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**STATE OF GEORGIA  
CITY OF WALNUT GROVE**

**ORDINANCE NO. 2023- \_\_\_\_\_**

**AN ORDINANCE TO REVISE CHAPTER 9, ARTICLE III ("ANIMAL CONTROL") OF THE CODE OF ORDINANCES, CITY OF WALNUT GROVE, GEORGIA TO REVISE ITS ANIMAL CONTROL REGULATIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

WHEREAS, WHEREAS the Mayor and the Council of the City of Walnut Grove, Georgia, the governing body of the City of Walnut Grove, Georgia, desire to amend its animal control regulations; and

WHEREAS, the Mayor and the Council of the City of Walnut Grove, Georgia are authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the City and Walton County entered into a Service Delivery Strategy Agreement where the County provides animal control services to the City; and

WHEREAS, Walton County updated its animal control regulations; and

WHEREAS, it benefits the City and the County to have the animal control regulations consistent with each other so that the service can be properly provided by the County; and

WHEREAS, the Mayor and Council of the City of Walnut Grove, Georgia deem such amendment to be for the betterment and general welfare of the City of Walnut Grove and its inhabitants;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Walnut Grove, Georgia, and it is hereby ordained by authority of same, as follows:

**SECTION 1.** Chapter 9, Article III, of the Code of Ordinances of the City of Walnut Grove is hereby deleted and replaced with the following:

**“ DIVISION 1. IN GENERAL**

**Sec. 9-51. Definitions.**

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

*Abandoned animal* means any animal which shall have been placed upon public property or within a public building unattended and unsupervised or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or without care. An animal shall also be considered as abandoned which has

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been upon or within the property of the owner or custodian of the animal for a period of time in excess of 36 hours unattended.

*Adequate food* means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal. Garbage, spoiled, rancid, or contaminated food is not adequate food.

*Adequate confinement area* means a fenced area, kennel, pen, building, or other enclosure with shade or access to a heat source, as weather-appropriate, that (a) is sufficient to prevent escape by the animal contained with it, (b) is sufficient to protect the animal from injury and illness, (c) has sufficient open ground space, not occupied by a shelter or other items and free of excrement, to allow the free movement of the confined animal or animals, and (d) has sufficient open ground space, not occupied by a shelter or other items and free of excrement, to allow adequate exercise for the confined animal. Whether a confinement area is adequate for an animal will be based on the number, age, size, energy level, and species contained within it.

*Adequate shelter* means protective cover 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. Adequate shelter shall consist of a completely enclosed structure with four sides with a door opening, a constructed floor, and a roof. It should also be clean, dry and compatible with current weather conditions, in addition to age, size, species and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. Adequate shelter must be compatible with the number of animals on the property.

- (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) Materials not suitable for shelters include, but are not limited to:
  - a. Inadequately insulated containers;
  - b. Plastic kennels or airline-type animal shipping crates;
  - c. Metal or plastic drums;
  - d. Abandoned or parked vehicles;
  - e. Uncovered porches or decks;
  - f. Lean-tos;
  - g. Any other structure that fails to provide sufficient protection from the elements.

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*Adequate veterinary care* means medical care of an animal from or under the direction of a 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.

*Adequate water* means clear, clean, drinkable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice, rainwater and rancid or contaminated water.

*Animal at large* means any animal found loose and not under proper restraint off of the property of its owner.

*Animal control officer* means any person so designated by the board of commissioners to perform the duties of animal control and enforce the provisions of this chapter.

*Animal shelter* shall have the same meaning as set forth in O.C.G.A. § 4-14-2.

*Animal under restraint* means:

- (1) Any animal controlled within the property limits of its owner;
- (2) Any animal secured by a leash, where one end of the leash is attached to a proper collar or harness and the other end is held by or affixed to a competent and responsible person, or enclosed by way of a fence or other enclosure;
- (3) Any animal at heel or beside a competent person and which is obedient to the person's commands; or
- (4) Any animal within a vehicle being driven or parked on the streets.

Hunting dogs shall be deemed under restraint for the purpose of this chapter when they are being used for hunting in accordance with state game and fish department laws, rules, and regulations.

*Domesticated animals* means animals that are accustomed to living in or about the habitation of humans, including, but not limited to, cats, dogs, cows, fowl, horses, swine, domesticated wild animals and exotic animals.

*Impoundment* means the action of taking physical control of an animal by an animal control officer or other officers empowered to act by law and the transporting of such animal to the animal control facility.

*Owner* means any person who owns, harbors, keeps and maintains, has lawful possession of, or knowingly causes or permits an animal to be harbored or kept, who has an animal in his care, who shelters or provides for such animal sufficient quantities of wholesome food and water

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14 consecutive calendar days or longer, or who permits an animal to remain on his premises. The term "owner" shall also include any person hired or acting as custodian of the animal for its owner. If the owner or keeper of any animal is a minor, each parent or guardian of such minor shall be considered an owner for purposes of this chapter and shall be responsible for ensuring compliance with all provisions of this chapter.

*Person* means any individual or corporation or other entity.

*Proper collar or harness* means any fitted collar or harness which provides enough room between the collar and the animal's throat, or between the harness and all points of contact with the animal's body, through which two fingers may fit but from which the animal cannot easily free itself. Rope, cable, chain, wire or other similar materials are not suitable as a proper collar or harness.

**Sec. 9-52. - Animal control unit.**

There is created for the county and city and approved by the city mayor and council an animal control unit (separate from and independent of any humane society), and it shall be staffed with personnel as may be from time to time authorized by the board of commissioners, which are deemed approved by the city mayor and council. The animal control unit shall enforce this article and the operation of the county shelter, which also house animals from the city.

**Sec. 9-53. Duty of owner to keep animals under control.**

It shall be unlawful for a domesticated animal to be at large. The Owner of an at large domesticated animal shall be strictly liable for a violation of this provision.

**Sec. 9-54. Duty to keep animals under restraint.**

It shall be the duty of every animal owner to ensure that such animal is kept under proper restraint and that the animal does not become at large.

**Sec. 9-55. Control and Removal of Animal Waste.**

It shall be unlawful for the owner of any animal to fail to immediately remove any feces deposited by such animal upon any:

- (a) public sidewalks, public streets, public parks, or other public property, provided, however, that this subsection shall not be construed as to apply to hoofed animals or livestock; or
- (b) private property without permission of the owner or lawful possessor of such property.

**Sec. 9-66. Enforcement.**

- (a) *Primary enforcement responsibility.* The primary responsibility for enforcement of this chapter shall be vested in the animal control unit.

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- (1) The animal control unit shall consist of animal control officers, the number and identity of which shall be designated by the board of commissioners and deemed approved by the city mayor and council.
  - (2) These officers shall be vested with the authority to issue citations for violation of this article.
  - (3) The officers comprising the animal control unit may also call upon any law enforcement officer as may be necessary for the enforcement of this article.
  - (b) *Issuance of citations.* Upon information known to any officer or member of the animal control unit or the county sheriff's department that any person is in violation of this chapter, a citation may be issued requiring such person to appear before the judge of the magistrate court of the county on a day and time certain to stand trial for the violation of this chapter.
  - (c) *Right of officer to defend himself in performance of duty.* In the performance of his duties pursuant to the provisions of this chapter, any animal control officer or any law enforcement officer assisting in enforcing this chapter may use such force as is necessary to defend themselves from attack by an animal; provided, however, that all efforts shall be made to impound an attack animal without undue harm, injury or danger to the animal, the officer, or to any other persons and property.
  - (d) *Right of entry.* Any animal control officer or other authorized officer is hereby authorized to enter upon any property for the purpose of investigating alleged violations of this chapter, or to seize and impound any animal found to be in violation of this chapter. The animal control unit may use any appropriate means necessary to remove an animal in distress from inside a vehicle, enclosure or building other than a residence.
  - (e) *Testimony of witnesses.* If a violation of this chapter has not been witnessed by an officer of the animal control unit, the sheriff's department or other employee of the county, a subpoena shall be issued to the person possessing sufficient evidence of a violation requiring such person to appear on the day and time set to testify on behalf of the county.
  - (f) *Impoundment of animals.* Animals within any of the following classes may be impounded by the animal control unit:
    - (1) Animals at large in violation of this chapter;
    - (2) Animals that have been abandoned;
    - (3) Animals subjected to treatment that violates section 10-19;
    - (4) Animals which have bitten a person or animal or which have been bitten by an animal suspected of having rabies;
    - (5) Animals not wearing current vaccination tags;
    - (6) Animals suspected of having rabies; and
    - (7) Unconfined dogs in quarantine areas.

**Sec. 9-57. Disposition of impounded animals.**

- (a) *Notice of impoundment.* It shall be the duty of the animal control unit to attempt to immediately notify the owner of each domesticated animal impounded if the owner of the domesticated animal is known or can be reasonably ascertained.
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- (b) *Mandatory minimum holding period.* Except as otherwise set forth in in this section, it shall be the duty of the animal control unit to house and care for any impounded domesticated animals for: (a) 72 hours if the owner is unknown and the animal is untagged or (b) 168 hours if the animal is properly tagged or chipped with the current owner's information, with said time period to commence upon the notification or attempted notification of the owner identified in the tag or chip. If not reclaimed within this time period, the animal shall be deemed abandoned and the property of the animal control unit.
- (c) *Reclaiming animal; fees.* The owner of any domesticated animal which has been impounded may, within the mandatory minimum holding period, reclaim such domesticated animal by payment of the impoundment fee and daily board rate established from time to time by the board of commissioners after providing proof of ownership satisfactory to the animal control unit. It shall be the in discretion of the animal control unit whether to allow an owner to make application for adoption if the mandatory minimum holding period has expired. If no proof of current rabies inoculation can be shown at the time of the animal's release, the owner shall pay the necessary fees to have the animal properly inoculated and tagged, in addition to any other fees that may be due.
- (d) *Animal adoption.* The animal control unit may release for adoption any animal unclaimed after the mandatory minimum holding period, following the adoption procedure as outlined in section 10-16. Any person adopting an animal shall pay the required adoption fees and any other such fees deemed necessary.
- (e) *Treatment or euthanization of diseased or injured animal for which the minimum holding period has not expired.* If any animal impounded by the animal control unit for which the minimum holding period has not expired shows evidence of contagious, infectious or fatal disease or is seriously ill or severely injured and suffering, and:
- (1) after reasonable inquiry or investigation undertaken in a timely fashion, no determination as to owner can be made;
  - (2) the owner, although known, cannot reasonably timely be contacted; or
  - (3) the owner refuses to claim the animal immediately after notification and accept financial responsibility for necessary veterinary care,
- the animal control director or his designee will determine whether there is a just reason for euthanasia and/or whether the animal will evaluated and/or cared for by a licensed veterinarian.
- For purposes of this section, *timely* shall mean a time period not to exceed 24 hours; a shorter duration shall be warranted if the animal control director or his designee determines that humane care of the animal so dictates.
- (f) *Veterinary expenses.* All veterinary expenses incurred shall be charged to the owner of such animal.
- (g) *Dangerous animals.* Any animal which presents a serious danger to persons, animal control personnel, or other animals may be, without regard to the mandatory minimum holding period, destroyed by the most humane method available.
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- (h) *Research.* No live animal in the possession of the animal control unit shall be released, sold, or given to any individual, institution, or private firm for the purpose of medical or scientific research.

**Sec. 9-58. Public nuisance animal.**

- (a) It shall be unlawful for any owner of an animal to allow such animal to become a public nuisance. Any animal will be deemed to be a public nuisance animal if:
- (1) It is repeatedly found at large;
  - (2) It damages the property of someone other than the owner of the animal;
  - (3) It aggressively chases, attacks or bites a person while off the property of the owner;
  - (4) It produces, because of quantity, manner or method in which animals are kept, unsanitary conditions;
  - (5) It is a dog and it continuously makes excessive noises. Excessive noises shall be defined as continuous howling, barking or crying or causing unreasonable auditory annoyance continuously for a period of one-half hour or more. For the purposes of this chapter, the dog must be within 200 feet of the property line of the complaining party;  
or
  - (6) It is an in-heat female dog or cat that is at large.
- (b) In addition to any other penalty, an owner of any animal deemed to be a public nuisance animal shall be required to have such animal spayed or neutered, as appropriate, at the owner's expense within 30 days for violation of this section.

**Sec. 9-59. Abandoned animals.**

It shall be unlawful for anyone to knowingly abandon or permit such abandonment of or aid in such abandonment of any domesticated animal.

**Sec. 9-60. Biting animals.**

- (a) *Definition.* For purposes of this section, *Rabies Compendium* means the Compendium of Animal Rabies Protection and Control published by the National Association of State Public Health Veterinarians Compendium of Animal Rabies Prevention and Control Committee.
- (b) *Confinement.* All domesticated animals, whether vaccinated or not, and who are known to have bitten a person causing an injury that is open and bleeds, shall be confined for a period of ten days for observation of rabies, unless humanely euthanized with its brain tissue analyzed for indications of rabies as set forth below.
- (c) *Destruction and analysis of animals suspected of rabies.* For all wild animals, exotic animals, and domesticated wild animals, or in the case of consent of owner for other owned domesticated animals, the animal shall be destroyed immediately, decapitated and its brain tissue analyzed for indications of rabies, if it has bitten a human or another animal causing an injury that is open and bleeds.
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- (d) *Destruction of unvaccinated animals.* An animal which has not been vaccinated or which has been vaccinated less than one month prior to being bitten by a known rabid animal shall be immediately destroyed.
- (1) If the owner is unwilling to destroy such animal, it shall be confined in strict isolation in a location approved by the animal control officer for the time period set forth in the most recent edition of the Rabies Compendium.
  - (2) The confined animal must be vaccinated on the schedule set forth in the most recent edition of the Rabies Compendium.
  - (3) If the confined animal develops signs or symptoms of rabies during the quarantine period, it shall be humanely euthanized. An animal that dies or is humanely euthanized during the period of quarantine shall have its brain tissue analyzed for indications of rabies.
- (e) *Revaccination and confinement.* Any dog or other animal for which rabies vaccination effectiveness has been established and having current vaccination at least one month prior to being bitten by a known or suspected rabid animal should be revaccinated and then confined in a manner approved by the animal control officer for the time period set forth in the most recent edition of the Rabies Compendium; thereafter, it shall be released to the owner if the animal exhibits no signs (clinical) of rabies as determined by a veterinarian.

#### **Sec. 9-61. Establishment of infected area quarantine.**

Whenever the department of human resources for the state declares the county or any area therein an "infected area" pursuant to O.C.G.A. § 31-19-2, then every dog and cat in such infected area shall be quarantined and confined to the owner's or custodian's premises during the entire period of time for which such declaration of the department of human resources is in effect.

#### **Sec. 9-62. Confinement area of facility.**

- (a) *Place of confinement.* Confinement area or facility to which a dog or other animal is confined in compliance with the provisions of this chapter shall be either an animal shelter, kennel, animal hospital or such other place as designated by the animal control officer.
- (b) *Requirements for confinement facility.* Unless otherwise authorized by the animal control officer, unvaccinated biting animals and animals to be confined as prescribed in section 10-10 shall be confined in an animal shelter, kennel or animal hospital at the owner's expense. Such facility shall provide for the following:
  - (1) Construction and management which will keep the animal dry and clean, prevent its escape and prevent its contact with both people and other animals;
  - (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; and



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- (6) Space, cages, pens and other necessary equipment to isolate the animal for its protection against injury and infectious diseases.

**Sec. 9-63. Vaccination of dogs and cats.**

- (a) *Vaccination required.* The owner of a dog or cat four months of age or older shall cause such dog or cat to be vaccinated against rabies as defined by this chapter.
- (b) *Revaccination.* Each dog and cat shall be revaccinated within 10-12 months of the date of the first known vaccination.
- (c) *Vaccination periods.* When dogs or cats known to have been vaccinated at least twice, with such vaccinations occurring within 10-12 months of each other are vaccinated a third or subsequent time with a vaccine approved by the state department of human resources as providing three-year protection, such animals shall be revaccinated within three years. When other approved vaccines are used, yearly inoculations shall be required.
- (d) *Vaccination by owner.* Vaccination by an owner, unless such owner is a licensed veterinarian, shall not be recognized.
- (e) *Revaccination of dogs or cats brought into county.* The owner of any dog or cat brought into the county for a permanent stay from outside the county shall cause such dog or cat to be revaccinated in accordance with this chapter.
- (f) *Certificate of vaccination for evidence of comparable procedures.* When the owner of such dog or cat produces evidence satisfactory to the animal control officer that such dog or cat has been vaccinated in a manner and by procedures comparable to the requirements of this chapter, then a county certificate of vaccination may be issued in lieu of revaccination.
- (g) *Vaccination by licensed veterinarian.* No person shall vaccinate any dog or cat against rabies who is not licensed to practice veterinary medicine in the state.
- (h) *Temporary stay requirements for dogs.* Any dog brought into the county for a temporary stay not exceeding 14 days shall be confined or on a leash at all times unless it has been vaccinated for rabies in its home jurisdiction.

**Sec. 9-64. Certificate of vaccination.**

- (a) *Issuance of certificates of vaccination and vaccination tags.* Any veterinarian is authorized and required in connection with his practice to issue certificates of rabies vaccination and rabies vaccination tags.
- (b) *Evidence of vaccination.* Evidence of vaccination shall consist of a certification of vaccination and vaccination tag.
- (c) *Preparation of certificate.* The certificate with each item answered shall be prepared in triplicate and signed by the veterinarian administering this vaccine.
- (d) *Disposition of copies.* The veterinarian shall furnish one copy to the owner, one copy to the county animal control officer and retain one copy for his files.

- (e) *Maintenance of records.* The certificates of vaccination furnished to the county animal control officer by the veterinarian shall be maintained by the animal control officer in an orderly, indexed file until such certificates have expired.

**Sec. 9-65. Vaccination tags and collars.**

- (a) *Issuance.* Coincident with the issuance of the certificates of vaccination, the veterinarian shall also furnish to the owner of the vaccinated dog or cat a serially numbered tag bearing the same number and year thereon as the certificate bears.
- (b) *Vaccination tag to be worn.* Every dog and cat that is kept, possessed, maintained or harbored in the county at all times shall wear affixed to its collar or harness a current vaccination tag.
- (c) *Unlawful removal.* It shall be unlawful for any person to attach a vaccination tag to the collar of any animal for which it was not issued, or to remove an unexpired vaccination tag from any animal he does not own.

**Sec. 9-66. Adoption.**

- (a) *When animals to be offered for adoption.* The animal control unit or its chosen agent may offer for adoption any animal unreclaimed after the mandatory minimum holding period defined in section 10-7.
- (b) *Immediate availability.* In the event that the animal is surrendered to the animal control unit by such owner, the animal may be offered immediately.
- (c) *Age requirement.* All persons adopting animals must be over 18 years of age and shall provide proper and humane care, feeding, sheltering, confinement, protection from weather, and veterinary treatment as needed.
- (d) *Spay and neutering.* All persons adopting a fertile dog or cat shall cause the female to be spayed and/or the male to be neutered within 30 days from date of adoption in the case of an adult animal, or within 30 days of the animal attaining the age of four months in the case of an immature animal.
- (e) *Use of adopted animal for research prohibited.* Any person adopting an animal shall not permit the animal to be used by any individual or institution for any purposes of research.
- (f) *Restrictions on frequency of adoption.* The frequency with which animals may be adopted and placed in any household may be restricted in the discretion of the animal control director or his designee.
- (g) *Refusal of adoption.* The animal control unit or its designee reserves the right to refuse adoption of any animal to any person that does not meet specified requirements.
- (h) *Adoption fees.* Adoption fees are set by the board of commissioners and may include all or part of the costs of an examination, rabies and other inoculation, microchipping, and all or part of the costs associated with spaying or neutering dogs and cats.

### **Sec. 9-67. Discretion.**

Any animal control officer may at his or her discretion not impound a dog or other animal found in violation of this chapter but may instead return the animal to its rightful owner.

### **Sec. 9-68. Interference with an animal control officer.**

It shall be unlawful to interfere with the investigation or duties of any animal control officer or officer empowered to act by law, or to take or attempt to take any animal from a county vehicle used to transport such animal, to take or attempt to take any animal from the animal control shelter or impounding area, or to otherwise seek to release any animal from the custody of the animal control unit.

### **Sec. 9-69. Humane treatment of animals.**

(a) *Provision of basic care.* No person having an animal in its possession and/or control shall fail to provide such animal:

- (1) adequate food at least once every 24 hours;
- (2) adequate water at all times;
- (3) adequate shelter;
- (4) adequate veterinary care; and
- (5) an adequate confinement area.

Animals shall be provided humane care at all times.

- (b) *Inhumane treatment prohibited.* No person shall beat, ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit combat between animals.
- (c) *Exposure to poisonous substances.* No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall be likely to be eaten by any domesticated animal.
- (d) *Exposure to unsanitary conditions.* No person shall expose an animal to unsanitary conditions by depositing or failing to remove feces, waste, debris, trash, mud, standing water or similar unsanitary condition from the animal's immediate living area or area of confinement.
- (e) *Tethering.* No person may fasten an animal, whether by chain, rope, tie, leash, cable line or other tether, outdoors or inside a structure or vehicle, to any thing including, but not limited to, a dog house, tree, fence, vehicle, runner, trolley system, other animal, cinder block, crate, house, furniture, or other object, unless it is on a temporary basis and a competent and responsible person is attending the animal. A person is attending an animal if the person is competent and responsible for the animal, is in the same structure or vehicle as the animal or is outside on the same property as the animal, has a clear line of sight to the animal, and is close enough to physically intervene before the animal harms another person or animal.
- (1) It shall be the duty of every owner of a domesticated animal to ensure such animal is not tethered in violation of this section.

- (2) Any tether used while an animal is tethered in accordance with the requirements of this subsection (e) must be attached to a proper collar or harness.
- (3) An animal may not be tethered at any time:
  - a. By use of a prong, choke, pinch, martingale, or similar collar;
  - b. By use of a rope, chain, or other tether wrapped directly around the animal's neck or body;
  - c. By use of a tether that, including all collars, harnesses, weights, locks, and other items that have their weight borne by the animal, weighs more than five percent of the body weight of the animal;
  - d. In an outside compartment of a running vehicle;
  - e. In a manner that prevents the animal from lying, sitting, or standing comfortably and without the restraint becoming taut other than while undergoing customary grooming or veterinary procedures;
  - f. In a manner that allows the animal to become entangled on the restraint or another object;
  - g. In a manner that endangers the animal by restricting its access to adequate food, water, or shelter; or
  - h. In a manner that causes injury to the animal.

**Sec. 9-70. Liability of county, officers and employees.**

The county, the animal control unit and its officers shall not be held responsible or liable for any accidents, diseases, injuries or deaths to any animal while being impounded or boarded at the animal shelter. Furthermore, the county, the animal control unit and its officers shall not be responsible or liable in any way for the health, welfare or actions of an animal after its adoption.

**Sec. 9-71. Violations.**

Any person who shall violate any provision of this chapter, as this chapter exists or as it may hereafter be amended, shall be guilty of a misdemeanor and subject to the jurisdiction of the municipal court and, upon conviction, shall be punished as provided in section 1-5.

**Secs. 9-72—9-100. Reserved.**

## ***DIVISION 2. DANGEROUS AND VICIOUS DOGS<sup>1</sup>***

### **Sec. 9-101. Definitions.**

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

*Animal shelter* shall have the same meaning as set forth in O.C.G.A. § 4-14-2.

*Classified dog* means any dog that has been classified as either a dangerous dog or a vicious dog pursuant to this article.

*Dangerous dog* means any dog that:

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

*Mail* means to send by certified mail or statutory overnight delivery to the recipient's last known address.

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

*Probate court* means the Probate Court of Walton County, Georgia.

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

*Superior court* means the Superior Court of Walton County, Georgia.

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<sup>1</sup>Editor's note(s)—Ord. of 9-9-14, § I, repealed the former Art. II, §§ 10-51—10-60, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Ord. of 5-7-13, § I.

State law reference(s)—O.C.G.A. § 4-8-20 et seq., known as the Responsible Dog Ownership Law.

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

**Sec. 9-102. Exceptions to definitions.**

The terms "dangerous dog" and "vicious dog," as defined in this chapter, shall not include the following:

- (1) A dog that is in the act of use by a law enforcement or military officer to carry out the law enforcement or military officer's official duties.
- (2) A dog that inflicts an injury upon 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, under O.C.G.A. Chapter 5 of Title 16.

**Sec. 9-103. Applicability of provisions.**

Any dog classified prior to July 1, 2012 as a potentially dangerous dog in this state shall on and after that date be classified as a dangerous dog under this article. Any dog classified prior to July 1, 2012 as a dangerous dog or vicious dog in this state shall on and after that date be classified as a vicious dog under this article.

**Sec. 9-104. Animal control officer.**

The director and personnel of the animal control unit created by section 9-52 shall serve as animal control officers for the county and city and shall be charged with enforcing this article. An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.

**Sec. 9-105. Liability of city.**

Pursuant to state law, under no circumstances shall the city or county, or any employee or official of the city or county, be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

**Sec. 9-106. Procedures for classifying vicious dogs and dangerous dogs; notice; hearing.**

- (a) *Duty to investigate.* Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within the animal control officer's jurisdiction, the animal control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
- (b) *Impoundment.* If the animal control officer believes that a dog subject to classification as a dangerous dog or vicious dog poses a threat to public safety, the dog may be immediately impounded and the dog owner shall be responsible for all costs resulting from such impoundment. At the discretion of the animal control officer, the dog may be held at an approved veterinary or boarding facility at the owner's expense. Any impounded dog may be held until the requirements for possessing a classified dog as contained in section 10-57 are met or until a hearing in probate court pursuant to subsection (d) of this section results in a decision that no classification is warranted. Notwithstanding the foregoing, if the animal

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control officer states his or her intention to pursue a civil action in superior court to request euthanasia of the dog pursuant to subsection (g), (i), or (j) of this section within ten days of mailing the notice provided for in subsection (c) of this section, the dog may be held at the owner's expense through the final adjudication of said civil action.

- (c) *Notice.* When the animal control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the animal control officer's determination and shall state that the owner has a right to request a hearing before the probate court on the animal control officer's determination within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the animal control officer's determination shall become effective for all purposes under this article. If an owner cannot be located within ten days of an animal control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the animal control officer.
- (d) *Hearing.* When a hearing is requested by a dog owner in accordance with subsection (c) of this section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the probate court for good cause shown. At least ten days prior to the hearing, the probate court shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the probate court conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the animal control officer's determination. The animal control officer may, in his discretion, impound said dog in the county shelter pending the outcome of said probate court proceedings.
- (e) *Notice of determination by probate court.* Within ten days after the hearing, the probate court shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to subsection (h) of this section, the notice shall specify the date by which the euthanasia shall occur.
- (f) *Judicial review.* Judicial review of the probate court's final decision shall be in accordance with O.C.G.A. § 5-3-2 and costs shall be paid as provided in O.C.G.A. § 5-3-22.
- (g) The probate court, either upon a hearing requested by the owner of a dog regarding a classification determination made by the animal control officer or upon a hearing requested by an animal control officer, may order the euthanasia of a dog upon finding, after notice and hearing, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:
  - (1) The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or
  - (2) Any local government authority has filed with the court a civil action requesting euthanasia of the dog.

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- (h) Where the probate court finds, after notice and opportunity for a hearing as provided by this article, a dog to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this subsection;
  - (i) Where the probate court, after notice and hearing as provided by this article, (1) upholds a determination that a dog is vicious or dangerous and (2) determines, based on the facts and circumstances of the case, that the requirements set forth in this article for possessing such a classified dog are insufficient to protect the public from said dog, the probate court may, in its discretion, order said dog to be euthanized.
  - (j) Where the probate court, upon application of the animal control officer and after notice and hearing as provided by this article, determines, based upon the facts and circumstances of the case, that the requirements set forth in this article for owning or possessing a classified dog are insufficient to protect the public from a dog determined to be dangerous or vicious, the probate court may, in its discretion, order said dog to be euthanized.

**Sec. 9-107. Requirements for possessing a classified dog.**

- (a) It shall be unlawful for an owner to have or possess within the city a classified dog without a certificate of registration issued in accordance with the provisions of this article. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.
- (b) Except as otherwise provided in this article, a certificate of registration for a dangerous dog shall be issued only if the animal control officer determines that the following requirements have been met:
  - (1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property;
  - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
  - (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
  - (4) The dog has been sterilized.
- (c) Except as otherwise provided in this article, a certificate of registration for a vicious dog shall be issued only if the animal control officer determines that the following requirements have been met:
  - (1) The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed double-walled pen, fence, or structure suitable to prevent the vicious dog from leaving such property;
  - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;



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- (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog;
  - (4) The dog has been sterilized; and
  - (5) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog.
- (d) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
  - (e) No person shall be the owner of more than one vicious dog.
  - (f) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:
    - (1) A serious violent felony as defined in O.C.G.A. § 17-10-6.1;
    - (2) The felony of dog fighting as provided for in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or
    - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. §§ 16-13-31 and 16-13-31.1 from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.
  - (g) An annual fee, which may be set from time to time in an amount deemed reasonable by the board of commissioners, in addition to any regular dog licensing fees, shall be paid to register classified dogs as required by this article. Certificates of registration shall be renewed on an annual basis, and payment of the annual registration fee shall be paid at the time the certificate of registration is issued. At the time of renewal of a certificate of registration for a classified dog, an animal control officer shall require proof from the owner or make such investigation as may be necessary to verify that the dog is continuing to comply with all provisions of this chapter. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.
  - (h) The owner of a classified dog shall notify the animal control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the animal control officer within 24 hours if the dog has died or has been euthanized.
  - (i) A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished for euthanasia to a governmental facility or veterinarian.
  - (j) The owner of a classified dog shall notify the animal control officer if the owner moves out of the county no later than ten days after such move. The owner of a classified dog who moves to the county from another jurisdiction within the State of Georgia shall register the classified dog in the county within ten days of becoming a resident and notify the animal control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into this state shall register the dog as required within 30 days of becoming a resident.

**Sec. 9-108. Unlawful acts by owner of a classified dog.**

- (a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be outside an enclosure designed to securely confine the dangerous dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property unless:
  - (1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;
  - (2) The dog is contained in a closed and locked cage or crate; or
  - (3) The dog is working or training as a hunting dog, herding dog, or predator control dog.
- (b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:
  - (1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed double-walled pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:
    - a. The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
    - b. The dog is contained in a closed and locked cage or crate.
  - (2) Unattended with minors.

**Sec. 9-109. Confiscation of classified dogs for noncompliance.**

- (a) A dangerous dog or vicious dog shall be immediately confiscated by any animal control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.
- (b) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by an animal control officer or the probate court. All fines and all charges for services performed by a law enforcement or animal control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.
- (c) In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was confiscated, such dog shall be released to an animal shelter, as such term is defined in O.C.G.A. § 4-14-2 or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

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**Sec. 9-110. Violations; penalties.**

- (a) The owner of a classified dog who violates the applicable provisions of this article may be prosecuted under O.C.G.A. § 4-8-29(c) and, upon conviction thereof, shall be guilty of a misdemeanor of high and aggravated nature.
- (b) An owner with a previous conviction for a violation of this article whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article may be prosecuted for a felony under O.C.G.A. § 4-8-29(d) and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than \$5,000.00 nor more than \$10,000.00, or both. In addition, the classified dog shall be euthanized at the cost of the owner.
- (c) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.”

**SECTION 2.** Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3.** Pursuant to the Section 2.25 of the City Charter, authority is hereby delegated to the City Clerk to cause this Ordinance to be numbered and codified in the City Code of Walnut Grove, Georgia, in such a way as to place this Ordinance in the Code in an organized and orderly sequence to maximize the organization of the Code. The City Clerk is authorized to designate to the City Attorney or to such other Mayor and Council approved contractors to assist in the effort to codify this provision provided the decision of the City Clerk is final as to the placement of this Ordinance within the City Code of Walnut Grove, Georgia. The goal of this authorization is to codify and number this Ordinance in the Code in such a way as to be clear and orderly.

**SECTION 4.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Walnut Grove, Georgia.

**SECTION 5.** It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.

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SO ORDAINED this \_\_\_\_ day of March 2023.

\_\_\_\_\_  
Mark Moore, Mayor

*ATTEST:*

\_\_\_\_\_  
Dawn Lummus, City Clerk

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Anthony O. L. Powell, City Attorney  
Powell & Edwards, P.C.

Adopted by the City Council at a regular called meeting on \_\_\_\_\_.

\_\_\_\_\_ Council members voting in favor

\_\_\_\_\_ Council members voting against

\_\_\_\_\_ Council members abstaining