means sufficient quantity of non-contaminated and nutritionally adequate food, fed according to age, size, species and breed requirements, or as directed by a veterinarian, which is sufficient to prevent starvation, malnutrition or risk to the animal's health. Garbage or spoiled/rancid food is not considered adequate food.
- f) Adequate shelter: means the provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.
- g) Animal means any living creature, both domestic and wild, except humans. The term "animal" also includes fowl, fish, and reptiles.
- h) Animal at large: An animal not under restraint as provided in Section 2-4-5.
- i) Animal control director: The Sheriff of Lamar County Georgia, or his designee, shall serve as the animal control director for the purposes herein provided.
- j) Animal control department: The Lamar County Animal Control Department.
- k) Animal control officer: Any person so designated by the animal control director to perform the duties prescribed by this chapter.
- l) Animal shelter: The facility designed and operated for the purpose of impoundment and care of animals held under authority of this chapter or Georgia law.
- m) Animal under restraint: Any animal which is restrained in compliance with section 2-4-5 herein.
- n) Livestock: Includes horses, cows, goats, pigs and any other animal which has hooves.
- o) Owner: Any natural person or any legal entity, including but not limited to a corporation, partnership, firm, or trust, who intentionally harbors or exercises custody, control, possession, or ownership of an animal. This includes, but is not limited to, providing food and/or shelter for a stray animal for a period of more than five (5) days. In the case of a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.
- p) Person: Any person, corporation, partnership, firm, trust, club, or association.
- q) Proper enclosure means a securely enclosed locked pen, fence, or structure suitable to prevent and animal from escaping. Animal pens shall be located in the side or back yard only unless the property is 3 acres or ~~more, and~~ more and shall be located at least twenty (20) feet from any property boundary or fifty (50) feet from any dwelling unit on adjoining property, whichever is greater. Enclosures shall be kept clean of animal excrement and food waste so as to minimize vermin infestation, contamination, odors, and disease hazards. If using an invisible containment system, a sign must be placed on the property that is easily visible to guests on the property indicating that the system is in place.
- r) Veterinary clinic or hospital: A clinic or hospital operated by a licensed veterinarian.

Article II- Duties of Animal Owners

Sec 2.4.3 Duty of all animal owners to be responsible owners.

It shall be the duty of every owner or custodian of any animal to provide adequate and humane care to that animal. It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, other animals and the animals under their supervision from injuries, illness or damages which might result from the animal's behavior. In the event that the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this article are complied with.

Sec 2.4.4 Animals and zoning districts

- a) Domesticated animals/pets that are kept primarily for companionship are allowed in all of unincorporated Lamar County in proper enclosures as defined in this chapter.
- b) Livestock are the domesticated animals raised in an agricultural setting in order to provide labor and produce diversified products for consumption such as meat, milk, fur, leather, and wool. Livestock are allowed in Agriculture-Residential zoned areas only on property that is 5 acres or more in size in proper enclosures as defined in this chapter.
- c) Wild and exotic animals as defined in O.C.G.A. ~~§ 27-5-5~~ are allowed only with the appropriate permit from the State of Georgia to be located in an approved animal sanctuary and not as personal pets. An animal sanctuary must be approved through zoning procedures.
- d) Laying hens, not to exceed 6 per household, for personal use are allowed in all residential zoning districts in proper enclosures as defined in this chapter. This limit does not apply to property zoned Agricultural-Residential.

Sec 2.4.5 Animals and proper restraint

- a) It shall be unlawful for any owner or possessor of any animal to fail to keep the animal under restraint or control as provided for in this chapter.
- b) An animal is considered not under restraint or control when it is running at large, whether wearing a collar and tag or not. Reasonable care and precautions shall be taken to prevent the animal from leaving the real property limits of its owner, possessor, or custodian. Acceptable methods of restraint for animals, other than those classified as dangerous or vicious dogs, include the animal being in a proper enclosure as defined in this chapter or on a leash and under the control of a competent person.
- c) It shall be the duty of any person having possession, custody or control of any animal, restrained or unrestrained, to immediately remove excrement deposited by the animal on any public right-of-way (street, sidewalk, or parkway between the street and sidewalk), on any public property, such as a municipal park, and from private property not belonging

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to the animal's owner or keeper. Such person shall have in their possession, while controlling their animal, a device or equipment for pick up and removal of the animal excrement and its proper disposal in a sanitary manner. Failure to pick up and remove animal excrement deposited off the owner or keeper's private property shall constitute a violation of this section which, upon conviction, shall be punished by a fine not to exceed \$100.00 for each violation.

Sec. 2.4.6 Vaccinations

- a) Any person who ~~shall-owns~~, ~~keeps~~, or ~~have~~s control of a dog or cat over three (3) months of age within the unincorporated area of the county is required to have such animal inoculated in an approved manner for the control of rabies by a license veterinarian and such dog or cat shall wear a collar to which is attached thereto a valid vaccination tag as required by the laws of the State of Georgia.
- b) No person shall attach a vaccination tag to any dog or cat for which it was not issued or intended, nor shall any person remove a vaccination tag from any dog or cat for which it was issued or intended.
- c) Any uninoculated dog which bites any person may be confined for a period of not over ten (10) days at the expense of the owner for observation or may be disposed of as directed by the animal control director for examination and report by the state health department.

Sec. 2.4.7 Number of animals allowed

For both private properties and animal establishments, the number of animals shall not exceed the number for which proper enclosures and adequate and humane care can be provided by the owner or custodian. It shall be unlawful for any person to collect animals and fail to provide them with humane ~~and~~ /adequate care, collect dead animals that are not properly disposed of as required by this article, or collect, house, or harbor animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property. Any owner that breeds more than one litter per year is required to have a breeders license from the ~~S~~state of Georgia and meet all zoning requirements.

Sec. 2.4.8 Disposal of dead animals

Animal Control officers, or their designees, are authorized to remove dead animals from public property including public schools, parks, and roadways. Carcasses on private property must be disposed of by the property owner or possessor in accordance with state laws and regulations. It shall be unlawful for any person to dispose of a dead animal, its parts, or blood on the land of another without the permission of the owner of the land. It shall be unlawful for any person to dispose of a dead animal in a well or open pit of any kind; on private or public land. All dead livestock, including horses, cattle and any other large animal must be disposed of by the animal owner or property owner/possessor in accordance with state and local regulations.

Sec. 2.4.9 Cruelty to animals

- a) It shall be unlawful for any person to commit and act of cruelty towards any animal. Any person who abuses an animal or aids another person in abusing an animal or causes or permits an animal to abuse another animal, by acting or failing to act, shall be in violation of this section. Cruelty to animals includes but is not limited to:
 1. Neglecting to provide adequate drink, adequate food, adequate space, adequate shelter, adequate ventilation and/or sanitary conditions;
 2. Failure to provide reasonable remedy or relief for any injured or diseased animal;
 3. Failure to provide necessary veterinary care;
 4. Causing unnecessary suffering of any animal;
 5. Beating, torturing, tormenting, or mutilating;
 6. Otherwise treating any animal in a cruel or inhuman manner;
 7. Providing any animal illegal performance enhancing substances; and
 8. Any of the above while the animal is tethered.
- b) It shall be unlawful for a person to intentionally train, breed, possess, harbor, keep, have custody or control of any animal for the purpose of animal fighting. It shall be unlawful to be a spectator at or bet on an animal fighting activity. The intentional fighting of dogs, dog and hog, and cocks is expressly prohibited.
- c) It shall be unlawful to leave animals unattended in a parked vehicle without property ventilation to prevent the animal from suffering physical distress from heat exhaustion. The Animal Control Officer or any sworn officer shall take such action as is necessary including entry of the vehicle by any reasonable means to remove an animal from such jeopardy and may impound said animal and secure medical treatment for said animal as needed at the owner's or custodian's expense.
- d) Exceptions:
 1. A person shall not be guilty of animal cruelty when the person is protecting his/her life, or the life of another person or animal that is being attacked by an animal that is attempting to severely harm or kill him/her or another person or animal provided that the person being attacked is not committing a crime or is not aggravating or inciting the animal to attack.
 2. Licensed veterinarians who perform surgery or euthanasia and animal control officers who euthanize animals under the direction of animal control per the guidelines of the Georgia Veterinary Medical Association, Georgia Department of Agriculture, and this article shall not be guilty of animal cruelty.

Sec. 2.4.10 Nuisance animals

A public nuisance animal shall mean and include any animal or animals that:

- a) Are found at large;
- b) Damage the property of anyone;

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- c) Are vicious;
- d) Attack without provocation;
- e) Excessively make disturbing noises including, but not limited to, continued and repeated howling, barking, whining, meows, squawks or other utterances to such a degree as to cause loss of sleep, discomfort, anxiety of any citizen who commonly dwells within audible distance of the property or common place of abode of the animal. For the purpose of this article, "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise incessantly for a period of fifteen (15) minutes, or barks continuously for one-half (1/2) hour or more to the disturbance of any person at any time of day or night, provided however, that a dog shall not be deemed a "barking dog" if, at the time the dog is barking, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated;
- f) Create unsanitary conditions of offensive and objectionable odors in enclosures or surroundings and thereby create unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept;
- g) Abandoned animals;
- h) Any wild and exotic animal kept in violation of this chapter;
- i) Dogs or cats of any age which do not have tags evidencing rabies vaccinations, as required herein;
- j) Dangerous dogs or vicious dogs, as classified by the dog control officer, running at large or otherwise in violation of provisions herein;
- k) Potentially dangerous or vicious dogs, which are under investigation by the dog control officer according to this chapter and awaiting classification, running at large, or otherwise in violation of provisions herein;
- l) Terminally diseased animals which pose a threat to the human or animal population;
- m) ~~Is a~~ Any feline allowed to roam off its ~~owners~~owner's property unless such feline is spayed or neutered;
- n) Any unattended animal that is ill, injured, or otherwise in need of care; ~~and~~
- o) Is inimical to the public health, welfare, or safety according to the rules and regulations promulgated by the Lamar County Board of Health which rules and regulations are incorporated herein and made a part hereof as if fully set out in this chapter; is hereby declared to be a public nuisance.

Article III -Establishment of Animal Control Department; Establishment of Lamar County Animal Shelter; Establishment of the Fred Morris Adoption Center

Sec. 2.4.11 Establishment of the Animal Control Department

- a) The animal control department shall be under the direction of the animal control director. Such director shall be appointed by the Lamar County Sheriff and shall have the

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authority, with approval of the Sheriff, to select and hire deputies or animal control officers. The animal control director and his deputies shall be charged with the responsibility of enforcing the animal control ordinances of the county and the operation of the animal shelter and shall be authorized to issue citations for violations of this chapter. The director may also be designated by the Lamar County board of health as the official rabies control officer for the county.

- b) Upon information made known to or any complaint lodged with the director or his deputies that any owner, possessor, or custodian of any dog or other animal is in violation of this chapter, the director or his deputies shall investigate such information or complaint.
- c) It shall be a violation of this chapter for any person to interfere with any animal control officer or any law enforcement officer engaged in the enforcement of this chapter, to take or attempt to take any animal from any vehicle used to transport said animal, or to take or attempt to take any animal from the animal control impoundment area or areas.
- d) In the performance of his duties pursuant to the provisions of this chapter, any animal control officer or any law enforcement officer assisting in the enforcement of this chapter may use such force as is necessary to defend himself from attack by any animal. Provided, however, that all efforts shall be made to take up an animal without undue harm, injury, or danger to the animal and the officer, and to other persons and property. In the performance of his duties pursuant to the provisions of this chapter, any animal control officer or any law enforcement officer assisting in the enforcement of this chapter shall be authorized to enter upon private property:
 - 1. With the permission of the owner, possessor, or custodian or tenant of said property for the purposes of investigating complaints of violations; or
 - 2. Without the permission of the owner, possessor, or custodian or tenant of said property for the purpose of taking up an animal for impoundment, and for the purpose of enforcing this chapter where a violation is known to exist.
- e) It shall be the duty of the director to keep and maintain, or to cause to be kept and maintained, accurate records of citizen complaints and the licensing, impoundment, and disposition of all animals coming into his or her custody for a period as required by records management regulations of the county or the state.

Commented [LSM1]: Has anyone asked the Sheriff about doing this?

Sec. 2.4.12 Establishment of Lamar County Animal Shelter

The citizens of Lamar County, through a Special Local Option Sales Tax and private donations have elected to establish the Lamar County Animal Shelter. This shelter shall serve as a holding area for surrendered and impounded animals in Lamar County.

- a) Owner surrender of animals: Lamar County recognizes there may be unique circumstances in which a pet owner can no longer provide adequate care for an animal. It is the goal of the county to provide a safe shelter in order to stop animals from being abandoned along our county roads. The Lamar County Animal Shelter will only accept an owner's surrender of dogs and cats. The animal control director shall not be required to wait any required length of time prior to providing for the adoption or the humane destruction of the animal.

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- b) Animals subject to impoundment: The following animals shall be subject to immediate impoundment and confinement by the animal control director, his designated representatives, or any law enforcement officer in Lamar County:
 - 1. Abused animals.
 - 2. Any animal which is a public nuisance as defined in section 2.4.10.
 - 3. Animals from an animal establishment not complying with the provisions of this chapter.
 - 4. Animals found to have been cruelly treated.
- c) An animal control officer or law enforcement officer may follow an animal that has been seen by said officer in violation of this chapter onto private property to capture and impound said animal. No injunction, action, or claim for damages may be brought against the animal control department or its officers, agents or employees, or against the county with respect to actions herein contemplated.
- d) Notice to owners of impoundment:
 - 1. Upon impounding any dog or other animal, the director or his authorized representative shall cause to be made a prompt and reasonable effort to locate the animal's owner, possessor, or custodian. Once the owner of the animal is identified, all fees have been paid, proof of rabies vaccination, and the owner can confirm the animal will have adequate food, shelter and containment, the animal will be released to the owner.
 - 2. If the dog or other animal is not claimed by the owner, possessor or custodian thereof within seven (7) calendar days from the date of impoundment, then it shall be the duty of the director or his authorized representative to allow for the adoption of the animal. After a total period of seven (7) calendar days from the date of impoundment, Lamar County Animal Control may provide for humane destruction of the animal in accordance with the provisions of this chapter. In the case of livestock, the animal may be sold as per O.C.G.A. § 4-3-5.

Sec. 2.4.13 Establishment of the Fred Morris Adoption Center

Lamar County honors the legacy of Fred Morris, a lifelong advocate of the humane treatment of all animals, by the establishment of the Fred Morris Adoption Center. Adoption services will be provided as follows:

- a) The animal control department or its designee may offer for adoption any animal that has been surrendered to the Lamar County Animal Shelter or has been impounded by the Lamar County Animal Control Department and has remained in the shelter for more than seven (7) days.
- b) All persons adopting animals shall be over 18 years of age and shall provide adequate and humane care, feeding, shelter and containment, and veterinary treatment as required.
- c) Any person adopting an animal shall not use the animal for breeding, fighting or profit.
- d) Any person adopting an animal shall pay an adoption fee in an amount stated in the fee schedule.
- e) A person will not be allowed to adopt an animal that was impounded from their property in order to circumvent paying impoundment fees.

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- f) Sterilization: any person adopting an intact animal shall cause to have the animal spayed or neutered within ~~a period specified as follows: within~~ 30 days from the date of adoption for animals over the age of six months or within the first six months of age for sexually immature animals. Any adopted animal not sterilized within the time specified may be reclaimed by animal control. If an animal becomes pregnant after the time specified for the animal to be spayed, the owner may receive a citation for violating this article. Any person acquiring an animal from the Lamar County animal shelter shall submit to the animal shelter a signed statement from a licensed veterinarian performing the sterilization required above within seven (7) days of such sterilization attesting that such sterilization has been performed.
- g) Any person who shall violate any provision of this section and its subparts shall be guilty of a misdemeanor and shall be subject to a fine not to exceed ~~two hundred dollars~~ (\$200.00).
- h) Adoption requests will be in writing on forms provided by the Animal Control Department. Requests will be reviewed and a determination will be made by the Animal Control Director or his designee as to whether the applicant can provide adequate food, care, and shelter specific to the animal requested. Applicants that have a history of nuisance animals will be denied.
- i) Established animal rescue organizations that shelter animals taken from the Fred Morris Adoption Center ~~will also~~ must adhere to the guidelines as set out in this section.
- j) The fee collected for the adoption of animals from the Fred Morris Adoption Center will be set by the Lamar County Board of Commissioners and all fees collected will be used for the operation of Lamar County Animal Control.

Sec. 2.4.14 Other disposition of animals

- a) ~~A~~ If any animal ~~is~~ seized, impounded, or surrendered ~~and that~~ shows evidence of contagious, infectious or fatal diseases, or is seriously ill or severely injured, or is not mature enough to survive on its own, may be, without regard to the confinement period, disposed of by the most humane method available.
- b) Any animal which is suffering excessively or exhibits feral or wild tendencies or may present a real danger to persons or other animals, may be, without regard to the confinement period, disposed of by the most humane method available.
- c) Any animal that is seized or impounded and is not reclaimed by its owner within seven (7) calendar days may be disposed of by the most humane method available.

Article IV: Dangerous and Vicious Dogs

Sec. 2.4.15 Definitions

As used in this article, the term:

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“Authority” means an animal control board or local board of health, as determined by the [Lamar County Board of Commissioners governing authority of a local government](#). The duties of the Authority ~~is~~ ~~are~~ to make ~~—~~ determinations as to whether a dog meets the criteria to be classified as “dangerous” or “vicious~~—.~~” The Authority shall consist of five members, appointed by the Board of ~~—~~ Commissioners for one year terms.

“Classified dog” means any dog that has been classified as either a dangerous dog or vicious ~~—~~ dog pursuant to this article.

“Dangerous dog” means any dog that:

1. Causes a substantial puncture of a person’s skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;
2. Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such a person or another person although no such injury occurs; provided however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under the subparagraph; or
3. While off the owner’s property, kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

“Local government” means Lamar County, Georgia.

“Mail” means to send by certified mail or statutory overnight delivery to the recipient’s last known address.

“Owner” means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of a dog. In the case of a dog owned by a minor, the term “owner” includes the parents or person in loco parentis with custody of the minor.

“Serious injury” means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

“Vicious dog” means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog’s attack.

Sec. 2.4.16 Investigation, hearing, and appeals of dangerous dogs and vicious dogs

- a) Upon receiving a report of a ~~suspected dog believed to be subject to classification as a~~ dangerous dog or vicious dog within a dog control officer’s jurisdiction, the animal control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
- b) When an animal control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal control officer shall mail a dated notice to the dog’s owner within 72 hours. Such notice shall include a summary of the animal control officer’s determination and shall state that the owner has a right to request a hearing from

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the authority on the animal control officer's determination within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested with the allotted time, the animal control officer's determination shall become effective for all purposes under this article. If an owner cannot be located within ten days of an animal control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the animal control officer.

- c) When a hearing is requested by a dog owner in accordance with subsection (c) of this Code section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the authority for good cause shown. At least ten days prior to the hearing, the authority conducting the hearing shall mail to the dog owner written notice of the date, time, and place of hearing. ~~a~~At the hearing, the dog owner shall be given the opportunity to testify and present evidence, and the authority shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the animal control officer's determination.
- d) Within ten days after the hearing, the authority shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to [Georgia State Code Section O.C.G.A. § 4-8-26](#), the notice shall specify the date by which the euthanasia shall occur.
- e) Judicial review of the authority's final decision may be had in accordance with [Georgia State Code Section O.C.G.A. § 15-9-30.9](#).
- f) The judge of any superior court of competent jurisdiction within this state may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided by [Code Section O.C.G.A. § 4-8-23](#), that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:
 - 1. The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or
 - 2. The authority has filed with the court a civil action requesting the euthanasia of the dog.
- g) A dog that is found, after notice and opportunity for hearing as provided by ~~code section~~ [O.C.G.A. § 4-8-23](#), to have caused a serious injury to a human on more than one occasion shall be euthanized; ~~provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this code section.~~

Sec. 2.4.17 Registration of Dangerous Dogs and Vicious Dogs

- a) It shall be unlawful for an owner to have or possess within this state a classified dog without a certificate of registration issued in accordance with the provisions of this code section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.

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- b) Unless otherwise specified by this code section, a certificate of registration for a dangerous dog shall be issued if the animal control officer determines that the following requirements have been met:
1. The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and
 2. Clearly visible warning signs have been posted at all entrances to the premises where the dog resides.
- c) Except as provided in subsections of this code section, a certificate of registration for a vicious dog shall be issued if the animal control officer determines that the following requirements have been met:
1. The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property;
 2. Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
 3. A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
 4. The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000 issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog.
 5. No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
 6. No person shall be the owner of more than one vicious dog.
 7. No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:
 - A. A serious violent felony as defined in [Georgia Code O.C.G.A. § 17-10-6.1](#).
 - B. The felony of dogfighting as provided for in [Georgia Code O.C.G.A. § 16-12-4](#); or
 - C. A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in [Georgia Code O.C.G.A. §§ 16-13-31 and 16-13-31.1](#) from the time of conviction until two years after completion of his or her sentence, or to any person residing with such person.
 8. Certifications of registration for a vicious dog, an animal control officer shall verify that the owner is continuing to comply with provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

Sec. 2.4.18 Regulations to keep a Dangerous Dog or a Vicious Dog

- a) The owner of a classified dog shall notify the animal control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the animal control officer within 24 hours if the dog has died or has been euthanized.
- b) A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.
- c) The owner of a classified dog who moves from one jurisdiction to another within the State of Georgia shall register the classified dog in the new jurisdiction within ten days of becoming a resident and notify the animal control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into this county shall register the dog as required in [Georgia Code Section O.C.G.A. § 4-8-27](#) within 30 days of becoming a resident.
- d) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:
 - a. The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;
 - b. The dog is contained in a closed and locked cage or crate; or
 - c. The dog is working or training as a hunting dog, herding dog, or predator control dog.
- e) It shall be unlawful for an owner of a vicious dog to permit the dog to be:
 - a. Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:
 - b. The dog is muzzled and retained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
 - c. The dog is contained in a closed and locked cage or crate; or
 - d. Unattended with minors.

Sec. 2.4.19 Penalties

- a) Any person who violates this code section shall be guilty of a misdemeanor of high and aggravated nature.
- b) An owner with a previous conviction for a violation of this article whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment of not less than one or more than ten years, a fine of not less than \$5,000 nor more than \$10,000, or both. In addition, the classified dog shall be euthanized at the cost of the owner.

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- c) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.
- d) A dangerous dog or vicious dog shall be immediately confiscated by any animal control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.
- e) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by an animal control officer, or the authority.
- f) In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was confiscated, such dog shall be released to an animal shelter or veterinarian to be euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.
- g) Under no circumstances shall Lamar County or any employee or official be held liable or any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.