

*State of Georgia, County of Madison.*

**AN ORDINANCE FOR THE CONTROL, REGULATION,  
AND DISPOSITION OF ANIMALS**

**WHEREAS**, in accordance with the laws of the State of Georgia, including but not limited to Title 4, Chapter 8, Article 2 of the Official Code of Georgia, it is necessary and appropriate for the County of Madison, Georgia, herein "County", to establish and promulgate certain standards and regulations to require control of animals; to provide for enforcement; to provide for the disposition of impounded animals; to provide definitions and penalties; and for other purposes; and

**WHEREAS**, the Board of Commissioners of Madison County, Georgia desires to adopt a Animal Control Ordinance pursuant to said authority;

**BE AND IT IS HEREBY ORDAINED AS FOLLOWS:**

**Section 1. Definitions**

The following words, terms, and phrases shall have the meanings ascribed to them in Georgia Law, except where context clearly indicates a different meaning.

*Animal.* Any and all types of dogs or cats.

*Animal at Large.* An animal which is not a "Animal under Restraint".

*Animal Control Officer.* Any person so designated by the Board of Commissioners to perform the duties of enforcing this ordinance and to perform the duties of Dangerous Dog Control Officer. Wherever this ordinance makes any reference to "Dangerous Dog Officer," such reference shall be construed to mean any person designated as an Animal Control Officer hereunder.

*Animal Control Ordinance.* This Ordinance may be referred to by such short title.

*Animal under Restraint.* An animal is considered under restraint if:

1. it is within the property limits of its owner or on property where its presence is expressly permitted by the property owner; or
2. it is controlled on a leash not exceeding ten feet in length and under the control of the person holding such leash; or
3. it is participating in a hunting activity allowed by Georgia Law and is not otherwise in violation of this ordinance. For purposes of this subsection, there shall be no violation of this ordinance where an animal is participating in a hunting activity and crosses the property of another, unless such property has been posted with signs prohibiting hunting in accordance with state law or such property is within a residential subdivision; or
4. it is within a vehicle either parked or in transit; or
5. it is a guide or service dog as described in O.C.G.A. section 30-4-2.

*Dangerous Dog.* Any dog that, according to the records of an appropriate authority:

1. Inflicts a severe injury on a human being or domesticated animal without provocation on public or private property at any time after March 31, 1989; or
2. Aggressively bites, attacks, or endangers the safety of humans or domesticated animals without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

*Feral Animal:* Any animal that does not meet the specifications set forth in the Owned Animal or Stray Animal classification.

*Guard Dog.* Any dog which has been trained by a recognized training facility to attack persons or other animals independently or upon command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which it is located. A recognized training facility shall be deemed to mean any person, partnership, company or corporation holding a state kennel license for either of the above purposes.

*Humane Care.* includes but is not limited to , the provision of adequate heat, ventilation, sanitary shelter, and Adequate Food and Adequate Water, consistent with the normal requirements and feeding habits of the animals size, species and breed.

*Kennel.* an establishment for breeding, selling, training or boarding Dogs or Cats.

*Leash.* A cord or strap designed for and of sufficient strength to hold an animal in check.

*Nuisance.* a Dog or Cat shall be defined as a nuisance if it:

- Soils or defecates on public roads, walks or recreation areas, or on private property other than the Owner's, unless such waste is immediately removed and properly disposed of by the Owner; or
- Chases vehicles or molests, attacks or interferes with persons or other domestic Animal on public or private property or otherwise causes any damage to any property or private or public.

*Owned Animal.* An animal will be considered owned if any of the following are present:

- Someone claiming and having proof of Ownership
- Active microchip.
- Collar with current identification or current rabies tag.
- Signs of recent care, health, training and/or disposition.
- Meets Stray Animal criteria and has resided in the care of a Person for more than 72 Hours without that Person having made a report of Stray Animal to Madison County Animal Control.

*Owner.* Any person or legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, giving care or having custody or control of a domesticated animal, potentially dangerous animal, or dangerous dog. This shall include any person hired or acting as custodian of the animal for its owner.

*Potentially Dangerous Dog.* Any dog that without provocation bites a human being or domesticated animal on public or private property at any time after March 31, 1989.

*Proper Enclosure.* An enclosure for keeping a dangerous dog or potentially dangerous dog securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and which prevents the dog from escaping. Any such pen or 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 from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

*Records of Appropriate Authority.* Records of any federal, state, county, or municipal law enforcement agency, animal control agency, board of health, court, or records of an animal control officer as provided by this ordinance.

*Severe Injury.* Any physical injury to a human or domesticated animal that results in broken bones, disfiguring lacerations requiring multiple sutures or cosmetic injury, or a physical injury that results in death.

*Stray Animal:* An animal will be considered stray in the absence of signs of an Owned Animal and has any of the following present:

- Signs that animal has received adequate care in the past but is not being cared for currently.
- Characteristics consistent with being adequately socialized in the recent past.
- Collar without current identification or current rabies tag.

*Veterinarian-* any person who holds a license to practice veterinary medicine in the State of Georgia.

## **Section 2. Duty of Owner to Keep Animals Under Restraint**

It shall be unlawful at any time for the owner of any animal, or anyone having an animal in their possession or control, to permit such animal to be an animal at large within the unincorporated area of Madison County.

Nothing in this Ordinance shall be construed as prohibiting a person or persons from conducting hunting, training, or field trial competition activities with animals in the legal manner provided for in Georgia law.

### **Section 3. Animal Control Officer**

Pursuant to O.C.G.A. §4-8-22(c), the duties of the Animal Control Officer shall be vested in any person so designated by the Board of Commissioners of Madison County. The duty of the Officer shall be to enforce the Animal Control Ordinance and any other ordinances identified by the County.

### **Section 4. Duties of the Animal Control Officer**

It shall be the duty of the Animal Control Officer(s) to make such investigations and inquiries as may be necessary to identify dangerous and potentially dangerous dogs, and the owners thereof within the unincorporated areas of the county and to otherwise enforce the provisions of this ordinance. These officers shall be vested with the authority to issue citations for violations of this Ordinance, and may also call upon such other officers, constables and employees of the Magistrate's Office or the Sheriff's Department of Madison County as may be necessary for the enforcement of this Ordinance.

Animal Control Officers shall be authorized to enforce the provisions of this Ordinance upon receipt of a credible report of a violation of this Ordinance, in written or oral form, from a law enforcement officer, 911 dispatcher, board of health, rabies control officer, or citizen. Appropriate records of complaints and the results of the ensuing investigation shall be kept by the officer.

Animal Control Officers may pursue animals in violation of this Ordinance onto private property to effect capture and impoundment of said animals. All impounded animals shall be housed and cared for at a facility designated for such purpose by the County.

It shall also be the responsibility of the Animal Control Officer(s) to enforce O.C.G.A. § 4-8-20 through § 4-8-30 relating to dangerous dogs.

### **Section 5. Identification and Inoculation**

It shall be unlawful for any person to own, possess or maintain any animal that does not have a current rabies inoculation, and all such dogs shall wear a securely attached collar about its neck displaying such current rabies tag and owner identification and contact information. The owner of any animal shall be prepared to present documentation of current rabies inoculation. No person shall vaccinate animals against rabies unless permitted to do so under applicable Georgia Law.

It shall be the duty of any person bitten by any animal reasonably suspected of being rabid immediately to notify the 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 or of any animal 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.

#### **Section 6. Dangerous Dogs: Classification of Dangerous Dogs; Notice to Owner Required**

When a dangerous or potentially dangerous dog is classified as such, or when a potentially dangerous dog is reclassified as a dangerous dog, the Animal Control Officer shall notify the owner of the dog of such classification. Such notice shall be in writing and mailed by certified mail to the owner's last known address. Such notice shall be complete upon mailing and shall contain, at a minimum, the following items:

1. A summary of the Animal Control Officer's findings that formed the basis for the dog's classification or reclassification;
2. The date of classification and a statement that the owner has 15 days to request a hearing on the Animal Control Officer's determination;
3. A statement that the hearing, if requested, shall be before the Madison County Animal Control Board;
4. A statement that, if a hearing is not requested, the Animal Control Officer's determination will become effective for all purposes under this Ordinance 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
5. A form to request a hearing before the Madison County Animal Control Board and shall provide specific instructions on mailing or delivering such request to such hearing board.

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 shall not be a dangerous dog or potentially dangerous dog within the meaning of this Ordinance. A dog shall not be a dangerous dog or a potentially dangerous dog within the meaning of this Ordinance 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.

#### **Section 7. Dangerous Dogs: Liability of Owner of Dangerous Dogs**

The notice procedures provided for in this Ordinance are not essential conditions for the enforcement of the provisions of this Ordinance. The owner of a dangerous or potentially dangerous dog is held to know that such dog is dangerous or potentially dangerous if the dog has, at any time, displayed one or more of the behaviors described in the definitions of Dangerous Dog or Potentially Dangerous Dog as provided in this Ordinance.

#### **Section 8. Dangerous Dogs: Hearings; Presiding Body and Procedure**

(A) Pursuant to O.C.G.A §§4-8-22 and 4-8-24, there is hereby established an Animal Control Board, composed of seven members. Each County Commissioner and the Chairman of the Board of Commissioners shall appoint one person to serve, such appointment being subject to confirmation by majority vote of the Board of Commissioners, and the six persons so appointed shall select and confirm the seventh member by majority vote of the Animal Control Board. The Animal Control Board shall elect its own Chairman, Vice-Chairman, and Secretary, and may establish reasonable bylaws and rules of operation.

(B) When a request is received for a hearing as provided in Section 7, the Animal Control Board shall schedule such hearing within 30 days after receiving the request. Notice shall be mailed to the owner at least ten days prior to the hearing. At the hearing the owner of the dog shall be given the opportunity to testify and present evidence, and the Board of Commissioners or its designee shall receive such other evidence as they may find reasonable to make a determination either to sustain, modify, or overrule the Animal Control Officer's determination. Within ten days of the hearing, the Animal Control Board shall notify the dog owner in writing by certified mail of its determination on the matter.

(C) No monies or contracts shall be expended by or entered into by the Animal Control Board without the previous consent of the Local Government.

(D) Any person shall furnish his/her name, address and telephone number when for any reason contacting the Animal Control Board, The Animal Control Officer or any employee of the Local Government or of a constitutional officer of Madison County, Georgia regarding any matter governed under this Ordinance.

## **Section 9. Dangerous Dogs: Certificate of Registration Required**

A. It shall be unlawful for a dog owner to possess within the unincorporated area of the Madison County a dangerous dog or a potentially dangerous dog without a certificate of registration issued in accordance with the provisions of this Ordinance. Such certificate shall be issued annually to the owner of a dangerous or potentially dangerous dog by the Animal Control Officer if the owner presents to the Animal Control Officer sufficient evidence of:

1. a proper enclosure to confine the dangerous or potentially dangerous dog;
2. the proper posting of the premises where a dangerous or potentially dangerous dog is located with a clearly visible sign warning of such a dog on the property and containing a symbol designed to inform children of the presence of a dangerous or potentially dangerous dog;
3. an insurance policy in the amount of at least \$15,000 per occurrence issued by an insurer authorized to transact business in this state insuring the owner of the dangerous dog against liability for any personal or property damages inflicted by the dangerous dog; and
4. a surety bond in the amount of \$15,000 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous dog;

B. The owner of a dangerous dog or potentially dangerous dog shall notify the Animal Control Officer within 24 hours if the dog is on the loose, is unconfined, has attacked a human, 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; and

C. The owner of a dangerous dog or potentially dangerous dog shall notify the Animal Control Officer if the owner is moving from the Dog 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.

### **Section 10. Dangerous Dogs: Annual Registration Fee for Dangerous Dogs and Potentially Dangerous Dogs**

An annual registration fee in the amount of \$100.00 shall be charged by Madison County, in addition to any regular animal licensing fees, to defray the cost to register the dangerous dog or potentially dangerous dog as required in this Ordinance.

### **Section 11. Guard Dogs**

It shall be the duty of the owner, tenant, or custodian of any property on which a guard dog is kept for security purposes to post a notice in a conspicuous location on such property. Such notice shall consist of the words "Warning-Guard Dog", and shall be in clearly distinguishable block letters not less than five inches in height and one inch in width and containing a symbol designed to inform children of the presence of a guard dog. If a guard dog is confined within a fenced area, such notice must be conspicuously posted at every entrance and exit of such fence.

### **Section 12. Impoundment of Animals**

An animal that is at large or otherwise in violation of this Ordinance may be impounded by the Animal Control Officer, in accordance with guidelines and policies to be propounded by the supervising Animal Control Officer.

### **Section 13. Redemption of Impounded Animals**

It shall be the duty of the Animal Control Officer to notify the owner, if known or can be reasonably ascertained, of every animal impounded, by telephone or by mail, as quickly as possible after the impoundment. The owner of any impounded animal may claim and take custody of the animal within five days of such impoundment and by paying an impoundment fee of plus payment of a daily boarding fee for each day of impoundment, up to a total maximum, and the cost of a rabies inoculation if the animal does not display a current rabies tag or if the owner cannot provide proof of rabies inoculation. The fees referenced herein shall be established by a published schedule to be created and amended from time to time by the supervising Animal Control Officer.

## **Section 14. Disposition of Animals**

The Animal Control Officer or the officer's designee shall be authorized to dispose of any animal in as humane and painless a manner as possible, or to donate any animal to a public or non-profit institution or agency (for purposes other than experimentation), if such an animal has remained unclaimed within the prescribed time period of seven days (or no less than ten days in the case of an animal that has inflicted physical injury on a person or other animal), or if it has been injured and is suffering or in great pain and such animal does not display an identification tag and no determination of the owner can be made from a reasonable investigation. The disposal of any animal as provided herein does not relieve the owner of any liability for any violation of this Ordinance. If the owner of the animal is known or ascertainable, but for any valid reason cannot be reached within the prescribed period, the Animal Control Officer shall be authorized to hold the animal until such a time as the owner can be reached.

## **Section 15. Animal Care, Noise, Nuisance, Feral Dogs, Cruelty, Humane Care, Dead Animal Disposal**

(A) No person shall permit any dogfight, cockfight, bullfight, or any other combat between Animals or between Animals and humans.

(B) No Owner of an Animal shall abandon any Animal or Dead Animal.

(C) Any Feral Animal may be captured and may immediately become the property of Madison County. The Feral Animal may be humanely disposed of immediately at the discretion of the Animal Control Officer. If the Feral Animal can not reasonably and/or safely be captured, then reasonable means may be used to ensure the public safety, including but not limited to immediate destruction of the Animal. The Animal Control Officer shall have discretion in determining whether an Animal is Feral Animal or is a Domesticated Animal with an Owner.

(D) No Animal may be permitted to be a Nuisance.

(E) It shall be unlawful for any person to work an Animal who is lame, starved or in a famished condition, or to overload, whip, beat, maim, bruise, deprive of food, torture, or abuse, in any manner, any Animal.

(F) It shall be unlawful for any person to cause unnecessary pain, suffering, or the inhumane death of any living Animal, either by an overt act or by any omission or neglect.

(G) It shall be unlawful for an Owner of an Animal to fail to provide that Animal with Humane Care.

(H) It shall be unlawful for any person within the county who owns or is caring for an Animal that has died or has been killed to abandon the Animal, its parts, or blood.

(I) The Owner may dispose of the body by burning, incineration, burial, rendering, or any method using appropriate disposal technology. Disposal of Animal carcasses by an appropriate method must be completed within 12 hours after death or discovery of the carcass. Carcasses which are buried must be buried at least three feet below the ground level and have not less than three feet of earth over the carcass.

(J) Any person convicted for a violation of this Section shall be guilty of a misdemeanor.

## **Section 16. Defense of Person or Property**

Any person may defend his or her person or property, or the person or property of another, from injury or damage caused by a dog, in accordance with and to the extent permitted by O.C.G.A. § 4-8-5.

## **Section 17. Records**

It shall be the duty of the Animal Control Officer to keep and maintain current and accurate records of all activities and transactions of his position. Such records shall include but not be limited to incident reports, a description of each animal placed in custody; the date, time, and circumstances of impoundment or receipt of the animal; the date time, and circumstances of the disposition of the animal; all fees of every kind that are collected; any other such records that are deemed proper and necessary to provide an accurate accounting of the enforcement activities. Such records shall be retained for a period of not less than twelve months and shall be open for public inspection at any time during normal business hours.

## **Section 18. Liability of County Officers and Employees**

Madison County, and its officers, agents, and employees shall not be held responsible or liable for any accidents, diseases, injuries or deaths to any animal while being impounded or boarded in association with this ordinance, nor for any action to enforce or failure to enforce the provisions of this ordinance. It is hereby recognized that enforcement of this ordinance requires the application of its provisions to specific factual circumstances, thus entailing the necessary application of discretion and judgment in all matters related hereto.

## **Section 19. Severability**

If any Section, paragraph, or any other part of this Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the validity of all other parts of this Ordinance which shall remain in full force and effect as if separately adopted.

## **Section 20. Repeal**

Any existing ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

## **Section 21. Violations**

Any person that violates the provisions of this Ordinance shall be issued a citation for that violation to appear before the Magistrate's Court of Madison County and, upon conviction shall be punished as provided in Section 22 of this Ordinance. Such a citation may be issued by an Animal Control Officer based upon his own personal knowledge or upon a sworn written statement of another person who witnessed the violation, in which case the witness shall be subpoenaed to testify for the County in the Magistrate's Court.

## **Section 22. Penalty for Violations**

Except as provided for in Section 21 of this Ordinance, any person convicted of a violation of this Ordinance shall be punished by a fine of not less than twenty five dollars (\$25) for the first offense or by confinement in the County jail for a period of one day or by both fine

and confinement. Applicable court costs shall be levied in addition to any such fine imposed. A second offense shall be punished by a fine of not less than fifty dollars (\$50) or by confinement in the County jail for a period of two days or by both fine and confinement. Any subsequent offense may be punished by the maximum amount allowed for the violation of county ordinances by State law.

**Section 23. Obstruction of Officer**

It shall be unlawful for any person to hinder, harass, interfere, or otherwise obstruct the performance of any Animal Control Officer in the official performance of his duties as provided for in this Ordinance. Any person convicted of a violation of this Section shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000) plus applicable court costs or by confinement in the county jail for a period not to exceed sixty (60) days or both such fine and confinement as authorized by O.C.G.A 15-10-60 et. seq.

**Section 24. Effective Date**

This Ordinance shall take effect and shall be enforced from and after the 1st day of January, 2006. Notice of adoption and the effective date of enforcement shall be published once per week for 4 weeks prior to that effective date.

Approved by the Madison County Board of Commissioners on the 10 day of October, 2005, and executed this the 11<sup>th</sup> day of October, 2005.

---

Wesley J. Nash, Chairman

ATTEST:

---

C Morris Fortson, County Clerk