

Decatur County Animal Control Ordinance

Final Copy

Table of Contents:

	Page Number
Definitions	2
Livestock and Fowl Not to Run at Large or Kept in a Public Place	2
Keeping of Animals; Sanitation	2
Distance of Animal Enclosures from Buildings	3
Nuisances	3
Penalties	3
Dead Animals – Reporting	4
Removal of Dead Animals	4
Deposit in Streets, Roads, Right of Way or Public Places	4
Vaccination of Dogs, Cats, and Ferrets	4
Decatur County Registration Requirements	5
Restrictions on Dogs Running at Large	7
Impoundments of Dogs, Cats, and Ferrets - Authorized	8
Animal keeping Time Limit	8
Payment of Fees	8
Euthanasia	8
Delegation of Animal Shelter	8
Disposal of Dog Excrement	8
Equipment for Removal of Dog Excrement	9
Dog Fighting	9
Animal Neglect	9
Animal Cruelty	9
Tethering	9
Animal Confinement and Left Unattended in Vehicles	10
Stray Dog, Cat, Ferret, and Other Animals	10
Abandonment of Animals	10
Dangerous, Potentially Dangerous, and Vicious Dogs	10
Vicious Dogs	11
Investigation of Report; Exemptions	12
Notice Generally	12
Scope of Procedures	12
Notice to Owner of Classification	12
Requirements of Notice to Owner	12
Hearing	13
Notice of Determination after Hearing	13
Certificate of Registration	13
Restraint of Dangerous Dog	14
Restraint of Potentially Dangerous Dog	15
Confiscation of Dangerous, Potentially Dangerous, and Vicious Dogs	15
Return after Confiscation	15

Penalties for Violation of Dangerous Dog Control	15
Liability	15
Dangerous Dog Declaration Form	17
Operational Procedure	19

Definitions

The following definitions shall apply in the interpretations and enforcement of this chapter:

- 1) *Animals*. Animals shall mean dogs, cats, rabbits, guinea pigs, hamsters and similar animals.
- 2) *Animal Control Officer*. Animal Control Officer shall mean the Decatur County Commission or authorized designee.
- 3) *Enclosures*. Enclosures shall mean any uncovered, enclosed parcel of land where animals or fowl are kept.
- 4) *Fence*. Any structure of wire to include electronic, wood, stone or other material, that is of sufficient height and strength to act as a barrier against passage of animals or livestock that the fence is intended to enclose. A fence must be sufficient to prevent the animal or livestock from being able to jump, dig, or escape confinement.
- 5) *Fowl*. Fowl shall mean chickens, turkeys, geese, ducks, pigeons, and similar fowl.
- 6) *Health Department*. Health Department means Decatur County Health Department.
- 7) *Housing*. Housing shall mean any building, shed, cage, pen, or similar structure used for the housing of animals and fowl.
- 8) *Livestock*. Livestock shall mean all animals of the equine, bovine or swine class, goats, sheep, mules, and other grazing animals.
- 9) *Nuisances*. Nuisances shall mean whatever is dangerous or detrimental to human life or health and whatever renders or tends to render soil, air, water, or food impure or unwholesome, other than agricultural activities exempted by the State Law O.C.G.A. § 4-4-1 through 4-4-84 & 2-7-170.
- 10) *Person*. Person means any person, firm, partnership, corporation, association of agency.
- 11) *Tethering*. Tethering means fastening an animal by a rope or chain to limit the animal's ability to range in a set radius.

Livestock and Fowl Not to Run at Large or be Kept in a Public Place

It shall be unlawful for the owner of any livestock or domestic fowl to permit the same to run at large within the unincorporated areas of Decatur County or to keep the same in any manner in any street or other public place, in consistency with O.C.G.A. § 4-3-3.

Keeping of Animals; Sanitation

Any housing or enclosure used for the keeping of animals or fowl shall be well-drained, free from accumulations of animal excrement and objectionable odors, and otherwise be kept clean and sanitary. All animals that are housed or enclosed shall be provided with a source of potable water. If the number of animals being kept on the property is unreasonable due to the size of the property, the Animal Control Officer may require a special method of disposing animal waste in a sanitary manner.

Exemptions: All agricultural operations authorized by the State Agriculture Department are exempt from this provision of the ordinance.

Distance of Enclosures from Buildings

- (a). Livestock enclosures shall be a minimum of one hundred (100) feet from any occupied building except the dwelling unit of the owner unless the owner of the adjacent building and the Animal Control Officer give permission for a lesser distance. Horse stables built on property after August 1, 2008, shall be at least one hundred (100) feet from an occupied building, except the dwelling unit of the owner, unless the owner of the building and the Animal Control Officer grant approval.
- (b). Animals and fowl not specifically mentioned in this chapter shall be kept at minimum distances deemed reasonable and necessary by the Animal Control Officer.

Exemptions: All agricultural operations authorized by the State Agriculture Department are exempt from this provision of the ordinance.

Nuisances

The owner of animals and fowl shall be responsible for correcting or abating any nuisance that may arise from the keeping thereof. No person shall own, possess or harbor any animal or fowl which howls, barks, or emits audible sounds that are plainly audible or disturbing to the peace and quiet of the neighborhood.

For the purpose of this article, “barking dog” shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of fifteen minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night regardless whether the dog is physically situated in or upon private property. Provided, however, that dog shall not be deemed a “barking dog” for purposes of this regulation, if at that time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog. Reports of nuisances due to audible disturbances must be substantiated with video or audio recordings.

Penalties

Any person who violates any provision of the Animal Control Ordinance shall be issued a citation to appear in the Magistrate Court of Decatur County or any other court of competent jurisdiction and be subject to the penalties of \$50.00 for the first offense, \$150.00 for the second offense, and up to \$1,000.00 thereafter by Magistrate Court or court of competence. If the person violating the provisions of the Animal Control Ordinance does not contest the citation, then monetary penalties associated with the citation may be paid at the Magistrate Court prior to the appearance date.

Penalties for the violation of provisions of this article pertinent to Vicious Dogs shall be as provided in O.C.G.A. § 4-8-42 & 43.

Dead Animals – Reporting

It is hereby made the duty of all persons in the County finding a dead animal of unknown origin on his premises to report the same to the Sheriff Department within two hours after discovery of its death, which report shall specify where the animal may be found. Dead animals shall be disposed in accordance with the following section, Removal of Dead Animals.

Removal of Dead Animals

It is hereby made the duty of the Sheriff Department/Planning Department, without delay, to coordinate with the County Road Department or Georgia Department of Transportation for the removal from the County right-of-way all dead animals including farm livestock, poultry, equines, domesticated animals, pets, or any other type of animals which may be brought to its attention or reported, and to dispose of the same as required by O.C.G.A. § 4-5-4.

Deposit in Streets, Roads, Rights of Way or Public Places

It shall be unlawful for any person to throw or put into the streets, roads, rights of way, or public places within or without the county any dead animal. Dead animals shall be disposed by burning, incineration, burial, rendering, or any method using appropriate disposal technology which has been approved by the Commissioner of Agriculture. Disposal of dead animals by any approved methods must be completed within twenty-four (24) hours after death or discovery, in consistency with O.C.G.A. § 4-5-5.

Vaccination of Dogs, Cats, and Ferrets

Rabies Control and Vaccination of dogs, cats, and Ferrets shall be enforced under the provisions of State Law and Decatur County Board of Health Rule II, Rules for Rabies Control, adopted in its entirety, as attached to this ordinance.

- (a). *Definitions.* The following definitions shall apply in the interpretation and enforcement of this article, and the following words shall have the following meanings:

Cat. The word “cat” shall mean all felines of either sex, whether vaccinated against rabies or not vaccinated.

Dog. The word “dog” shall mean dog, animal or all canines of either sex, whether vaccinated against rabies or not vaccinated.

Rabies Certificate. The word “rabies certificate” shall mean a certificate signed by a licensed veterinarian bearing a license number, ownership, name, address, breed, color and sex of dog or cat, which certificate shall be issued for each dog or cat vaccinated. The date of last vaccination of such dog, cat, or ferret shall be clearly stated on such certificate.

Vaccination Tag. The words “vaccination tag” shall mean a tag furnished by a veterinarian and approved by the Georgia Department of Human Resources, consistent with Rule II of Decatur County Board of Health, and the tag shall be worn by the vaccinated animal at all times.

Vaccinate or inoculate. The word “vaccinate” or “inoculate” shall mean the injection of a specified dose of anti-rabies vaccine by a veterinarian into an animal, such vaccine having the U.S. Department of Agriculture Veterinary Biologics Control Section license number approval stamped on the label of the container and having been approved by the Georgia Department of Human Resources.

Veterinarian. The word “veterinarian” shall mean any person who has received a doctor’s degree in veterinary medicine from a school of veterinary medicine and holds a license to practice the profession of veterinary medicine; the number of the aforesaid veterinary license shall be the same as that recorded by a state board of veterinary examiners.

- (b). *Vaccination and Licensing Required.* It shall be unlawful for any person to own, keep, maintain or harbor any dog, cat, or ferret three months of age or older without first having the dog, cat, or ferret vaccinated against rabies and obtaining from a licensed veterinarian for each dog, cat, or ferret the vaccination tag and the rabies certificate defined in subsection (a) above. Any person owning a dog, cat, or ferret who does not comply with this provision shall be in violation of the Animal Control Ordinance unless that the person registers his dog, cat, or ferret within thirty days of the rabies vaccination or thirty days after becoming a resident of the Decatur County.
- (c). *When vaccination required.* All dogs, cats, and ferrets over three months of age shall be vaccinated against rabies initially and thereafter as required by State law.
- (d). *Tag to be attached; number of rabies certificate; term.*
 - 1) Every dog, cat, or ferret which has received a rabies vaccination as set forth in subsection (c) above shall have attached to a collar around its neck a vaccination tag.
 - 2) The rabies certificate shall bear a license number identified with that of the tag attached to the collar of the dog, cat, or ferret.

Decatur County Registration Requirements

- (a). Fees. The veterinarian’s fees for vaccination of a dog, cat, or ferret shall be set by each individual licensed veterinarian or the State of Georgia. Additionally, any dog, cat, or ferret shall be registered by the Planning Department, located at 309 Airport Road, Bainbridge, Georgia 39817. Current animal owners have ninety (90) days from approval date of this ordinance to register their animal, and the owner of the animal shall be fined \$50.00 for failure to register the animal in Decatur County, payable at the Planning Department. Appeals to this fine shall be filed with the Decatur County Magistrate Court. This is a one-time registration for the life of any new animal and does not need to be renewed, if maintained by the same owner. Replacement of registration may be obtained from the Planning Department, too.
- (b). Only licensed veterinarians to vaccinate: inferior vaccinations.
 - 1) No person shall be allowed to vaccinate dogs or cats against rabies who is not licensed to practice veterinary medicine in the United States, or under supervision of a licensed practitioner.
 - 2) A veterinarian or any person having vaccinated dogs or cats against rabies with inferior vaccines or any drugs, biologic, chemical or other material, which is not specified in this chapter or that has not been approved by the health department, or who violates any provision of this chapter in whole or in part shall not be permitted to vaccinate dogs or cats against rabies.
- (c). Exemptions. Dogs or cats entering the Decatur County from outside the County only for the purpose of performing or temporary stay not exceeding 30 days and kept under direct control of their owners or handlers are exempt from the license or registration requirements of this article.

(d). Time limitation on obtaining vaccination certificate and registration. Except as provided by subsection (c) above, it shall be the duty of all persons owning or having possession of a dog, cat, or ferret brought into the Decatur County from outside the County to have the dog or cat vaccinated and to obtain the vaccination tag, the rabies certificate and registration required by this article within a period of 30 days from the date of such entry if not already vaccinated.

owner
within the Decatur
previous 12 months
disposed of as required by

1) Impoundment of unlicensed, unvaccinated dogs, cats, or ferrets. Any dog, cat, or ferret found within the County not wearing or displaying a valid, current vaccination and registration tag and not confined to the premises of the shall be immediately impounded, quarantined or otherwise disposed of as required by this chapter (article). Any dog, cat, or ferret found County not vaccinated as required by this article within the shall likewise be impounded, quarantined or otherwise disposed of as required by this chapter (article).

(e). Rabies cases to be reported. It shall be duty of any person bitten by any animal reasonably suspected of being rabid immediately to notify the appropriate county board of health. It shall be the duty of the owner, custodian, or person having possession and knowledge of any animal which has bitten any person or animal and which exhibits any signs of rabies to notify the county board of health and to confine such animal in accordance with rules and regulations of the county board of health. O.C.G.A. § 31-19-4.

(f). Quarantine.

1) Where rabies has been found to exist in any warm-blooded animal, or where its existence is suspected, the health department may designate an area within which quarantine shall be maintained as provided by the terms of this chapter. Every such animal shall thereupon be immediately confined to the premises designated by the health department, whether or not the animal has been vaccinated against rabies.

2) Dogs, cats, or any animal being held under quarantine by the owner or by a veterinary hospital, boarding or breeding kennel, or any other person at any other place shall immediately upon discovery of the existence of rabies or its symptoms reported this to the Decatur County Health Department, with a history of the case and information regarding the name and address of the owner. It shall be the duty of every person having knowledge of the facts to see that the report required by this subparagraph (subsection) is made. Animal Control Officer needs to follow the Operational Procedures for investigation of individual cases.

3) No animal shall be removed from a quarantined area and no animal brought into a quarantined area without written permission of the health department. The application for such permission shall be in writing, filed with the health department with the reason for movement and the location at which the animal will be confined after movement.

4) The Health Department, in its discretion, may increase or shorten the period as the public safety and health may require.

5) Where an animal has been suspected of having rabies or has rabies symptoms, the area or premises where such animals is kept shall be posted by the health department with signs to read as follows: "rabies suspected" or "rabies, keep away from animals." Such signs shall be conspicuously displayed on the

- premises, printed with type that is easily legible, and shall remain on the premises for the duration of the quarantine.
- 6) Persons living within a quarantine area having in their possession an animal subject to rabies or to the terms of this chapter shall be given written notice of the quarantine, the animal subject thereto and an order to confine their animal so subject to the premises of the owner, together with any other information the Health Department deems advisable. Such notice shall be signed by a duly authorized agent of the health department.
 - 7) The violation by any person of any quarantine order issued by the health officer shall be a violation of this chapter, and said quarantine animal shall be immediately confiscated by the Animal Control Officer and taken to animal shelter for the remainder of the quarantine period. Any person so violating shall be subject to all the penalties prescribed by law for a violation.
- (g). Examination of Heads. The heads of all domestic animals and of all wild animals suspected of having rabies before their death or having rabies at time of death shall be submitted to the State laboratory for examination. Either human or animal exposure to these animals shall constitute sufficient reason for laboratory examination.

Restrictions on Dogs Running at Large

It shall be unlawful for any dog to be on the streets, lanes, roads, rights of way or squares of any subdivision in the County, or loose on vacant lots or unenclosed lots, unless such dog is held firmly on a leash held by a person. It shall be the duty of any owner or possessor or any person who harbors or keeps any dog to confine securely the same within the limits of his/her own premises and not to permit such dog to run or have access to run the streets, lanes, highways, roads, rights of way, squares or parks of the County except as above set forth or for hunting, field trials and the working of said dogs. It shall be unlawful for any dog owner to keep or have within the County a dog which habitually or repeatedly chases, snaps at, or attacks children, pedestrians, bike riders, vehicles, or conducts itself so as to be a public nuisance. To effect the impounding of such a dog, if necessary, the Animal Control Officer shall have the right to muzzle or employ such other methods as may be reasonably necessary to impound such animal and cite the owner of the animal.

- (a). Hunting dogs will be allowed to run wooded areas, under direct supervision of their owner, where permitted by the owner of the property, during hunting season established by federal and/or state laws and regulations.
- (b). All hunting dogs shall bear tags containing the owner's name, address, and telephone number.
- (c). All hunting dogs shall be vaccinated for rabies in accordance to the Decatur County Board of Health Rabies Control Regulations.
- (d). All hunting dogs used in hunting game shall be properly supervised.
- (e). If any properly tagged dog is taken into custody by the Animal Control Officer, or his designee, the dog shall be boarded for a time period of up to fourteen (14) days or until the owner of the animal has acquired the animal from the animal shelter, upon submittal of proof of ownership. Boarding costs shall be the responsibility of the owner. No penalties shall be charged.

- (f). If an owner does not recover his dog within fourteen (14) days of the dog's having been taken into custody of the Animal Control Officer, the dog shall be treated as abandoned.
- (g) Animal Control Officer shall notify the dog owner by telephone. If no response by telephone, a certified letter shall be sent.

Impoundment of Dogs, Cats, and Ferrets - Authorized

Any dog, cat, or ferret found upon the streets, lanes, highways, roads, squares of the County, without the corporate limits of any municipality therein, in violation of this article, shall be caught and impounded by the Animal Control Officer or his designee. The Animal Control Officer or his designee shall have the specific right to enter upon any unenclosed private property to secure capture of any dog in violation of this article.

Animal Keeping Time Limit

Any dog, cat, or ferret impounded under the provisions of this Article shall be kept for up to five (5) days in a place, to be known as the dog pound or humane shelter. In the case, if the dog is tagged and the owner of the dog is identified, the dog may be kept up to fourteen (14) days at the cost of the dog owner.

Payment of Fees

Within five (5) days, or consistent with the Animal Keeping Time Limit section above, after a dog, cat, or ferret is impounded, the owner or possessor shall come forward and pay a \$50.00 fine, if the animal has not been vaccinated or registered in accordance with the requirements of this ordinance. If s/he has not paid the same, an impoundment fee and a boarding fee shall be imposed. Impoundment and boarding shall be paid before an impounded animal shall be released to the owner or possessor.

Euthanasia

When any animal impounded under this article is not recovered by its owner, possessor or representative within fourteen (14) days after the impoundment and the fine and the fees specified in this article remain unpaid, then euthanasia shall be performed in some manner approved by the American Veterinarian Medicine Association or said animal may be adopted through a licensed humane society or a rescue and placement agency.

Delegation of Animal Shelter

The shelter and impounding of dogs, cats and ferrets found within the County in violation of this article may be delegated to and provided by such organization as shall be selected by the Board of Commissioners of Decatur County.

Disposal of Dog Excrement

It shall be unlawful for any person who possesses harbors or is in charge of any dog not to immediately remove excrement deposited by the dog upon a common thoroughfare, street, sidewalk, tree lawn, play area, park, square, or upon any other public premises, and such is hereby deemed to be a public nuisance and prohibited. Dog excrement shall be disposed of in a sanitary manner as provided by following section.

Equipment for Removal of Dog Excrement

It shall be the duty of any person having custody of any dog or cat on public property to have in such person's possession a device or equipment for the picking up and removal of dog excrement. The provisions of this section shall not apply to a dog aiding the handicapped (i.e., guide dog) or to a dog utilized in police or rescue activities.

Dog Fighting

Dog fighting violation shall be enforced under the provisions of the State Law.

Animal Neglect

A person that is the owner or custodian of any animal may be found to be guilty of animal neglect by a finding that anyone or more of the following conditions were allowed to exist:

- (a) Lack of immediately available proper drinking water or inadequate supply of potable water.
- (b) Lack of wholesome, palatable, and free-from-contamination food or sustenance to be provided in sufficient quantity.
- (c) Failure to provide an animal sufficient space to stand to full height, turn around, lie down and make normal postural adjustments for comfort with adequate space for an animal's normal exercise. This subsection (c) shall not apply to agricultural practices that comply with the State of Georgia Law for operation of their agricultural activities.
- (d) The lack of providing a stationary shelter from weather such as sun, rain, wind or inclement weather or to maintain said shelter in a clean, sanitary condition free of excrement and unreasonable objectionable odors.
- (e) Failure to make arrangements for veterinary care, or to have an animal in possession that is known to or suspected to have an untreated injury, accidental or deliberate, or to exhibit any signs of untreated disease, shock, temperature fluctuations, tremors, swelling, open wounds, inability to eat, blistering or abnormal bleeding, partial paralysis, discharging blood or mucus.
- (f) Liability of owner or custodian for damages done to livestock or poultry by a dog shall be in accordance with O.C.G.A. § 4-8-4.

Animal Cruelty

A person commits an act of animal cruelty when such person causes the death or unjustified physical pain and suffering of an animal or maliciously causes the death, physical harm to the animal rendering parts of the animal useless or seriously disfigured, or with knowledge or intent commits any of the acts set forth in the Animal Neglect Section and in accordance with O.C.G.A. § 4-8-5. This provision shall not apply to any person euthanizing an animal due to a disease or action taken to avoid pain and suffering, or animals that are raised for personal consumption that are exempt in accordance with O.C.G.A. § 4-11-13.

Tethering

It shall be prohibited in unincorporated areas of Decatur County or within the limits of the County to retain or confine dogs, cats, or ferrets in a manner achieved by tethering a dog or cat to

stationary or non-stationary objects, depending upon circumstances upon approval of the Animal Control Officer.

Animal Confinement and Left Unattended in Vehicles

It shall be unlawful to leave an animal unattended or unsecured in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from dangerous temperatures, lack of food, or lack of water. The Decatur County Animal Control Officer or any other law enforcement shall take such action as is necessary including entry of the vehicle by any 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 expense. The Decatur County Animal Control Officers may take possession of any deceased animal found in any parked vehicle for purposes of determining the cause of death in question, pursuant to animal neglect or cruelty.

Stray Dog, Cat, Ferret, and other animals

Any person who intends to provide continued care and sustenance for any dog or cat shall be deemed to be the custodian of said dog or cat. No person shall feed or provided sustenance to any dog, cat, or other animal upon the public property or private property of others, except with the express permission of the owner of said animal or property owner upon which said food or sustenance is being provided.

Abandonment of Animals

No person shall knowingly abandon any animal whether healthy, old, maimed, infirm, or sick and disabled on their own property without daily care or by abandonment off the owners premises where it may suffer injury, hunger, exposure, or become a public charge. O.C.G.A. § 4-8-3.

Dangerous, Potentially Dangerous, & Vicious Dogs

Definitions

The following definitions shall apply in the interpretation and enforcement of this article, and the following words shall have the following meanings:

- (a). *Dangerous Dog* means any dog that, according to the records of an appropriate authority:
 - 1) Inflicts a severe injury on a human being or other animals without provocation on public or private property; or
 - 2) Aggressively bites, attacks, or endangers the safety of humans or other animals without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.
- (b). *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 dangerous dog or potentially dangerous dog within this State.
- (c). *Potentially Dangerous Dog* means any dog, according to the records of an appropriate authority, that:

- 1) Without provocation, bites a human being or other animals on public or private property; or
 - 2) Without provocation, chases any human being upon the street, sidewalk, or any public or private property, excluding that of its custodian, in an apparent attitude of attack.
- (d). *Proper Enclosure* means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner’s property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such structure shall have secure sides and a secure top, and if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog’s escape either over or under the fence. Any such enclosure shall also provide protection from the elements for the dog.
- (e). *Records of An Appropriate Authority* means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any County Board of Health; records of any federal, state, or local court; or records of a dog control officer provided for in this article.
- (f). *Severe Injury* means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.
- (g). *Substantial Chain or Leash* means a device used to restrain a dog that cannot be broken by the dog under its own power.
- (h). *Unprovoked Attack* means an attack or bite when an animal strikes for no apparent reason. The behavior should be unusual for the particular animal. Chronic aggressive behavior can be made ascertained by interviewing the animal’s owner or by reviewing records of an appropriate authority. This will assist in determining whether an attack was indeed “unprovoked.”
- (i). *Vicious Dog* means any dog that inflicts a severe injury on a human being or other animals without provocation after the owner has noticed that the dog has previously bitten or attacked or endangered the safety of a human being. Such term shall not include a dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer’s official duties. A dog shall not be a vicious dog if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

Vicious Dogs

It is unlawful for an owner of a vicious dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a leash, properly muzzled, and is under the physical restraint of a responsible person. A vicious dog shall be immediately confiscated by an animal control officer or by a law enforcement officer or by another person authorized by the Animal Control Officer if the:

- (a). vicious dog is not maintained in a proper enclosure; or

(b). vicious dog is outside a proper enclosure.

Any dog that has been confiscated under the provisions of Vicious Dog of this code section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within fourteen (14) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.

Investigation of Reports; Exemptions

Upon receiving a report of a dangerous dog or potentially dangerous dog within the County from a law enforcement agency, animal control agency, rabies control officer, or county board of health, an animal control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this article. For enforcement of this provision, Animal Control Officer needs to be consistent with Appendix C (Operational Procedures) and Appendix B (Rules Number II).

A dog that inflicts an injury upon a person or other animals when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a dangerous dog or potentially dangerous dog within the meaning of this article. A dog shall not be a dangerous dog or a potentially dangerous dog within the meaning of this article if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

Notice Generally

When an animal control officer classifies a dog as a dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the dog control officer shall notify the dog's owner in writing by certified mail to the owners last known address of such classification or reclassification. Such notice shall be complete upon its mailing. In the alternative, at the sole discretion of the Animal Control Officer, a personal service may be made.

Scope of Procedures

As applied to the owners of potentially dangerous dogs, the procedures provided for in this article must be carried out as a necessary condition for the enforcement of the provisions of this article against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this article shall not be an essential element of any crime provided for in this article.

Notice to Owner of Classification

When a dangerous dog or potentially dangerous dog is classified as such, the dog control officer shall notify the dog's owner of such classification.

Requirements of Notice to Owner

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;
- (b). The notice shall include a summary of the Animal Control Officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog;
- (c). The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has a right to request a hearing on the Animal Control Officer's determination that the dog is a dangerous dog or potentially dangerous dog;
- (d). The notice shall state that the hearing, if requested, shall be before the County Commission;
- (e). The notice shall state that if a hearing is not requested, the Animal Control Officer's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes under this article on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and
- (f). The notice shall include a form to request a hearing before the County Commission and shall provide specific instructions on mailing or delivering such request to the appropriate officials.

Hearing

When the County Clerk receives a request for a hearing before the Board of Commissioners as provided in this article, the County Clerk shall schedule such hearing within 30 days after receiving the request. The Animal Control Officer 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 days prior to the date of the hearing. During the hearing, the owner of the dog shall be given the opportunity to testify and present evidence. The Board of Commissioners may hear such other testimony as they may find reasonable and necessary to make a determination whether to sustain, modify, or overrule the Animal Control Officer's classification of the dog.

Notice of Determination after Hearing

Within ten days after the date of the hearing, the 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, potentially dangerous, or vicious dog the effective date of complying with all the provisions of this article shall be 15 days from the date of the hearing.

Certificate of Registration

It is unlawful for an owner to have or possess within this State and County a dangerous dog, potentially dangerous dog, and vicious dog without a certificate of registration issued in accordance with the following provisions:

- (a) A proper enclosure to confine the dangerous, potentially dangerous, and vicious dogs.
- (b) The animal found to be a potentially dangerous dog, dangerous dog, or vicious dog shall be spayed or neutered within fifteen days of the Animal Control Officer's determination that said dog is a dangerous dog or a potentially dangerous dog.
- (c) The owner shall be required to post the premises where the animal is located with a clearly visible sign, issued by the Animal Control Officer, containing a symbol designed to warn all citizens, including children, that there is a dangerous or potentially dangerous

- dog on the property; the number of signs will be determined by the Animal Control Officer.
- (d) It shall be unlawful to display the above dangerous dog sign at locations or on premises where no such dangerous or potentially dangerous dog exists or is located.
 - (e) The registration fee shall be \$150.00, or as set forth in the Decatur County Planning Department Fee Schedule, which will be collected by the Planning Department for a regulatory service for a potentially dangerous dog annually and for a dangerous and vicious dog annually. One warning sign shall be issued and is included in this fee.
 - (f) In addition to the requirements above, the owner of a dangerous dog or vicious dog shall present to the dog control officer evidence that the dog has been spayed or neutered, and evidence of:
 - 1) A policy of insurance in the amount of \$75,000 or more in special circumstances issued by a surety company authorized to transact business in this State insuring the owner of the dangerous dog or vicious dog against liability for any personal injuries inflicted by the dangerous dog; or
 - 2) A surety bond in the amount of \$75,000 or more issued by a surety company authorized to transact business in this State payable to any person or persons injured by the dangerous or vicious dog.
 - (g) The owner of a dangerous dog or potentially dangerous dog shall notify the Animal Control Officer as soon as the dog owner realizes the dog is loose, unconfined, has attacked a human or other animals, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the Animal Control Officer with the name, address, and telephone number of the new owner of the dog.
 - (h) The owner of a dangerous dog or potentially dangerous dog shall notify the Animal Control Officer if the owner and dog are moving from Animal Control Officer's jurisdiction. The owner of a dangerous dog or potentially dangerous dog who is a new resident of the State of Georgia shall register the dog as required in this Code section within 30 days after becoming a resident. The owner of a dangerous dog or potentially dangerous dog who moves from one jurisdiction to another within the State of Georgia shall register the dangerous dog or potentially dangerous dog in the new jurisdiction within ten days after becoming a resident.
 - (i) Issuance of a certificate of registration or the renewal of certificate of registration by Decatur County Animal Control does not warrant or guarantee that the requirements specified are maintained by the owner of a dangerous dog or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of an annual renewal of such certificate.
 - (j) An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section.

Restraint of Dangerous Dog

It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.

Restraint of Potentially Dangerous Dog

It is unlawful for the owner of a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled, restrained by a substantial chain or leash, and is under the restraint of a responsible person.

Confiscation of Dangerous, Potentially Dangerous and Vicious Dogs

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

- (a). Owner of the dog does not secure the liability insurance or bond required in this article;
- (b). Dog is not validly registered as required;
- (c). Dog is not maintained in proper enclosure; or
- (d). Dog is outside a proper enclosure without specified restraints and muzzled.
- (e). Should the owner fail to provide the document outlined in this ordinance or the provisions of this subsection, the dangerous dog SHALL be impounded.

The dangerous dog shall be held for ten (10) days during which time the owner may demonstrate compliance with the above requirements and subsection (a) through (e) above. Should the owner fail to comply with any provisions of the aforementioned section and subsections, the dog shall be subject to euthanasia.

Confiscation of Potentially Dangerous Dogs

A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

- (a). Not validly registered as required;
- (b). Not maintained in a proper enclosure; or
- (c). Outside a proper enclosure without specified restraints.

Return after Confiscation

Any dog that has been confiscated under the provisions of this ordinance shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within fourteen (14) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.

Penalties for Violation of Dangerous Dog Control

The owner of a potentially dangerous, dangerous, or vicious dog who violates any applicable provision of this ordinance shall be guilty of a misdemeanor of high aggravated nature. Upon conviction, the owner shall be punished with fine and imprisonment in accordance with O.C.G.A. § 4-8-28.

Liability

The owner of a dangerous dog, potentially dangerous dog, or vicious dog shall be solely liable for any injury to or death of a person caused by such dog. Under no circumstances shall Decatur

County or any employee or official of Decatur County which enforces or fails to enforce the provisions of this article be held liable for any damages to any person who suffers an injury inflicted by a dog that has been identified as being a dangerous dog or potentially dangerous dog, by a dog that has been reported to the proper authorities as being a dangerous or potentially dangerous dog, by a dog that a local government has failed to identify as a dangerous dog or potentially dangerous dog, by a dog which had been identified as being a dangerous dog or potentially dangerous dog but has not been kept or restrained in the prescribed manner, or by a dangerous dog or potentially dangerous dog whose owner has not maintained insurance coverage or surety bond as required. Typical dangerous dog declaration notice is attached.

Attachments:

- Appendix A: Dangerous Dog Declaration Form
- Appendix B: Rule Number II
- Appendix C: Operational Procedure

All ordinances or parts of ordinances, in conflict herewith, are repealed.

This Animal Control Ordinance adopted with appendixes, hereby, shall take effect and be in full force and effect as of the date of approval:

On this _____ day of _____, 2008.

H. Palmer Rich,
Chairman, Board of the Commissioners

Beverly King,
County Clerk

DANGEROUS DOG DECLARATION FORM

OWNER OF THE DOG:	ADDRESS:	
DATE OF THIS NOTICE:	CASE NUMBER:	VIOLATION: VIOLATION DATE:
YOUR DOG, A _____, NAMED _____, IS HEREBY DECLARED TO BE A DANGEROUS, POTENTIALLY DANGEROUS, OR VICIOUS (Circle One) DOG FOR THE FOLLOWING REASON(S);		

DANGEROUS DOG MEANS:

1. Has inflicted severe injury on a human being without provocation on public or private property; or
2. Has killed a domestic animal without provocation while off the owner's property; or

3. Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

As the owner of such a dog, you are required to comply with the provisions for keeping a dangerous dog, and must complete the below listed requirements and notify the Decatur County Animal Control Officer by _____.

1. You must apply with the Decatur County Animal Control Officer for a "Certificate of Registration" after all the below requirements have been accomplished.
2. Have a proper enclosure on your property where the dog shall be securely confined or enclosed in a locked pen or structure, suitable to prevent entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.
3. Post the premise with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.
4. Have a surety bond issued by a surety insurer qualified under _____, in a form acceptable to the Animal Control Officer in the sum of at least seventy five thousand dollars (\$75,000) payable to any person injured by the dangerous dog. In lieu of obtaining a surety bond, the dog owner may show a policy of at least seventy five thousand dollars (\$75,000) insuring the owner for any personal injuries inflicted by the dog.

It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

Violation of any of the above provisions will result in the immediate confiscation of the dog by the Animal Control Officer, and the dog owner will be subject to a gross misdemeanor, punishable by one (1) year in jail and/or a five thousand dollar (\$5,000) fine.

If a dangerous dog with a previous conviction under this statute attacks or bites a person or another domestic animal, the dog's owner is guilty of a Class C felony. The dog will immediately be confiscated by the Animal Control Officer, placed into quarantine by the health department, and thereafter destroyed.

Copy served/received on _____, by _____.

Officer Name: _____

RULE NUMBER II

PART 1 TITLE. Rabies Control Rules and Regulations, Decatur County.

PART 2 LEGAL AUTHORITY. Pursuant to the authority vested in the County Board of Health under OCGA Chapter 31-3, 31-5, *et.seq.*, the Code of Georgia and more particularly by Chapter 31-19, the County Board of Health adopts the following Rules and Regulations for the control of rabies within said county.

PART 3 PURPOSE. To prescribe Rules for the prevention and control of rabies within Decatur County by providing for the vaccination, tagging and certification of dogs, cats and ferrets, the confinement of dogs, cats, ferrets and other animals, for the establishment of a full-time rabies control officer, collection of rabies control fees and for other purposes.

PART 4 DEFINITIONS. Unless a different meaning is required by the context, the following terms as used in this Rule shall have the meanings hereinafter respectively ascribed to them.

1. "Board" means Decatur County Board of Health, State of Georgia.
2. "Department" means the Department of Human Resources, State of Georgia.
3. "Director" means the Chief Executive of the County Board as defined in Section 31-3-11 and Section 31-3-15 of the Code of Georgia, or in his absence, subject to approval of the Board, a member of said Board appointed by the Chairman for the purposes enumerated herein.
4. "Dog" The word "dog" shall mean a dog, of either sex, vaccinated or not vaccinated against rabies.

5. "Cat" The word "cat" shall mean a cat, of either sex, vaccinated or not vaccinated against rabies.
6. "Ferret" The word "ferret" shall mean a ferret, of either sex, vaccinated or not vaccinated against rabies.
7. "Vaccine" The word "vaccine" shall mean an injectable material containing killed or attenuated rabies virus, licensed by the United States Department of Agriculture, Veterinary Biologics Section, and approved by the Georgia Department of Human Resources. Vaccine used for the purposes of this Rule shall be stored at the temperature prescribed on the package label. Out-dated vaccine shall not be used.
8. "Vaccinate" – "Inoculate." The words "vaccinate" and "inoculate" shall mean the injection of a specified dose of antirabic vaccine by a veterinarian into the proper site of an animal, such vaccine having the U.S. Department of Agriculture Veterinary Biologics Control Section license number approval stamped on the label of the container and having been approved by the Georgia Department of Human Resources.
9. "Veterinarian." The word "veterinarian" shall mean any person who holds a license to practice the profession of veterinary medicine in the State of Georgia, or has a degree of Doctor of Veterinarian Medicine.
10. "Rabies Vaccination Tag" The term "rabies vaccination tag" shall mean a tag furnished or approved by the Georgia Department of Human Resources and which tag shall be worn by the vaccinated dog, cat, or ferret.
11. "Certificate." The word "certificate" shall mean a certificate of vaccination on a form furnished or approved by the Georgia Department of Human Resources.
12. "Rabies Control Fee." The term "rabies control fee" shall mean that surcharge (fee) authorized by the State Health code and levied by the county of residence at the time of rabies immunization of a pet animal in a private or public clinic. This fee is to be collected by the veterinarian and forwarded to the treasurer of the county of the animal owner's residence. The "rabies control fee" is not to be confused with any fees associated with licensing or registering pet animals, or the fee that shall be charged by the veterinarian for performing the vaccination.

13. "Person" The word "person" shall mean any individual, firm, corporation, partnership, municipality, county, society, or association.
14. "Owner" The term "owner" shall mean any person having a right of property in a dog, cat or ferret, or any person who permits a dog, cat or ferret to remain on his premises.
15. "Health Department" means the Decatur County Health Department or in the absence of a functioning health department, the Decatur County Board of Health.

PART 5 PROVISIONS.

1. Vaccination of Dogs, Cats or Ferrets.

Within 30 days following the passage of this Rule every owner of a dog, cat or ferret three months of age or older shall cause such animal to be vaccinated against rabies as defined by this Rule. Dogs, cats or ferrets will be re-vaccinated one year later. When dogs, cats or ferrets one (1) year of age or older are vaccinated with vaccines accepted by the Department for providing a three (3) year duration of immunity, boosters will be required every three years.

2. Certificate of Vaccination

- a. Evidence of vaccination shall consist of a certificate of vaccination. The certificate with each item answered shall be prepared in triplicate and signed by the veterinarian administering the vaccine. One copy of the certificate shall be given to the owner, one filed with the Decatur County Health Department, and one copy retained by the veterinarian.
- b. Any veterinarian is authorized and required in connection with his practice to issue certificates of vaccination and vaccination tags provided he furnished one copy to the animal's owner, one copy to the Decatur County Health Department, and retains one copy for his files.
- c. The certificates of vaccination furnished to the Decatur County Health Department shall be maintained in an orderly indexed file for a period of not less than three (3) years.
- d. In the event a tag is lost, a duplicate may be obtained from the veterinarian who treated the animal, bearing the same expiration date as the original.

3. Vaccination Tags

- a. Coincident with the issuance of the certificate of vaccination, the person authorized to furnish the certificate also furnish to the owner of the vaccinated dog, cat or ferret a serially numbered tag bearing the same

number and year thereon attached to the collar or harness worn by the dog, cat or ferret for which the certificate and tag have been issued.

4. Rabies Control Fee

Veterinarians are required to collect a rabies control fee of 50¢ per animal vaccinated for rabies. This fee is in addition to, and not to be confused with, the professional veterinary fee for rabies immunizations. This fee must accompany the Health Department's file copy of the certificate of vaccination when it is submitted to the county treasurer or other competent fiscal authority of the county. Both fee and file copy of the certificate should be delivered to the Health Department not later than the 15th of the month following the month of immunization.

5. Clinics

- a. In accordance with the direction of the Board as appearing on its minutes the Director shall operate or cause to be operated county-sponsored clinics for the vaccination of dogs, cat and ferrets against rabies.
- b. Vaccination will be performed by a veterinarian or under his direct supervision. Payment of services shall be derived from vaccination fees.
- c. The vaccination fee for such clinics, including the administering and cost of the vaccine, the issuance of certificates and tags, and other necessary expense shall be predetermined by the County Board of Health at least 15 days in advance of a scheduled clinic. Public notice of the schedule of the clinics shall be made by the Director also at least 15 days in advance of the first clinic appearing on the schedule. Such notice shall include the schedule of each clinic including the day, the hour, the place and the vaccination fee.
- d. In emergencies or during quarantine, the 15 days notice prior to the operation of a clinic shall not apply.

6. Rabies Control Officer

- a. A rabies control officer who is knowledgeable of animals shall be appointed by the Board. This official will be an employee of the county health department. Funds for his salary will be derived in part from the special rabies control fee levied at the time of the rabies vaccination of dogs, cats, ferrets and other pet animals.
- b. Duties of the rabies control officer will include:
 1. Investigate and maintain a record of animal bites in the county.
 2. Provide for proper confinement of an animal involved in a bite; or if the animal is dead or killed, preparation and submission of the head for laboratory examination.
 3. Enforce proper disposition of animals exposed to known rabid animals.
 4. Provide stray animal pickup service in relation to Rabies Control.
 5. Assist in rabies immunization clinic
 6. Other duties as stated in the rabies control regulations or as ordered by the Director.

7. Confinement of Dogs, Cats, Ferrets or Other Animals

- a. The rabies control officer will maintain enforcement of all regulations pertaining to confinement of dogs, cats, ferrets or other animals.
- b. The owner of any dog, cat, ferret or other animal as defined in this section shall confine or cause to be confined such dog, cat, ferret or other animal as herein prescribed:

- 1. A dog, cat, ferret or other animal, whether vaccinated or not, which has bitten a person (or other animal) shall be confined for a period of ten (10) days following the date of the bite. Before being released, the animal must be vaccinated.

having
until
having rabies is
the Director.

- 2. A dog, cat, ferret or other animal whether vaccinated or not, signs suggestive of rabies shall be confined and in isolation until its death or until its freedom from suspicion of rabies is established and its release is authorized by the Director.

- 3. A dog, cat, ferret or other animal not vaccinated and bitten by a known or suspected rabid animal shall be immediately destroyed or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in an approved pen for 6 months shall be enforced. One month prior to release, the dog shall be vaccinated according to prescribed methods.

- 4. Any dog, cat, ferret or other animal, the rabies vaccination of which is current as evidenced by the certificate of vaccination and which is bitten by a known or suspected rabid animal, may be revaccinated, confined in an approved manner for forty-five (45) days, and then released if no signs of rabies are evident.

- 5. Every dog, cat and ferret whether vaccinated or not in a quarantined area shall be kept confined to the owner's or custodian's premises during the entire quarantine period.

- 6. Any dog, cat or ferret less than three (3) months old shall be confined to the owner's premises or kept on leash.

- 7. Any dog, cat or ferret brought into Decatur County for a permanent stay from outside the county shall be confined or on leash until vaccinated as provided for by this rule except, however, that when the owner of such dog, cat or ferret produces evidence satisfactory to the Director that such animal has been vaccinated in a manner and by procedures comparable to the requirements of this Rule, then a certificate of vaccination and a

vaccination tag may be
year.

issued for the current vaccination

8. Any dog, cat or ferret brought into Decatur County on temporary stay not exceeding fourteen (14) days shall be confined or on a leash at all times; except, however, that if the owner or custodian of such dog, cat or ferret submits evidence to the Director that such dog, cat or ferret has been vaccinated in a manner and by procedures comparable to the requirements of this Rule, the Director may waive the requirement that said dog, cat or ferret be confined or on a leash.

9. Any dog, cat, ferret or other animal running at large shall be impounded for a minimum of three (3) days unless reclaimed earlier by the owner. If the animal bears vaccination and /or license tags, a reasonable effort to locate the owner shall be made.

Any unvaccinated (and/or unlicensed) dog, cat or ferret may be reclaimed by its owners during the period of impoundment by payment of prescribed pound fees and by the giving of satisfactory assurances of compliance with the rabies vaccination requirements of this ordinance within 72 hours of release.

Any vaccinated dog, cat or ferret impounded because of lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

8. Confinement Area Facility

a. The area or facility to which any dog, cat, ferret or animal is confined in compliance with the provisions of this Rule shall be subject to the approval of the Director. The confinement area or facility may include either a pound, a kennel, an animal hospital, or other place which provides:

1. Construction and management which will keep the animal dry and clean and prevent its escape.
2. A method and procedure for the identification of the animal and the recording of the date of its admission to the area or facility.
3. Assurance that the animal will have safe and adequate water and food.
4. Adequate space for the animal's exercise.
5. Protection against excessive heat and cold.

6. Space, cages, pens, and other necessary equipment to isolate the animal for its protection against injury and infectious disease.
9. Reporting
 - a. The owner or custodian of any animal having signs suggestive of rabies shall confine the animal and immediately notify the Director, reporting any information regarding any persons bitten or attacked by said animals.

PART 6 ADMINISTRATION AND ENFORCEMENT.

1. Enforcement

- a. The Board of Health hereby instructs the rabies control officer to enforce the above rules and regulations. The rabies control officer is authorized and instructed to make cases against anyone who violates one or more provisions of these regulations.
- b. The rabies control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of these rules and regulations. Law enforcement agencies of local governments and the sheriff of the county shall cooperate with the rabies control officer in enforcing the provisions of these rules and regulations.
- c. Enforcement of this rule will be in accordance with O.C.G.A. 31-5-1 *et.seq.* and Rule I adopted and promulgated by the County Board of Health.

6.02 Penalty

Any person who violates any provision of these rules and regulations shall be guilty of a misdemeanor as stated under O.C.G.GA, § 31-19-10.

PART 7 REPEAL. All Rules and Regulations or any part thereof in conflict with the above and foregoing Rules and Regulations are hereby repealed.

PART 8 SEVERANCE CLAUSE:

If any action, subsection, clause, provision or portion of this regulation shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such

portion holding shall not affect any other section, subsection, clause, provision, or of this regulation which is not in and of itself invalid or unconstitutional.

PART 9 POWER TO ENTER:

It shall be the duty of the representative of the Board of Health to enforce these rules and the Health Officer, Public Health Engineer or Sanitarian, County Environmental Health Specialist or District Environmentalist for the County, or authorized person accompanying a Board of Health representative is hereby authorized to enter at any reasonable time, any premises as may be necessary for its enforcement.

PART 10 EFFECTIVE DATE. These Rules and Regulations shall become effective the _____ day of _____, 2005.

Date Adopted _____

Signed _____

Chairman, Decatur County Board of Health

Signed _____

Secretary, Decatur County Board of Health

Signed _____

J. Paul Newell, MD, District Health Director, 8-2

LEGAL AUTHORITY:

Decatur County Animal Control Ordinance

Operational Procedure

For:

Dog Bite Cases

Once a call is received from 911, Law Enforcement, Rabies Officer or any other County Official dealing with a dog bite case against a human being or other animals from an aggressive, potential dangerous, dangerous or vicious dog, the following procedures will take place. OCGA 4-8-41.

1. The Law Enforcement Officer will do a Bite Report and the Animal Control Officer/Dog Control Officer will investigate case, i.e. interview and take statements from victim, witnesses, and owner of animal.
2. Animal Control Officer/Dog Control Officer may quarantine the dog at the owner's property or impound dog for a time period consistent with Animal Control Ordinance. (The dog will be located at the Humane Society Shelter/ Animal Shelter). In the absence of the Animal Control Officer, a Law Enforcement Officer will have the authority to impound the dog. (Note: Alternate quarantine location can be decided by the Animal Control Officer after investigation of the bite case.)
3. The dog will be observed for rabies by the Decatur County Environmental Health Office, consistent with O.C.G.A. § 31-19-4, and by the Animal Control Officer/Dog Control Officer for aggressive behavior for a time period consistent with Animal Control Ordinance.
4. After the time limit wait period is over and the animal is free of signs of rabies and dog is not labeled as a potential dangerous, dangerous, vicious dog the owner will pay fees to the shelter, and the Animal Control Officer/Dog Control Officer will release the animal after the Rabies Officer signs the release.
5. If the dog is labeled as a potential dangerous, dangerous or vicious dog the Animal Control Office/Dog Control Officer will notify in writing and deliver by certified mail the classification of the dog to the owner. The owner will have to comply with the following rules within 20 days of the ruling. If he wishes to appeal it must be done at the local governing body at a scheduled meeting with in15 days of notification:
 - a. House the dog in a properly fenced area big enough for the dog to have room to move around, a top and a bottom to prevent escape, proved proper shelter food and water.
 - b. Signs posted notifying of the dangerous dog
 - c. Surety Bond of at least \$75,000
 - d. Pay all fees associated with the impoundment and registration requirements set by Animal Control Ordinance.
 - e. Must be vaccinated and registered with the Planning Department.
 - f. Must meet all other requirements of the Decatur County Animal Control Ordinance

- 6. If the dog is not vaccinated the owner will do so within twenty-four hours of release and give the Animal Control Officer/Dog Control Officer a copy of the certificate of vaccination. If the owner does not comply he shall be cited for not complying with the State Rabies Control Law, Rule II and the Decatur County Animal Control Ordinance.**