

## ARTICLE I. IN GENERAL.

### Section 14-1 – Definitions.

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

*Abandonment (of an animal)* means the act of any person who:

- 1) Abandons an animal by leaving an animal unattended for a period of time in excess of 24 hours without food, water, adequate ventilation or shelter on public or private property, including but not limited to the property of the owner/custodian;
- 2) Puts out, leaves, abandons, or in any other way discards any animal on public or private property, including but not limited to the property of the owner/custodian, and including but not limited to leaving an animal contained in a box, bag, fence, house or other structure or tethered; or
- 3) Places an animal in the custody of a state licensed entity, such as but not limited to a veterinary clinic, grooming facility, boarding facility, or pet sitter for treatment, boarding, or other care, and fails to reclaim the animal by the agreed time. The entity shall abide by the requirements of OCGA§44-14-490 in disposing of the animal.

*Abused animal* means any animal that has been harmed by an act, an omission or neglect, including but not limited to any animal that has been:

- 1) Deprived of adequate food, water, shelter, ventilation, care, space or veterinary care.
- 2) Physically harmed, tortured, mutilated, beaten or illegally killed.
- 3) Trained/used for fighting other animals.
- 4) Used as bait to train/lure other animals to fight/kill.

*Adequate* means sufficient, commensurate; equally efficient; equal to what is required; suitable to the case of occasion; satisfactory.

*Animal* means any living creature, domestic or wild, but shall not include fish or any pests that might normally be exterminated or removed from a business, a residence or other structure.

*Animal bite* means a physical contact of the teeth, nails, or claws of an animal with human flesh, including but not limited to a scrape, puncture, pierce, scratch or tear, so long as bleeding results.

*Animal control facility/shelter* means those facilities designated by the Mayor and Council for housing and care of animals pursuant to this chapter.

*Animal control officer* means an individual authorized by the local law or by the governing authority of the City to carry out the duties imposed by the chapter, who shall have, in addition to other authority granted by the City Council, the power and duty set forth in OCGA§4-8-22.

*Animal control unit* means, collectively, the animal control manager and employees who are under the direction of the Mayor's Office and City of Jasper Police Department, its successor department(s), or other entity selected by the Mayor and Council to carry out the duties of animal control for City of Jasper pursuant to this chapter and federal/state laws.

*Animal mill* means an individual or entity that keeps and/or breeds animals in conditions where animals are frequently caged for extended periods of time, do not receive adequate care, and/or are not kept in an environment conducive to the health and well being of the animals.

*Animal shelter* means an entity that possesses a shelter license from the Georgia Department of Agriculture.

*At large* means off the premises of the owner and not under the control of the owner a member of his immediate family, or some other person, either by leash, cord, chain, or other holding device.

*Attacking or biting animal* means:

- 1) Any animal which poses a physical threat to human beings or other animals by virtue of an attack that caused property damage and/or physical injury.
- 2) An animal shall not be an "attacking or biting animal" within the meaning of this chapter if:
  - a. It inflicts an injury upon a person when the animal is being used by a law enforcement officer to carry out the law enforcement officer's official duties.

- b. The injury inflicted by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort; was tormenting, abusing or assaulting the animal; had in the past been reported to have tormented, abused or assaulted the animal; or was committing or attempting to commit a crime.

*Bedding (adequate)* means sufficient quantity of dry, non-contaminated, safe bedding, which is appropriate to the animal's age, size, species and breed requirements.

*Board of health* means the Pickens County Board of Health, or its authorized representatives, which shall include officers or employees associated with animal control.

*Breeder* means a person or entity that owns an animal and allows it to reproduce, whether planned or unplanned.

*Care (adequate/humane)* means attention to the needs of an animal, including but not limited to, the provision of adequate water, food, shelter, bedding, sanitary conditions, ventilation, heating/cooling (temperature control), space, exercise and veterinary medical attention necessary to maintain the health of the animal with regard to the specific age, size, species and breed of the animal.

*Confinement* means restriction of a animal to a home, basement, garage, building, pen or other escape-proof enclosure. Confinement by a rope, chain, tether, fenced yard or other area accessible by other animal or persons, other than the caretaker, is not considered confinement.

*Costs* means confiscation costs on potentially dangerous dogs, dangerous dogs or vicious animals are set by the Mayor and Council and shall be paid by the owner to City of Jasper.

*Dangerous animal* means any wild mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters; and any domestic mammal, reptile or fowl which, because of its size, vicious propensity, or other characteristic, would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters.

*Dangerous dog* means:

- 1) Any dog that, according to the records of the city, has without provocation either:
  - a. Inflicted severe injury on a human being on public or private property; or
  - b. Aggressively bitten, attacked or endangered the safety of humans after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.
- 2) A dog shall not be a dangerous dog within the meaning of this chapter if:
  - a. The dog inflicts an injury upon a person when the dog is being used by a law enforcement officer executing official duties;
  - b. The injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had in the past been reported to have been tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

*Dead animal* means a deceased animal including the carcass or parts of a carcass.

*Dispose of* means:

- 1) The sale of any live animal at public or private sale, the giving or adopting of a live animal to an individual/entity, or the transference of ownership of a live animal to a human society, licensed rescue group or licensed veterinarian.
- 2) Appropriate burial or cremation of a dead animal as directed in this chapter.

*Dog control officer* means the person designated by the Mayor and Council who is responsible for enforcing the state dangerous dog laws. This term "dog control officer" is utilized by state law with regard to the state dangerous dog law.

*Domestic animal* means any animal other than wildlife, wild animals, or exotic animals as defined by this chapter that is domesticated by humans so as to live and breed in a tame condition.

*Effluent* means an outflow or discharge of waste.

*Euthanasia* means the legal act of putting animals to death using humane methods approved by the Georgia Department of Agriculture.

*Exercise (adequate)* means bodily exertion suitable to the age, size, species and breed of animal to maintain normal good health, muscle tone, non-aggressive temperament, and normal behavior.

*Exotic animal* means any animal that is not indigenous to the State of Georgia.

*Fence* means a structure of wire, wood, stone or other materials, including invisible fencing, which is of sufficient height and strength to act as a barrier against the passage of the animal it is intended to enclose.

- 1) A fence does not include an “invisible fence” if the fence is:
  - a. Turned off or the animal is not wearing a properly operating signaling device;
  - b. Ineffective for any animal that has learned it can cross the fence line;
  - c. Intended to be a means of keeping people or animals out of an enclosed area; or
  - d. Buried in or adjacent to the city right of way.
- 2) An invisible fence is not an acceptable means of control for an animal that is classified as vicious, dangerous, potentially dangerous, or is estrus/heat.

*Fighting animal/game animal* means any animal that has aggressive parentage, or an animal bred and/or trained to:

- 1) Exhibit aggressive qualities;
- 2) Have no instinct to withdraw from a fight or to display signs of submission;
- 3) Fight to the point of complete exhaustion or death with minimal provocation;
- 4) Suppress the animal’s instinct for self-preservation;
- 5) Inflict maximum damage to the animal’s opponents;
- 6) Offer little or no indication that an attack is imminent; or
- 7) Be ready/willing for combat and unyielding in combat.

*Food (adequate)* 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.

*Foster home* means a temporary home that cares for animals until they can be placed in a permanent home or returned to the City or its designee for adoption/disposal. Foster homes must be affiliated with and controlled by licensed rescue groups and/or licensed animal shelters.

*Garbage* means all refuse matter/effluent. Garbage includes, but is not limited to animal or vegetable refuse, by-product of 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).

*Grid* means a manufactured type of wood, plastic or wire flooring specifically designed to be used in an area where an animal is housed.

*Hoarder* is a person or entity that:

- 1) Collects animals and fails to provide them with humane/adequate care;
- 2) Collects dead animals that are not properly disposed of as required by this chapter; or
- 3) Collects, houses or harbors animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

*Human exposure to rabies* means any bite, scratch or other situation in which saliva or central nervous system (CNS) tissue of a potentially rabid animal enters an open wound, fresh wound, or comes in contact with a mucous membrane by entering the eye, mouth, or nose. Touching or handling another animal or inanimate object that has had contact with a rabid animal does not constitute an exposure unless wet saliva or CNS tissue entered a fresh, open wound or had contact with a mucous membrane. Likewise, contact with the urine, feces or blood of a potentially rabid animal does not constitute an exposure since the pathogens of rabies is such that the virus follows nerve pathways and has only limited circulation in the blood.

*Humane society* means a licensed organization that rescues, assists and provides care for animals, educates the public in humane care of animals, initiates/facilitates programs to improve the quality of life for animals.

*Impoundment* means taking an animal into custody of City of Jasper.

*Licensed* means having a valid Georgia state license issued under the authority of the State of Georgia.

*Lure* means an animal used to bait/teach/encourage another animal to chase, fight or kill other animals.

*Neglect* means absence of adequate care that is unintentional.

*Neglect (willful)* means the intentional withholding of adequate food, water and humane care required by an animal to prevent starvation, dehydration, death or other harmful/debilitating conditions.

*Nuisance* animal means any animal that:

- 1) Damages, soiled, defiles, eliminates or defecates on private property other than its owner's property or on public property;
- 2) Causes unsanitary or offensive conditions or otherwise endangers public health, welfare or safety;
- 3) Causes a disturbance by barking, howling or other noisemaking for a period of more than 15 minutes;
- 4) Chases vehicles, bicycles or people;
- 5) Is in estrus and not confined in a manner which can keep it away from intact males of the same species; or
- 6) Causes serious annoyance to a neighboring residence and interferes with the reasonable use and enjoyment of that property.

*Owner* means any person owning, possessing, harboring, keeping or having custody or control of any animal subject to this chapter. This definition is intended to embrace any person who is a custodian.

*Police department* means the City of Jasper Police Department or its successor department(s).

*Potentially dangerous dog* means:

- 1) Any dog that has without provocation bitten a human being on public or private property.
- 2) A dog is not considered a potentially dangerous dog according to this chapter if:
  - a. The dog inflicts an injury upon a person when the dog is being used by a law enforcement officer in carrying out official duties; or
  - b. The injury inflicted was sustained by a person who was committing a willful trespass or other tort, was tormenting, abusing or assaulting the dog, had in the past been reported to have been tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

*Primary enclosure* means any structure or device used to restrict an animal to a limited amount of space, such as a fence, building, room, pen run, cage, stall, paddock, or pasture that provides adequate space and shelter.

*Proper enclosure* means an enclosure for keeping a dangerous dog, potentially dangerous dog or vicious animal securely confined indoors or in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of another animal or any person other than the owner or caretaker. The enclosure must:

- 1) Be designed to prevent the animal from escaping, and:
  - a. If the enclosure is a fence, the fence must be high enough to keep the animal from climbing over and must be secured at the bottom to keep the animal from digging under.
  - b. If the enclosure is a pen or structure other than a fence, the pen or structure must have secure sides, top and bottom constructed or secured in such a manner to prevent the animal's escape, and be of a height and strength to maintain the animal within it.
- 2) Provide adequate shelter.
- 3) Provide adequate space for the animal.

*Provoked attack* means an attack resulting when an domestic animal is placed in a situation such that an expected reaction would be to bite or attack.

*Relinquished* means written transfer of ownership of an animal by the owner to City of Jasper.

*Rescue animal* means a dog, cat or other animal temporarily maintained by a licensed rescue group until the animal can be placed in a permanent home.

*Restraint of animal* means complete and immediate control of an animal by a physical device while under the direct supervision of a competent person.

*Running at large* means any domestic animal not under control and restraint of the owner or the owner's designee.

*Sale of animals* means the transfer of ownership of an animal through verbal or written agreement to a new owner in exchange for money, goods, services or fees.

*Sanitary conditions* means animal living space free from health hazards, irritants or conditions that may endanger or pose a significant risk to an animal's health. In the case of farm animals, nothing in this section shall be construed as imposing sanitation requirements or standards more stringent than normally accepted animal husbandry and human practices as defined by this chapter and Georgia state law as regulated by the Georgia Department of Agriculture.

*Severe injury* means any physical injury resulting in any of the following:

- 1) Broken bones;
- 2) Puncture wounds;
- 3) Lacerations, with or without, sutures;
- 4) A medical procedure; or
- 5) Death.

*Shelter (adequate)* means protective cover for a domestic animal appropriate for the species and providing adequate space to maintain the animal in good health, which also prevents pain, suffering or a significant risk to the animal's health.

- 1) Adequate shelter includes but is not limited to the following:
  - a. Sufficient coverage and insulation to protect an animal from extreme hot and cold temperatures;
  - b. Sufficient protection from the elements to keep the animal dry;
  - c. Sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating; and
  - d. Adequate bedding or resting area suitable for the breed, species, age, size and medical condition of the animal.
- 2) Adequate shelter is structurally sound housing which provides an animal with:
  - a. Adequate space;
  - b. Four solid walls or an "igloo" type of structure;
  - c. A roof;
  - d. A dry floor that is either
    - i. Solid, or
    - ii. Grids, provided the animal can easily stand, walk, lay and sit on grids without its feet or body parts being caught, damaged or injured. The grids and area under the grids must be designed so that they can be cleaned and sanitized.
  - e. An entrance; and
  - f. Adequate space for the number of animals on the property.
- 3) Materials not suitable for shelters include but are not limited to:
  - a. Inadequately insulated containers;
  - b. Crates with exposed sharp edges;
  - c. Metal or plastic drums;
  - d. Abandoned or parked vehicles;
  - e. Porches or decks;
  - f. Lean-tos;
  - g. Any other structure that fails to provide sufficient protection from the elements; and
  - h. Any other structure that is not safe or suitable for housing the species.

*Space(adequate)* means:

- 1) Sufficient safe space for adequate exercise suitable to the age, size, species and breed of animal;
- 2) Sufficient space during periods of confinement, suitable to the age, size, species and breed of animal to permit the animal to turn about freely, stand, sit or lie, move, etc in a comfortable and normal position;  
or
- 3) For sick or injured animals, confinement as directed by a veterinarian.

*State dangerous dog control law* means OCGA title 4, chapter 8, article 2 (OCGA§4-8-20 et seq.) as amended.

*Strict confinement/isolation for animals bitten by rabid animal* means confinement for the period of time recommended by the State of Georgia and kept inside a home, basement, garage, or suitable building, and isolated from other animals and people other than the caretaker while the animal is being observed for symptoms of rabies. An animal within a fenced yard, on a chain, or otherwise in an area accessible in any way to other animals or persons other than the caretaker is not in a strictly confined area.

*Temperature control (adequate)* means maintaining temperatures recommended for animals by the Department of Agriculture guidelines for shelters and farm animals.

*Tether* means any chain, roper, leash, tie out or wire designed to restrain an animal which is attached to an animal's collar or halter and is also attached to a stationary object. Acceptable temporary tethers include appropriate size chain, leash, rope or other tethering device that is of adequate length to satisfy the space and exercise requirements for the animal. In any event, any tether must be a minimum of ten feet in length. Tethering devices as referred to in this chapter are the type commonly used for the size animal involved and are attached to the animal by means of a properly fitted collar or harness.

*Training group (licensed)* means an appropriately licensed organization or individual that trains animals to assist physically handicapped persons, to assist search and rescue operations, and/or to work with government agencies or law enforcement agencies.

*Unprovoked attack or without provocation* means an attack that is not provoked, as defined by this chapter.

*Unsanitary conditions* means animal living space including shelter and exercise area, contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animal's health, including but not limited to:

- 1) Excessive animal waste;
- 2) Garbage, trash or effluent;
- 3) Standing water or mud;
- 4) Rancid/contaminated food or water;
- 5) Fumes, foul or noxious odors, contaminated air, hazardous chemicals or poisons;
- 6) Decaying materials;
- 7) Uncontrolled parasite or rodent infestation; and
- 8) Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.

*Ventilation (adequate)* means fresh air sufficient to provide for the health of an animal.

*Veterinarian* means a doctor of veterinary medicine licensed to diagnose and treat diseases and injuries in animals.

*Veterinary care (adequate)* means medical care of an animal from or under the direction of a licensed veterinarian and necessary to maintain the health of an animal based on the age, species, breed, etc., of the animal, or to prevent an animal from suffering from:

- 1) Ongoing infections;
- 2) Infestation of parasites;
- 3) Disease; or
- 4) Any other medical condition/injury where withholding or neglecting to provide such care would:
  - a. Endanger the health or welfare of the animal; or
  - b. Promote the spread of communicable diseases.

*Veterinary clinic (licensed)* means a business facility where veterinary medicine is practiced.

*Vicious animal* means:

- 1) Any animal which:
  - a. Constitutes a physical threat to human beings or other animals by virtue of an attack of such severity or intensity as to cause severe property or physical damage; or
  - b. Makes an unprovoked attack on animals or on human beings; or
  - c. Intentionally attacks physical property in an effort to cause harm to a human or other animal.
- 2) An animal shall not be a vicious animal within the meaning of this chapter if:
  - a. It inflicts an injury upon a person when the animal is being used by a law enforcement officer carrying out official duties; or
  - b. The injury inflicted by the animal was sustained by a person who was committing a willful trespass or other tort, was tormenting, abusing or assaulting the animal, had in the past been reported to have tormented, abused or assaulted the animal, or was committing or attempting to commit a crime.

*Water (adequate)* means clean, fresh water sufficient to prevent dehydration, properly sustain health, and prevent significant risk to the animal's health. For the purposes of this chapter, snow, ice or rancid/contaminated water are not considered adequate water.

*Wild animal/wildlife* means any animal which is indigenous to this state, but not included in the definition of a domestic animal, and including any hybrid animal that is part wild animal.

#### Section 14-3. Dangerous Animals.

It shall be unlawful for any person to permit any dangerous or vicious animal of any kind to run at large within the city. The police officers and animal control officer of the city shall be authorized to use such force as is necessary to prevent any such dangerous or vicious animal from causing harm to any person or property.

#### Section 14-11. Interference with animal control officer.

It shall be unlawful to interfere with any animal control officer by taking or attempting to take any animal from any vehicle used to transport such animal, or by taking or attempting to take any animal from the animal control impounding area, or by any other method with would block or hinder any officer referred to in this section from performing his duties.

### ARTICLE II. DOGS AND CATS

#### Section 14-41. Tags Required.

Change section title to read: Tags and Licenses Required.

All dogs and cats kept, harbored, or maintained by their owners in this city shall be required to provide each dog and/or cat with a collar to which its identification and rabies tag must be affixed. Every owner shall see that the collar and tag are worn at all times.

All dogs and cats kept, harbored, or maintained in the city shall be required to be licensed by the animal control officer annually before July 1<sup>st</sup>, or within 30 days of acquiring ownership of a licensable dog or cat. Owners will be required to present, along with the application for license, any documentation for rabies vaccination and documentation that the animal has been spayed or neutered, if applicable. The animal subject to the license must be present at time of application so that photo identification can be maintained with the license. Fees for such license shall be set by resolution of Mayor and Council.

The City will assess a late fee, as to be determined by Mayor and Council, to every owner of a dog or cat 5 months in age or over, if the owner failed to obtain a license prior to July 1<sup>st</sup> each year, or within 30 days of acquiring ownership of a licensable dog or cat.

#### Section 14-42. Vaccinations.

It shall be unlawful for the owner of any dog or cat to keep, or maintain such animal unless it shall have been vaccinated by a licensed veterinary surgeon with antirabies vaccine, within 30 days after the dog or cat reaches 4 months of age. Such animal must be revaccinated within one year after the initial vaccination. The owner of such animal shall have the dog revaccinated against rabies by a veterinarian before the date the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination. An owner who fails to have a dog or cat vaccinated against rabies as required under this section shall be assessed fine as determined by resolution of Mayor and Council.

#### Section 14-47. Impoundment procedure.

- a) It shall be the duty of every police officer and animal control officer to seize all dogs and/or cats running at large in violation of this chapter and impound such animals in the Pickens County Animal Shelter. A ledger shall be kept in the city animal control office showing the date of impoundment, a description of the animal impounded, and a record as to whether such animal has been licensed and tagged.
- b) Not later than two days after the impounding of any animal as provided in subsection (a) of this section, the owner shall be notified, or if the owner is unknown, written notice shall be posted for three days at the city police department and city hall, which notice shall describe the animal and indicate the place and time of taking.
- c) The owner of any animal impounded may redeem the animal by paying such administrative fees and costs of impoundment as may be established by resolution of the Mayor and City Council.
- d) If at the expiration of three days from the date of notice to the owner of the posting of notice any animal impounded as herein provided shall not have been redeemed either by the woner or by some

other person, such animal may be disposed of in a humane manner or sold. If the owner is known, he shall be deemed guilty of an offense of the chapter and subject to penalties as provided in section 1-9.

- e) Any animal that appears to be suffering from rabies or affected with mange, or any other infectious or dangerous disease, shall not be released but may be destroyed as soon as such infection or disease is discovered.

Adopted this 2<sup>nd</sup> day of May, 2011.

First Reading: April 4, 2011

Second Reading: May 2, 2011

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John W. Weaver, Mayor

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Jim Looney, Mayor Pro Tem

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Allison Ballew, Council Member

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Tony Fountain, Council Member

\_\_\_\_\_  
John Foust, Council Member

\_\_\_\_\_  
Anne Morrow, Council Member

Certified by:\_\_\_\_\_

Tacie Jo Williams  
City Clerk

(SEAL)