

ORDINANCE NO. 2024-11

AN ORDINANCE TO AMEND CHAPTER 2-4 OF THE LAMAR COUNTY, GEORGIA, CODE OF ORDINANCES ENTITLED “ANIMALS AND FOWL”; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
LAMAR COUNTY, GEORGIA

SECTION 1. Code Chapter Amended. Chapter 2-4 of the Lamar County, Georgia, Code of Ordinances entitled “Animals and Fowl” is hereby amended by deleting said Chapter and all articles and sections thereunder in their entirety and substituting in lieu thereof a new Chapter 2-4 to be entitled “Lamar County Animal Control Ordinance” and Articles and Sections thereunder to read as follows:

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 safer 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) **Abandonment:** means the intentional or complete forsaking of any animal by its owner, without making reasonable arrangements for the adequate care and custody of the animal to be assumed by another person or the failure to return and resume responsibility of an animal at the designated time as arranged with the care giver. Abandonment also means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian, or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate and proper food and water for a period in excess of thirty-six (36) hours, regardless of where such animal may be found or kept.
 - (1) Any domesticated animal shall be considered as abandoned if the animal’s owner has been incapacitated, incarcerated by lawful authorities, or for any reason unable or

unwilling to care for the animal. The determination of the owner's status shall be in the sole discretion of the animal control shelter director, or his/her designee.

- 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; or (4) is abandoned; or (5) Dog Fighting. 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 exhibiting attention to the needs of an animal, including but not limited to, the provision of adequate water, food, shelter, bedding, safe and 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 or to prevent suffering.
- e) **Adequate food:** 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 a protective covering for a domestic animal that provides adequate space and protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four (4) sides, a constructed floor, and a roof with a door opening. It should also be clean, dry, and compatible with current weather conditions, in addition to age, size, species, and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down, and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below thirty-two (32) degrees Fahrenheit. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of December through March or when the ambient, outside temperature is below thirty-two (32) degrees Fahrenheit. From April to November, the structure shall either be shaded or moved out of the direct sunlight. If the shelter is made of wood, it shall be raised at least two (2) inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.
- g) **Adequate Water:** means clean, fresh, potable water sufficient to prevent dehydration and properly sustain health presented in a clean dish and free from contamination. Examples of inadequate water include, but are not limited to, snow, ice, or rancid/contaminated water.
- h) **Animal:** means any living creature, both domestic and wild, except humans. The term "animal" also includes fowl, fish, and reptiles.
- i) **Animal at large:** An animal not under restraint as provided in section § 2-4-22.
- j) **Animal control director:** The Sheriff of Lamar County Georgia, or his designee, shall serve as the animal control director for the purposes herein provided.
- k) **Animal control department:** The Lamar County Animal Control Department.
- l) **Animal control officer:** means any person designated by the animal control director who is hereby authorized by the governing authority or by law enforcement to enforce the provisions of this chapter.

- m) **Animal shelter:** The facility designed and operated for the purpose of impoundment and care of animals held under authority of this chapter, Lamar County Public Health Department, or Georgia law.
- n) **Animal under restraint:** Any animal which is restrained in compliance with section § 2-4-22 herein.
- o) **Cruelty:** means causing death or unjustifiable pain or suffering to any animal by an act, omission, or neglect. Cruelty also includes transporting an unrestrained animal in an open-air vehicle or in the trunk of any vehicle or leaving an animal unattended in a closed vehicle without proper ventilation or temperature control where the outside air temperature is seventy (70) degrees Fahrenheit or above. Cruelty also means allowing or causing any animal to train for or engage in an animal fight operated for sport, entertainment, or gaming purposes. Routine medical procedures by a licensed veterinarian shall not be regarded as cruelty.
- p) **Dog Fighting:** means any person who
 - a. Owns, possesses, trains, transports, or sells any dog with the intent that such dog shall be engaged in fighting with another dog;
 - b. For amusement or gain, causes any dog to fight with another dog or for amusement or gain, causes any dogs to injure each other;
 - c. Wagers money or anything of value on the result of such dogfighting;
 - d. Knowingly permits any act in violation of paragraph (1) or (2) of this subsection on any premises under the ownership or control of such person or knowingly aids or abets any such act; or
 - e. Knowingly promotes or advertises an exhibition of fighting with another dog.
- q) **Euthanasia:** means the legal act of putting an animal to death using humane methods, recommended by the American Veterinary Medical Association Panel on Euthanasia and approved by the Georgia Department of Agriculture, as defined by Georgia law in the Georgia Animal Protection Act, as may hereinafter be amended.
- r) **Fence:** means any structure of wire, wood, stone, or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence must be sufficient to prevent the animal from being able to jump, dig, or escape from confinement.
- s) **Garbage:** means any and all refuse, matter/effluent, either animal or vegetable by-product from a restaurant, kitchen, or meat/poultry processing establishment; spoiled/rancid food and refuse accumulation of animal, fruit, or vegetable matter, liquid, or otherwise, that is normally discarded.
- t) **Identification:** means any tag, tattoo, microchip, or other type of marking that can be used to locate an animal's owner.
- u) **Kennel:** Any premises wherein any person engages in the business of boarding, breeding, letting for hire, training for a fee, or selling animals; or other similar purposes for a fee or compensation.
- v) **Law Enforcement Agency:** means any division of the Lamar County Sheriff's Department or other governmental agency with law enforcement powers operating within Lamar County.
- w) **Livestock:** Includes horses, cows, goats, pigs, and any other animal which has hooves.
- x) **Mail:** means to send by certified mail or statutory overnight delivery to the recipient's last known address.

- y) **Neglect:** means endangering an animal's health by failing to provide or arrange to provide the animal with food or drink if the animal is dependent upon a person for the provision of food or drink, or the act of restraining an animal in a manner that endangers the animal's life or health. Other acts considered to be neglected include, but are not limited to:
- (1) Failing to provide adequate care or seek veterinary care for an injury or illness that seriously endangers the life or health of an animal; or
 - (2) Leaving an animal outside and exposed to excessive heat or cold without providing the animal with adequate shelter or protection from the heat or cold or exposing an animal to unsanitary conditions.
- z) **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 an animal. In the case of an animal owned by a minor, the term "owner" includes the parents or person *in loco parentis* with custody of the minor. 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.
- aa) **Person:** Any person, corporation, partnership, firm, trust, club, or association.
- bb) **Proper enclosure:** means a securely enclosed locked pen, fence, or structure suitable to prevent any animal from escaping. Animal pens shall be located in the side or back yard only unless the property is two (2) acres or 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. Where five (5) or more dogs are kept must be one hundred (100) feet from any property boundary. Enclosures shall be kept clean of animal excrement and food waste so as to minimize vermin infestation, contamination, odors, and disease hazards. All animals shall be provided with adequate care that must include constant access to adequate water, shelter, and veterinary care when necessary. 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.
- cc) **Public Nuisance:** means anything that causes hurt, inconvenience, or damage to another. The fact that the act done may otherwise be lawful does not prevent it from being a nuisance. The inconvenience must be such that it would affect an ordinary, reasonable person. For a list of examples, refer to Sec. 2.4.41 of this chapter.
- dd) **Sterilized animal:** means an animal that has been surgically or chemically altered by a licensed veterinarian in order to render the animal incapable of reproduction.
- ee) **Stray animal:** means any animal at large, whether lost by its owner or otherwise, that may be in or on the common areas of multi-residential, single-family residential property, or any other property or public area without being controlled by a leash, that does not have an identification tag or microchip, and otherwise has no identifiable owner.
- ff) **Tethered or Tethering:** means an animal attached to a stationary object by a chain, cable, or similar device commonly used for the size and type of animal involved. For details, refer to Sec. 2.4.24 of this chapter.
- gg) **Unsanitary Conditions:** means an animal living space, shelter, or exercise area contaminated by health hazards, irritants, pollutants, items, or conditions that endanger or pose a risk to an animal's health.
- hh) **Veterinary clinic or hospital:** A clinic or hospital operated by a licensed veterinarian.

Article II. – Establishment of Animal Control; Lamar County Animal Shelter; Animal Control Designated

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 authority, with approval of the Sheriff, to select and hire deputies or animal control officers. The animal control director and his/her designees 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/her designees that any owner, possessor, or custodian of any dog or other animal is in violation of this chapter, the director or his/her designees shall investigate such information or complaint.
- c) ***Interfering with an Animal Control Officer.*** 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/her 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 themselves 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.
- e) In the performance of his/her 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 for purposes of public safety, rabies control, or if the animal is suspected to be in life threatening danger.
- f) 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.

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 acknowledges that unique circumstances may arise where a pet owner is unable to provide adequate care for an animal. The county aims to prevent the abandonment of animals by providing a safe shelter. The Lamar County Animal Shelter shall accept the surrender of dogs and cats by their owners, subject to the discretion of the Animal Control Director and the availability of space. The Animal Control Director shall have the authority to provide for the immediate adoption or humane euthanasia of surrendered animals without adhering to any mandatory waiting period. Under such circumstances, the animal control director is not required to retain the animal to allow for its adoption.
- b) Fees related to owner surrender of animals shall be referenced in Sec. 2-4-66. – Fee Schedule. All fees must be paid by the owner, possessor, or custodian prior to the surrender of the animal

Sec. 2.4.13. – Establishment of Fred Morris Adoption Center; Adoption

Lamar County honors the legacy of Fred Morris, a lifelong advocate of the humane treatment of all animals, by the naming of Lamar County’s Animal Shelter hereinafter as “Fred Morris Adoption Center.” Adoption services will be provided as follows:

- a) The animal control director or his/her designee may offer for adoption any animal that has been surrendered to the Fred Morris Adoption Center immediately or has been impounded and has remained in the shelter for more than five (5) calendar days.
- b) Any eligible litters of multiple animals that are taken into custody by any means may be offered for adoption or rescue immediately.
- c) All persons adopting animals shall be over eighteen (18) years of age, shall provide identification and shall provide adequate and humane care such as food, water, shelter, containment, and veterinary treatment as required.
- d) Any person adopting an animal shall not use the animal for breeding, fighting, or profit.
- e) Any person adopting an animal shall pay an adoption fee in an amount stated in the fee schedule.
- f) A person will not be allowed to adopt an animal that was impounded from their property in order to circumvent paying impoundment fees.
- g) *Sterilization required:* any person adopting an intact animal shall cause to have the animal spayed or neutered within thirty (30) days or provide proof of appointment by a licensed veterinarian for animal(s) over the age of six (6) months or within the first six (6) 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 by adoption an animal from the Lamar County animal shelter shall submit 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.

- h) *Rabies Vaccination Required:* any person adopting an animal shall have obtain a valid rabies vaccination within thirty (30) days of adoption or provide proof of appointment by a licensed veterinarian.
- i) All costs of sterilization and vaccination pursuant to this section shall be the responsibility of the person acquiring such animal.
- j) ***Failure to Comply with Adoption Agreement.*** 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 \$200.00.
- k) Adoption requests will be in writing on forms provided by the Fred Morris Adoption Center. Requests will be reviewed, and a determination will be made by the Animal Control Director or his/her 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 may be denied. Applicants with animal cruelty history within the past two (2) years will be denied automatically.
- l) Established animal rescue organizations that shelter animals taken from the Fred Morris Adoption Center must adhere to the guidelines as set out in this section.
- m) 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.
- n) The animal control director may refuse to allow the adoption of any animal if it would not be in the best interest of the animal or the general public to allow said adoption.

Sec. 2.4.14. – Humane Animal Disposition

The Lamar County Animal Shelter operates as an open admissions shelter, evaluating all animals for intake. However, the Animal Control Director or their designee may deny intake due to space constraints. Animal Control is authorized to humanely euthanize animals exhibiting symptoms of illness, contagious, or infectious diseases, temperament issues, by court order, or as necessary to manage shelter capacity.

- a) If an animal is not reclaimed by its owner within five (5) calendar days, the animal may be made available for adoption or rescue. Should the animal remain unclaimed, unadopted, or not rescued within seven (7) calendar days, Lamar County Animal Control is authorized to proceed with the humane euthanasia of the animal.
 - (1.) Stray or owned animal hold time: Five (5) calendar days
 - (2.) Authorized euthanasia time: Seven (7) calendar days
- b) Any animal 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 for in subsection (a) of this section, shall be euthanized by officers of the animal control in as humane a manner as possible and be well documented.
- c) If any animal that is seized or impounded by animal control evidences advanced symptoms of contagious, infectious, or fatal diseases, is seriously ill or seriously injured, the Sheriff or animal control director or his/her designee, shall determine whether to treat the animal or humanely euthanize the animal. The animal may be euthanized and a report on the reason for euthanasia will be completed.

Sections 2.4.15-2.4.20. – Reserved.

Article III. – General Responsibilities of Owners

Sec. 2.4.21. – Duty of Animal Owners

- a) It shall be the responsibility of every animal owner, custodian, or guardian to take all necessary measures to confine their animal to their property and to mitigate or eliminate any nuisances. They must take appropriate precautions to protect people, property, and other animals from injury or damage caused by the animal's behavior, including but not limited to, chasing, biting, or otherwise endangering the safety or welfare of the public, irrespective of whether such behavior is driven by mischievousness, playfulness, or ferocity. Furthermore, every animal owner, custodian, or guardian is obligated to provide adequate and humane care, including but not limited to, shelter, food, water, veterinary care, and safe and sanitary living conditions.
- b) If the owner of an animal is a minor, the parent or guardian of such minor shall be responsible to ensure full compliance with the requirements of this chapter.

Sec. 2.4.22. – Keeping of Animals; Restraints; Nuisances

- a) **Failure to Restrain; Roaming.** It shall be unlawful for any owner, custodian, or guardian of any animal to fail to keep the animal under restraint or control as provided for in this chapter.
- b) It shall be the duty of the owner of any animal to keep the animal under control at all times while the animal is off of the real property limits of the owner. For the purposes of this section, an animal is deemed under control when it is confined safely and humanely within a vehicle, parked or in motion, is secured by a leash of six (6) feet or less in length, held by a competent person, is under voice command of a competent person being present with the animal, or is properly confined within an enclosure.
- c) Acceptable methods of restraint for dogs kept within the real property limits of the owner, other than those classified as a dangerous dog or vicious dog, include:
 - (1.) It is securely and humanely enclosed within a house, building, fence, pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition, at any time the animal is left unattended; (match definition)
 - (2.) It is securely and humanely restrained by an invisible containment system. If using an invisible containment system, a sign must be posted on the property indicating that the system is in place;
 - (3.) It is securely and humanely attached to a cable line or trolley/runner system:
 - a. **Length.** A cable line or trolley/runner system must be attached to a stationary object that cannot be moved by the animal. The cable or trolley system must be at least ten (10) feet in length, and shall not allow the animal to come within five (5) feet of the edge of the property line of the property upon which such animal is tethered;
 - b. **Substance.** Tethers attaching to the animal to the cable line or trolley system must be made of a substance which cannot be chewed by the animal and shall not weigh more than five (5) percent of the body weight of the animal;
 - c. **Swivel.** The tether attaching to the animal to the cable line or trolley system must have a swivel installed at each end;
 - d. **Height.** The tether must be at least ten (10) feet in length and mounted to the cable line or trolley system no more than seven (7) feet above the ground level;

- e. **Lead.** The length of the tether from the running cable line or trolley system to the animal's collar should allow access to the maximum available exercise area and allow the animal free access to adequate food, water, and shelter at all times.
 - f. **Collar.** The animal must be attached to the tether by a properly fitted harness or collar with enough room between the collar and the animal's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal to a cable line or trolley system;
 - g. **Entanglement.** The trolley/runner system must be sufficient distance from any other objects or animals to prohibit the tangling of the cable, to prohibit the cable from extending over an object or an edge that could result in injury or strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal from having access to the fence.
- d) **Failure to Restrain; Fixed Object.** Except for temporary tethering during special events/occurrences, it shall be unlawful to tether an animal outdoors using a rope, wire, chain or a similar material attached to a stationary or fixed object.
 - e) **Prohibited Animals in County-Owned Buildings.** Animals are not allowed in county owned buildings unless otherwise posted. This provision does not apply to service animals.
 - f) It shall be the duty of any person having custody of any animal in county parks, on county owned nature or walking trails or on any other county owned property to keep such animal on a leash, six (6) feet in length or less; unless otherwise posted.
 - g) It shall be unlawful for any person having custody of any animal to allow the animal to enter or come within fifty (50) feet of concession or seating areas during and thirty (30) minutes prior to or after a sporting event on county owned property. This provision does not apply to service animals.
 - h) **Failure to Remove Excrement; Public.** 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 or county park, and from private property not belonging 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 for each violation.
 - i) Any outside enclosure used for the keeping of domesticated animals shall be well-drained, free from accumulation of animal excrement and objectionable odors, and otherwise maintained in a clean and sanitary condition at all times. All dogs which are housed and enclosed within the enclosure shall be provided a source of potable water and adequate food at all times. The enclosure shall be constructed in such a manner as to afford suitable shelter for the dog from the elements during inclement weather; enclosures shall be designed and constructed to afford the domesticated animal(s) ample room to exercise, depending upon the breed and size.
 - (1.) Every enclosure for the keeping of less than five (5) dogs, ninety (90) days old or more, shall be located no closer than twenty (20) feet from a property boundary or fifty (50)

feet from any dwelling unit on adjoining property, whichever is greater, unless the adjoining property owner gives written consent to a variance from this standard.

- (2.) Every enclosure for the keeping of five (5) or more dogs, ninety (90) days old or more, on a property zoned or occupied for residential purposes shall be located not less than one hundred (100) feet from the nearest property boundary; there shall be no variance granted by this standard.

Sec. 2.4.23. – 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 five (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 six (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. 2.4.24. – Prohibition on Rehoming Stray Animals Without Notification

- a) Definitions:
 - (1.) **Rehoming:** Shall mean the act of placing a stray animal into a new home or with a new owner.
 - (2.) **Microchip Check:** Shall mean the process of scanning an animal for a microchip to identify its owner.
- b) Purpose: To establish the Lamar County Animal Shelter as the lost and found center for the community, to increase the chances of pet owner reunification with their pets, to protect pet owners' rights and to ensure that stray animals are properly identified and returned to their rightful owners, preventing the unlawful rehoming of pets.
- c) Prohibition: It shall be unlawful for any person to pick up a stray animal from the side of the road or private property and rehome the animal without first notifying Lamar County Animal Control and checking for a microchip at a local veterinary clinic or animal shelter.
- d) Notification Requirements: Any person who picks up a stray animal must notify Lamar County Animal Control within twenty-four (24) hours.
- e) The person must also take the animal to a local veterinary clinic or animal shelter to check for a microchip within forty-eight (48) hours.
- f) Penalties: Violation of this ordinance shall be considered theft under Georgia Code § 16-8-2, which defines theft by taking as unlawfully appropriating any property of another with the intention of depriving them of it.

- g) Penalties: Violation of this ordinance shall be considered theft which theft is hereby defined as unlawfully appropriating any property of another with the intention of depriving them of it and punishable in accordance with Section 2.4.68. of this chapter.

Sec. 2.4.25. – Breeders License

- a) ***Failure to Obtain Breeders License.*** It shall be unlawful for any owner, custodian, or guardian of a dog or cat to breed more than one litter per household without obtaining a Georgia Department of Agriculture Breeders License and complying with all applicable zoning requirements.

Sec. 2.4.26. – Animal Impoundment

- a) Animals subject to impoundment: The following animals shall be subject to immediate impoundment and confinement by the animal control director, or his/her designated representatives, or any law enforcement officer in Lamar County:
- (1.) Abused or abandoned animals.
 - (2.) Any animal which is a public nuisance as defined in section 2.4.41.
 - (3.) Animals from an animal establishment not complying with the provisions of this chapter.
 - (4.) Animals found to have been cruelly treated.
- b) 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.
- c) *Notice to owners of impounded animals:*
- (1.) Upon impounding any dog or other animal, the director or their authorized representative shall cause to be made a prompt and reasonable effort to locate the animal's owner, possessor, or custodian.
 - (2.) If the dog or other animal is not claimed by the owner, possessor or custodian thereof within five (5) calendar days from the date of impoundment, then it shall be the duty of the director or their 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 or adoption 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.
 - a. Provided, however, that any animal impounded which the animal control director reasonably believes has sustained or suffers from injury or disease which likely will result in maiming, prolonged or severe suffering, or death, may be humanely destroyed immediately and without the waiting period for reclamation or adoption as provided herein. In such instance, the animal control director shall make record of such injury or disease and shall notify the owner of such animal, if known. The animal control director may, in their discretion, order examination of such animal by a licensed veterinarian.
 - (3.) If the impounded dog is a dangerous dog or vicious dog, as defined and classified herein, said dog shall be returned to its owner as provided in this chapter, or shall be

destroyed as provided in this chapter. A dangerous dog or vicious dog, as defined and classified herein, shall not be eligible for adoption to any person, and may be reclaimed only by its owner; provided however, that such reclaim must be made within ten (10) calendar days from the date of impoundment.

(4.) If for any reason as herein described any animal is impounded, or if any owner, possessor, or custodian of any animal violates any of the duties imposed by this chapter as herein described, in addition to the penalties imposed by this chapter such owner, possessor or custodian shall be conclusively presumed to have given his or her consent to the adoption of the impounded animal or has given his or her consent to dispose of the animal in a humane fashion in accordance with this chapter and the laws of Georgia unless the animal has been claimed by its lawful owner, possessor, or custodian in accordance with the terms of this section.

d) *Owner reclaims of impounded animals:*

- (1) Proof of Ownership. The owner must provide proof of ownership, such as photographs, veterinary records, or microchip information.
- (2) Payment of Fees. The owner must pay all costs associated with the impoundment, including boarding, medical care, and any fines for violations.
- (3) Prior to reclaiming an impounded animal, owners must provide evidence demonstrating their ability to ensure humane care and adequate restraint of the animal.
- (4) All fees related to impoundment, boarding, adoption, reclaiming, and rabies license tags shall be in addition to any fines or penalties imposed for violations of this chapter. Furthermore, any owner, custodian, or guardian of an animal shall be financially responsible for all costs associated with the impoundment, boarding, and any medical care required for the animal. This responsibility includes but is not limited to, expenses incurred for the treatment of physical distress, illnesses, or injuries, as well as the cost of any necessary veterinary care. Failure to comply with these requirements shall result in additional penalties as stipulated in this chapter.

e) *Sterilization Ordinance for owner reclaims of impounded animals:*

- (1) Purpose. The purpose of this ordinance is to mandate the sterilization (spay/neuter) of owned dogs and cats impounded as a result of any violation of this chapter by Lamar County or provide owners, custodians, or guardians with the option to purchase an unaltered permit to keep said dog's and cat's reproductive organs intact. This measure aims to control the population of stray and unwanted animals, reduce euthanasia rates in the shelter, and enhance public health and safety by lowering the risk of zoonotic diseases, such as rabies, and aggressive behaviors in pets. It also seeks to improve animal welfare by decreasing the likelihood of certain cancers and infections, and to prevent the birth of animals that may be neglected or abandoned. Additionally, this ordinance aims to reduce the costs associated with animal control and sheltering, contribute to a cleaner and safer community, and promote responsible pet ownership. By these means, Lamar County ensures the welfare and safety of both animals and residents.
- (2) Mandate.

- i.* In addition to subsection d), an owner, custodian, or guardian must also provide proof of sterilization by certificate or letter from a licensed veterinarian.
- ii.* If an animal is found not to be spayed/neutered, the owner, custodian, or guardian must sign an agreement to sterilize their animal(s) within thirty (30) calendar days; or
- iii.* If an animal is found not to be spayed/neutered, the owner, custodian, or guardian may purchase an unaltered permit tag from Lamar County. The cost of an unaltered permit tag is outlined in section 2.4.66.

(3) Exemptions.

- i.* Individuals who are nonresidents of Lamar County and reside temporarily in Lamar County for a period not to exceed sixty (60) days within a twelve (12) month period.
- ii.* Lawful humane societies/animal shelters licensed by the Georgia Department of Agriculture whose principal purpose is to secure the adoption of animals or offer sanctuary for dogs and cats.
- iii.* Veterinary Hospitals.
- iv.* Persons who own, keep, harbor, or have custody of a registered service animal or working police dogs.
- v.* Persons who own, keep, harbor, or have custody of actively competitive or retired show dogs or cats. To qualify for this exemption, the dog or cat must be of a breed recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), Cat Fanciers Association (CFA), and meets one (1) of the following requirements:
 - I.* The dog or cat has competed in at least one (1) show or sporting competition sanctioned by a bona fide national registry within the past three hundred sixty-five (365) days. Written confirmation by the sponsor that the dog or cat has competed is necessary to satisfy this requirement.
 - a.* The dog has earned conformation, obedience, agility, carting, herding, hunting, protection, rally, sporting, working, or other titles from a purebred dog registry, as referenced above and confirmed in writing by the organization.
 - b.* The dog or cat is registered with a bona fide purebred dog breed club or cat fanciers association, which maintains and enforces a code of ethics restricting breeding dogs or cats with genetic defects and life-threatening health problems that commonly threaten the breed and confirmed in writing by the organization.
 - c.* The owner of the animal signs a statement under oath attesting that the dog or cat is being trained to comply with and qualify for the exemption set out in subsections a. or b. above.
 - d.* Persons who own, keep, or have custody of a dog or cat and who are in possession of a written certification provided by a licensed veterinarian stating that the animal has serious health

condition which renders the animal unfit to undergo the required surgical procedure.

- e. Persons who are Georgia State Department of Agriculture licensed breeders.
- f) *Injured Animals*: The animal control director or authorized representatives shall have the authority to humanely dispose of animals which are injured and lying in the public streets or public ways of Lamar County, or to see proper veterinary care for such animals, whenever it shall appear that said animal is injured and is suffering great pain, and such animal does not bear a tag identifying the owner and no determination as to the owner of said animal can be made with reasonable inquiry or investigation. If veterinary care is required and the animal's owner can be determined, said owner shall be responsible for all costs of such veterinary care.

Sec. 2.4.27. – Wildlife

All complaints and matters concerning wild animals not of a domestic nature and complaints involving game animals or protected species and/or hunting, shall be forwarded to the Georgia Department of Natural Resources, Game and Fish Division, or the U.S. Department of Agriculture, Law Enforcement Division for proper disposition, i.e., compliance, apprehension, control and/or enforcement as may be necessary as provided by the state and federal rules and regulations.

Sec. 2.4.28. – Disposal of Deceased Animals

- a) The animal control director, or their designees, is authorized to remove dead animals from public property including public schools, parks, and roadways.
- b) Carcasses on private property must be disposed of by the property owner or possessor in accordance with state laws and regulations.
- c) ***Failure to Dispose of Carcass Properly***. 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.
- d) ***Unlawful Littering of an Animal Carcass***. 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.
- e) 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. 2.4.29-2.4.35. – Reserved

Article IV. – Animal Cruelty and Nuisances

Sec. 2.4.36. – Cruelty

- a) It shall be unlawful and a violation of this chapter for any person to commit cruelty towards any animal by unjustifiable act, omission, or neglect. Any person who abuses an animal or aids another person in abusing an animal or causes or permits an animal to abuse another animal, 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 any one or combination of adequate water, food, shelter, veterinary care, and/or sanitary conditions;
 - (2.) Knowingly abandon or willingly permit the abandonment of, or aid in the abandonment of any domesticated animal.
 - (3.) Willfully and maliciously kill, abuse, maim, or disfigure any animal.
 - (4.) Maliciously administer poison to any animal or expose any poisonous substance with intent that the same shall be taken and swallowed by any animal.
 - (5.) Overdrive, overload, overwork, torture, beat, mutilate, or otherwise mistreat, any animal.
 - (6.) Build, make, maintain, or keep a pit on premises owned by or occupied by person, or allow a pit to be built, made, maintained, or kept on such premises for the purpose of an exhibition of animal fighting.
 - (7.) In any manner encourage, instigate, promote, or assist in an exhibition of animal fighting.
- b) ***Prohibited Animal Enhancements.*** It shall be unlawful for any person to perform or cause any animal enhancement procedure to be performed unless it is deemed medically necessary by a licensed veterinarian.
- (1.) This shall not apply to practices that are otherwise permitted under state or federal law, including but not limited to agriculture, animal husbandry, and veterinary practices conducted by a licensed veterinary.
 - (2.) This shall not apply to procedures performed for the purpose of saving or prolonging the life of an animal or alleviating pain or suffering as determined by a licensed veterinarian.
- c) ***Prohibited Animal Fighting and Related Activities.*** It shall be unlawful for a person to intentionally train, breed, possess, harbor, keep, or 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.
- d) ***Prohibited Leaving of Animals in Vehicle.*** It shall be unlawful to leave animals unattended in a parked vehicle without proper 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. If the vehicle is damaged during such removal, the law enforcement officer shall not be liable for any damage to the vehicle.
- e) 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 to Agriculture, and this article shall not be guilty of animal cruelty.

Sec. 2.4.37. – Inspection Warrants; Impounding of Animals

- h) At any time there is probable cause to believe that a violation of this article or any rule or regulation adopted pursuant to this article has occurred, the Sheriff, his or her designated agent, or animal control director, or an animal control officer may apply to the Lamar County Magistrate Court, the county in which the animal is located for an inspection warrant under the provisions of O.C.G.A. § 2-2-11.
- i) Any sheriff, deputy sheriff, or other peace officer shall have the authority to enforce the provisions of this article and O.C.G.A. § 16-12- 4 and § 16-12-37.
- j) The Sheriff, his or her designated agent, or animal control director, or an animal control officer who is an employee of Lamar County, is authorized to impound any animal:
 - (1.) That has not received humane care;
 - (2.) That has been subjected to cruelty in violation of O.C.G.A. § 16-12-4;
 - (3.) That is used or intended for use in any violation of O.C.G.A. § 16-12-37; or
 - (4.) If it is determined that any violation of this article has occurred.
- k) Prior to an animal being impounded pursuant to paragraph (1), (2), or (3) of subsection (c) of this section, a licensed accredited veterinarian approved by the Georgia Commissioner of Agriculture or a veterinarian employed by a state or federal government and approved by the Georgia Commissioner of Agriculture, shall, at the request of the Sheriff, his or her designee, or animal control director, or an animal control officer, a deputy sheriff, or other peace officer, examine and determine the condition or treatment of the animal.

Sec. 2.4.38. – Duty to Make Arrangements for Care of Impounded Animal; Lien for Cost of Care; Return of Animal to Owner

- a) It shall be the duty of the animal control director or their designee impounding an animal under this article or O.C.G.A. §4-11-9.2, 16-12-14, or 16-12-37 to make reasonable and proper arrangements to provide the impounded animal with humane care and adequate and necessary veterinary services. Such arrangements may include, but shall not be limited to, providing shelter and care for the animal.
- b) Any person impounding an animal under this article or O.C.G.A. §§ 16-12-4 or 16-12-37 or providing care for an impounded animal shall have a lien on such animal for the reasonable costs of caring for such animal. Such lien may be foreclosure in any court of competent jurisdiction to hear civil cases. Liens shall be foreclosed in the Lamar County Magistrate Court only when the amount of the lien does not exceed the jurisdictional limits established by law for such courts.
- c) Any person impounding an animal under this article shall be authorized to return such animal to its owner, upon payment by the owner of all costs of impoundment and care and upon the entry of a consent order, unless such owner has been convicted of, pled guilty to, or pled nolo contendere to animal cruelty or dog fighting under any local, state, or federal law, regulation, or ordinance, or in a prior administrative or legal action in this state or any other state, was found to have failed to provide humane care to an animal, committed cruelty to animals, or committed an act prohibited under O.C.G.A. 16-12-37 in violation of the laws of this state or of the United States or any of the several states. Such consent order shall provide conditions relating to the care and treatment of such animal, including, but not limited to, the following, that:

- (1.)Such animal shall be given humane care and adequate and necessary veterinary services;
 - (2.)Such animal shall not be subjected to cruelty; and
 - (3.)The owner shall comply with this article.
- d) The provisions of subsection (c.) of this section shall not apply to an animal that was an object or instrumentality of a crime. Any agency impounding an animal as a result of a violation of O.C.G.A. §§ 4-11-9.2, 16-12-14, or 16-12-37 shall not return such animal to its owner.
 - e) Any agency having custody of an animal that was seized as an object or instrumentality of a crime may, with the consent of the prosecuting attorney, apply to the court having jurisdiction over the offense for an order authorizing such agency to dispose of the animal prior to trial of the criminal case as provided by law.

Sec. 2.4.39. – Hoarders

It shall be unlawful for any person to collect animals and fail to provide them with humane/adequate care, collect dead animals that are not properly disposed of as required by this chapter, 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 properties.

Sec. 2.4.40. – Nuisances;

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

- a) Are found at large;
- b) Damages the property of anyone other than the owner;
- c) 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, and 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;
- d) 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;
- e) Are not being kept in conformity with county zoning regulations;
- f) Any wild and exotic animal kept in violation of this chapter;
- g) Dangerous dogs or vicious dogs, as classified by the dog control officer, running at large or otherwise in violation of provisions herein;
- h) 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;
- i) Terminally diseased animals which pose a threat to the human or animal population; or
- j) Any unattended animal that is ill, injured, or otherwise in need of care; and

Sec. 2.4.41.-2.4.45. – Reserved

Article V. – Rabies Prevention and Control

Sec. 2.4.46. – Rabies Overview

Rabies is a viral infection that is transmitted through the saliva of infected mammals. The virus infiltrates the central nervous system of the host, leading to encephalomyelitis, which is nearly invariably fatal. Lamar County is dedicated to mitigating the risk of rabies and ensuring public safety, as delineated in this chapter.

Sec. 2.4.47. – Rabies Certificate; Rabies Vaccination; Rabies Tags

- a) The owner, custodian, guardian, or harbinger, of each dog, cat, and/or ferret residing in the unincorporated area of the county must obtain and possess a current rabies vaccination certificate from a licensed veterinarian showing that the animal has been vaccinated against rabies. Upon vaccination, any county veterinarians located within Lamar County shall be responsible for issuing a metal tag with a vaccination and identification number. Tags must be renewed within thirty (30) days of the expiration date of the vaccination.
 - (1) All dogs, cats, and ferrets three (3) months or older of age within unincorporated Lamar County shall be vaccinated against rabies. Any licensed veterinarian shall be authorized to vaccinate dogs, cats, or ferrets against rabies; provided, that at the time of such vaccination they furnish a vaccination tag issued by the State of Georgia, bearing an official serial number to the owner. Dogs, cats, or ferrets less than three (3) months of age shall be confined to their owner's premises and shall not be allowed to run at large.
- b) **Failure to Vaccinate Animal.** No person shall own, keep, maintain or harbor or permit to be kept or harbored, any dog, cat, or ferret within unincorporated areas of Lamar County unless such dog or cat is vaccinated.
- c) **Failure to Display Rabies Tag.** It shall be the duty of each person who owns, keeps, maintains, or harbors, to provide a collar for the dog or cat to which the rabies license tag shall be attached. The collar, together, with the tag, shall be worn by the dog or cat at all times. Every dog or cat found roaming or running free shall be impounded. If an animal is impounded and it is found not to be vaccinated, the owner may be cited for violation of this section. Failure to comply with this section shall be unlawful and shall be punished as hereinafter provided.
- d) It shall be unlawful for any person to 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.
- e) Any person keeping, owning, harboring, or having any type of animal in their possession, excluding dogs, cats, and ferrets is not required to have the animal vaccinated against rabies but does so at their own risk and assumes all liabilities for adverse actions of the animal.

Sec. 2.4.48. – Biting Animals and Quarantine

- a) In accordance with rules and regulations promulgated by the county board of health, all dogs, cats, and ferrets known to have bitten or scratched a person shall be confined to the animal shelter, veterinarian's hospital, or at a boarding facility approved by the animal control director or under home supervision with the approval of the animal control director or their

designee for a period of ten (10) calendar days. All expenses incurred for boarding the animal during this period of time shall be paid by the owner or possessor of the biting animal.

- (1.) At the first sign of illness or behavioral change in the animal, the county health department will be notified and the animal shall be evaluated by a licensed veterinarian. If clinical signs are suggestive of rabies, the animal shall be immediately and humanely euthanized and tested for rabies and the exposed person notified.
- b) In accordance with the rules and regulations promulgated by the state department of public health, all pets or wild animals, other than a dog, cat, or ferret, 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 Georgia Public Health Laboratory for testing.
- c) Unvaccinated or unwanted animals bitten or scratched by a known potentially rabid animal shall be euthanized immediately. If the exposed animal is a dog, cat, or ferret and the owner of the unvaccinated animal is unwilling to have the animal euthanized, upon approval of the animal control director, the exposed animal shall be placed in quarantine for four (4) months if a dog or cat, and six (6) months if a ferret. Owners of previously vaccinated dogs or cats without documentation of vaccination who wish to avoid four (4) month quarantine may, at the discretion of the county board of health and the state public health veterinarian, complete a series of laboratory tests to determine the animal's immunity status.
- d) Dogs and cats that are bitten or scratched by a known or potentially rabid animal that are current on their vaccinations or have a lifetime history of at least one (1) dose of vaccine shall be re-vaccinated immediately, confined, and observed for forty-five (45) days. Confinement must be coordinated with and approved by the animal control director.
- e) For purposes of subsections (c.) and (d.) of this section, any animal bitten or scratched by a bat or wild carnivorous mammal, including, but not limited to, bobcats, raccoons, foxes, skunks, or coyotes, which are not available for testing, should be considered exposed to rabies.
- f) Failure to comply with the quarantine and/or confinement requirements of this section, the animal control director, or the county board of health constitutes a violation of this chapter and may result in the impoundment of the animal. In the event, the owner or possessor remains responsible for all veterinary, boarding, and other expenses incurred on behalf of the quarantined animal.
- g) Any medical office such as in-patient, urgent care, hospital, or similar shall be mandated to report an animal bite to the Lamar County Animal Control and Lamar County Public Health Department.

Sec. 2.4.49.-2.4.50. – Reserved

Article VI. – Dangerous Dog and Vicious Dog

Sec. 2.4.51. – Definitions

- a) **Classified animal:** means any animal that has been classified as either a dangerous or vicious animal pursuant to this chapter or comparably classified by the State of Georgia, or by any court, hearing officer, or authorized government agency of any other state, county, or municipality.

- (1) No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous or vicious dog if the person injured by the dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit a criminal offense.
- b) **Dangerous Dog:** means any dog that, according to the records of an appropriate authority:
- (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;
 - (2) Aggressively attacks in a manner that causes a person to reasonably believe that the dog poses 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 teeth shown by an animal shall not be sufficient to classify a dog as dangerous; or
 - (3) While off the owner's property, kills a pet; provided that no dog shall be classified as dangerous when the death of such pet dog is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.
- c) **Serious Injury:** means any physical injury that creates a substantial risk of death; results in the 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.
- d) **Vicious Dog:** 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. 2.4.52. – Authorized Dog Control Officer; Investigation

- a) Dog Control Officer: the animal control director shall designate, with the approval of the Sheriff, one (1) or more of his officers as the dog control officer of the county. Upon receiving a report of a potentially or classified dangerous dog or vicious dog within the unincorporated areas of Lamar County from a law enforcement agency, animal control agency, rabies control officer, or county board of health, the dog control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this chapter.

Sec. 2.4.53. – Classification of Dangerous Dog or Vicious Dog

- a) Classifying dangerous dogs or vicious dogs:
- (1.) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
 - (2.) Notice: When a dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog is classified as such, the dog control officer shall notify the dog's owner of such classification. The notice to the owner shall meet the following requirements:

- a. The notice shall be in writing and mailed by certified mail to the owner's last known address within seventy-two (72) hours of the determination.
- b. The notice shall include a summary of the dog control officer's findings that formed the basis for the dog's classification as a dangerous or vicious dog.
- c. The notice shall be dated and shall state that the owner, within fifteen (15) days after the date shown on the notice, has a right to request a hearing on the dog control officer's determination that the dog is a dangerous dog or vicious dog.
- d. The notice shall state that the hearing, if requested, shall be before the Lamar County Board of Commissioners.
- e. The notice shall state that if a hearing is not requested, the dog control officer's determination that the dog is a dangerous dog or vicious dog will become effective for all purposes under the law on a date specified in the notice, which shall be after the last day on which the owner has the right to request a hearing.
- f. The notice shall include a form to request a hearing before the Lamar County Board of Commissioners and shall provide specific instructions on mailing or delivering such request to the Board of Commissioners.

Sec. 2.4.54. – Dangerous Dog or Vicious Dog Hearing

- a) When the Lamar County Board of Commissioners receives a request for a hearing as provided hereinabove, it shall schedule such hearing within thirty (30) days after receiving the request. The Lamar County Board of Commissioners shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing; and such notice shall be mailed to the dog owner at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence; and in addition thereto, the Lamar County Board of Commissioners shall receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination either to sustain, modify, or overrule the dog control officer's classification of the dog.
- b) Within ten (10) days after the date of the hearing, the Lamar County Board of Commissioners shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog or vicious dog, the notice shall specify the date upon which the determination is effective. If the determination is that the dog is to be euthanized pursuant to this chapter and O.C.G.A. § 4-8-26, the notice shall specify the date by which the euthanasia shall occur.
- c) If the owner cannot be located within ten (10) days of a dog 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 dog control officer.
- d) Judicial review of the authority's final decision may be had in accordance with O.C.G.A. § 15-9-30.9.

Sec. 2.4.55. – Registration of a Dangerous Dog or Vicious Dog

- a) It is unlawful and a violation of this chapter for an owner to have or possess within the unincorporated areas of Lamar County a dangerous dog or vicious dog without a certificate of registration issued in accordance with the provisions of this section. Certificates of

registration shall be nontransferable and shall only be issued to a person eighteen (18) years of age or older. No more than one (1) certificate of registration shall be issued per domicile.

- b) A certificate of registration for a dangerous dog shall be issued if the dog 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) A certificate of registration for a vicious dog shall be issued if the dog 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 fifty thousand dollars (\$50,000.00) 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.
- d) The posting of the premises where the dangerous dog or vicious dog is located with a clearly visible sign warning that there is a dangerous dog or vicious dog on the property. Said sign shall be maintained continuously at all entrances to the premises.
 - (1.) The dangerous dog or vicious dog warning sign shall conform to design provided by the Georgia Department of Natural Resources and shall be furnished by the county to the owner or possessor of a dangerous dog or vicious dog, with the initial cost of such sign to be included in the registration fee as required herein.
 - (2.) Should the original dangerous dog or vicious dog warning sign issued to the owner or possessor of a dangerous dog or vicious dog be lost, stolen, destroyed, or damaged, said owner or possessor shall report same immediately to the dog control officer and shall secure a replacement sign from the animal control department. The owner or possessor shall be required to pay the then-current cost for such replacement sign.
- e) Exceptions: No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No animal shall be classified as a dangerous dog or vicious dog if the person injured by such dog was a person, who, at the time, was committing a trespass, was abusing the animal, or was committing or attempting to commit an offense under O.C.G.A. Chapter 5 Title 16.
- f) Additional Requirements:
 - (1.) A certificate of registration for a dangerous dog or vicious dog may only be issued to an individual eighteen (18) years of age or older.

- (2.) The owner of the dangerous dog or vicious dog shall notify the dog control officer within twenty-four (24) hours if the dog is on the loose, is unconfined, has attacked a human, or has died.
 - (3.) The owner of a dangerous dog or vicious dog shall notify the dog control officer if the owner is moving from the unincorporated areas of Lamar County. The owner of a dangerous dog or vicious dog who is a new resident of the unincorporated areas of Lamar County shall register the dog as required herein within thirty (30) calendar days after becoming a resident. The owner of a dangerous dog or vicious dog moves from one address to another within the unincorporated areas of Lamar County shall notify the dog control officers of the new address within ten (10) calendar days after moving to the new address.
 - (4.) Issuance of a certification of registration or the renewal of a certificate of registration by the dog control officer does not warrant or guarantee that the requirements for obtaining a certificate of registration, as specified hereinabove, are maintained by the owner of a dangerous dog or vicious dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.
 - (5.) The dog control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.
 - (6.) Only one (1) certificate of registration for a dangerous dog or vicious dog is permitted per household.
 - (7.) No person shall be the owner of more than one (1) vicious dog.
 - (8.) No certificate of registration shall be issued to any person who has been convicted of two (2) or more violations of this article.
 - (9.) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of the following crimes from the time of conviction until two (2) years after completion of his or her sentence, nor to any person residing with such person:
 - a. A serious violent felony as defined in O.C.G.A. §17-10-6-1;
 - b. The felony of dog fighting as provided for in O.C.G.A. §16-12-37, or the felony of aggravated animal cruelty to animals as provided for in O.C.G.A. § 16-13-4; or
 - c. A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. § 16-13-31 and § 16-13-31.1.
 - (10.) 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.
 - (11.) Under no circumstances shall an employee or official of Lamar County be held liable for 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 chapter.
- g) Registration Fee:
- (1.) In addition to regular licensing and tag fees, an annual fee of three hundred and fifty dollars (\$350.00) is payable at the time of registration, and on or before December 31st of each succeeding year, shall be paid by the owner of a dangerous dog or vicious dog.
 - (2.) Certificates of registration shall be renewed on an annual basis, not later than December 31st of each year. At the time of the annual renewal of a certificate of registration, the dog control officer shall require evidence from the owner or make such investigation as

may be necessary to verify that the dog owner is continuing to comply with the provisions of this chapter. Failure to renew a certificate of registration within ten (10) days of the renewal date or initial classification date shall constitute a violation of this article.

Sec. 2.4.56. – Confinement of Dangerous Dog or Vicious Dog

- a) It shall be unlawful for any owner of a dangerous dog to permit the dog to be off the owner's property unless:
 - (1.)The dog is restrained by a leash not to exceed six (6) 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;
 - (2.)The dog is contained in a closed and locked cage or crate; or
 - (3.)The dog is working or training as a hunting dog, herding dog, or predator control dog.
- b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:
 - (1.)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:
 - a. The dog is muzzled and restrained by a leash not to exceed six (6) 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
 - b. The dog is contained in a closed and locked cage or crate;
 - (2.)Unattended with minors.
- c) A person who violates subsection (b) of this section shall be guilty of a misdemeanor of high and aggravated nature.
- d) An owner with previous conviction for a violation of this section whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be guilty of a misdemeanor of high and aggravated nature and upon conviction thereof shall be punished by imprisonment for no more than twelve (12) months, a fine of no more than five thousand (\$5,000.00) dollars, or both. In addition, the classified dog shall be euthanized at the cost of the owner.
- e) Any irregularities 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 civil remedy for the correction of the irregularity.
- f) This ordinance shall not apply to any state licensed facilities and/or personnel following state law regarding restrain and control.

Sec. 2.4.57. – Confiscation of Dangerous Dog or Vicious Dog; Disposition

- a) A dangerous dog or vicious dog shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer if the:
 - (1.)Owner of the dog does not secure the liability insurance or bond required herein;
 - (2.)Dog is not validly registered as required herein;
 - (3.)Dog is not maintained in a proper enclosure;
 - (4.)Dog is outside a proper enclosure in violation of this article;

- (5.)The officer believes that the dog poses a threat to public safety; or
- (6.)Dog control officer finds any other violation of this chapter.
- b) Disposition of confiscated dogs: Any dangerous dog or vicious dog 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 article and upon the payment of reclaim and boarding fees as set out in this chapter. In the event the owner has not complied with the provisions of this article within twenty (20) days of the date the dog was confiscated, said dog shall be humanely euthanized in an expeditious manner.
- c) A refusal to surrender a dog subject to confiscation shall be a violation of this chapter.

Sec. 2.4.58. – Euthanasia of a Dangerous Dog or Vicious Dog

- a) A Lamar County Superior Court Judge may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided under this chapter and O.C.G.A. § 4-8-23, that the dog is a classified dog and that the dog has seriously injured a human or presents a danger to humans not suitable for control under this chapter; 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;
 - (2.)Any local government authority in Lamar County has filed with the court a civil action requesting the euthanasia of the dog.
- b) A dog that is found, after notice and opportunity for hearing as provided under this chapter and O.C.G.A. §4-8-23, to have caused serious injury to a human on more than one (1) occasion shall be euthanized; provided, however, that no injury occurring before December 31, 2024, shall count for purposes of this section.

Sec. 2.4.59. – Civil Liability

- a) The owner or, if no owner can be found, the custodian exercising care and control over any dog, which while off the owner’s or custodian’s property causes injury, death, or damage directly, or indirectly to any livestock, poultry, or pet animal shall be civilly liable for the owner of the livestock, poultry, or pet animal for the injury, death, or damage caused by the dog. The owner or, if no owner can be found, the custodian exercising care and control over any dog shall be liable for any damage caused by such dog to public or private property. The liability of the owner or custodian of the dog shall include consequential damages.
- b) This section is considered cumulative of other remedies provided by law. There is no intent to eliminate or limit other causes of action which might inure to the owner of any livestock, poultry, or pet animal.

Sec. 2.4.60. – Criminal Liability

- a) As provided under this chapter and O.C.G.A. § 4-8-29:
 - (1.)Except as otherwise specified in this chapter or by Georgia law, any person who violates any provisions of this article shall be guilty of a misdemeanor.
 - (2.)A person who violates section 2-4-55 subsection (a) or (b) of this article shall be guilty of a misdemeanor of high and aggravated nature.
 - (3.)An owner with previous conviction for a violation of this chapter 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 for no more than twelve (12) months, a fine of no more than five thousand (\$5,000.00) dollars, or both. In addition, the classified dog shall be euthanized at the cost of the owner.

- (4.) 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 corrections of the irregularity.

Sections 2.4.61-2.4.65. – Reserved

Article VII. – In General & Miscellaneous Regulations

Sec. 2.4.66. – Fee Schedule

All fees collected by the Animal Control Director shall be established and periodically updated by the Board of Commissioners. These fees shall be documented and maintained on file with the Animal Control Director. All collected fees shall be remitted to the County Treasury on a weekly basis.

Sec. 2.4.67. – Unaltered Animal Permit

- a) Owners, custodians, or guardians of an intact animal must apply for an unaltered animal permit with Lamar County following impoundment, unless an owner, custodian, or guardian entered an agreement to have the animal sterilized. Lamar County Animal Control will issue the permit upon compliance with this article's requirements and payment of the established fees. A certificate identifying the animal as permitted must be available for inspection at all times.
- b) Unaltered animal permit fees are set in accordance with and hereby referenced in section 2.4.66. of this chapter.
- c) Applicants for an unaltered animal permit must provide proof of rabies vaccination or pay for the rabies voucher upon reclaim before the permit is issued.
- d) An unaltered animal permit tag will be issued for each unaltered animal. Owners must ensure the tag is securely fastened to the animal's collar or harness at all times.
- e) Unaltered animal permit tags are valid from January to December of each year. Owners must renew their permits annually by the second Friday of January each year after.
- f) **Failure to Obtain Unaltered Animal Permit.** It shall be unlawful to possess an unaltered animal without a valid permit.

Sec. 2.4.68. – Violations and Enforcement; Penalties

- a) Violations:
 - (1.) Notwithstanding anything herein this Chapter, as it now exists or as it may hereafter be amended, contained to the contrary, any person who shall do anything prohibited by this Chapter as it exists or as it may hereafter be amended, or who shall fail to do anything required by this Chapter as it now exists or as it may hereafter be amended, is hereby declared to be in violation of this Chapter, and the respective ordinance or the particular provisions of this Chapter prohibiting such actions, or requiring such actions, as the case may be.

- (2.) Each and every day that any such violation exists shall be deemed a separate offense.
- (3.) Any such violation, upon conviction thereof, as prescribed by the laws of Georgia, shall be punishable by a fine or imprisonment, or both, not to exceed the maximum fine or the maximum imprisonment, or both, as prescribed by the pertinent laws of Georgia as such laws [see section 36-1-20(b) of the Official Code of Georgia Annotated] now exist or as they may hereafter be amended; however, in no case shall the maximum punishment for any [one] violation exceed the maximum punishment as provided by the pertinent laws of Georgia in effect and existing at the time of such violation. [The maximum punishment which may now, at the effective date of the enactment of this Chapter section, be imposed under and by virtue of the pertinent laws of Georgia, being section 36-1-20(b) of the Official Code of Georgia Annotated, shall not exceed a fine of one thousand dollars (\$1,000.00) or imprisonment for sixty (60) days, or both, which such maximum amount of the fine or the maximum number of days of imprisonment, or both, may hereafter be changed, increased or decreased, from time to time, by the enactment of an amendment, or amendments, to the pertinent laws of Georgia.]
- (4.) The imposition of any such fine or imprisonment, or both, for any violation shall not excuse the violation or permit it to continue; and all such violators shall be required to correct or remedy such violations or defects within the time as prescribed by the court having jurisdiction of such matter, and, in the absence of any such completion time being fixed by the court, within a reasonable time after such violations occur.
- (5.) The application of any fine, imprisonment, or other penalty shall not be construed to prevent the enforced removal of prohibited conditions or to postpone any action required.
- (6.) The remedies herein set out for the purposes of enforcing the provisions of this Code shall not be deemed to be exclusive, but shall be cumulative of all other remedies, civil or criminal, provided by the laws of Georgia, or by the ordinances of Lamar County.

SECTION 2. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 3.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the

greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Lamar County, Georgia.

SO ORDAINED, this _____ day of _____, 2024.

RYRAN TRAYLOR, Chairman

ATTEST:

Carlette Davidson, County Clerk

(SEAL)

First Reading: _____

Second Reading/
Adoption: _____