

AN ORDINANCE
TO BE ENTITLED

AN ORDINANCE TO AMEND PART 9, OFFENSES,
CHAPTER 5, ANIMALS, OF THE CODE OF THE
CITY OF SAVANNAH, GEORGIA (2003) TO SUBSTANTIVELY
ADOPT THE CHATHAM COUNTY ANIMAL CONTROL
ORDINANCE; TO PROVIDE FOR EFFECTIVE DATES;
TO REPEAL ALL ORDINANCES IN CONFLICT
HEREWITH AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia in regular meeting of Council assembled, and pursuant to lawful authority thereof:

SECTION 1: That Part 9, Offenses, Chapter 5, Animals, be deleted in its entirety and a new Chapter 5, Animals, be inserted in lieu thereof as follows:

ARTICLE A. Animal Control - In General.

Section 9-5001. Statement of Purpose. The City of Savannah has undertaken to establish this Animal Control Ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the City. Animal ownership is encouraged and welcomed by the City; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and also those of their animals. Primary responsibility is placed upon animal owners to properly train and/or secure their animals so as to prevent them from causing injuries and/or creating nuisances. The Mayor and Aldermen believe that all animals should be cared for in a loving and nurturing manner by both pet owners within their dwellings or by shelters using best practices or in conformance with modern veterinary practices.

Section 9-5002. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

- (a) Animals. "Animals" shall mean any non-human living vertebrate creature, including but not limited to, all horses, ponies, mules, cattle, sheep, goats, swine, dogs, cats, rabbits, guinea pigs, hamsters, chickens, turkeys, geese, ducks, pigeons, and similar fowl.
- (b) Housing. "Housing" shall mean any building, shed, cage, pen or similar structure used for the keeping of animals and fowl.
- (c) Enclosure. "Enclosure" shall mean any uncovered, enclosed parcel of land where animals or fowl are kept.

(d) Nuisance. “Nuisance” shall mean whatever is dangerous or detrimental to human life or health and whatever renders or tends to render soil, air, or food impure or unwholesome.

(e) Person. “Person” shall mean any person, firm, partnership, corporation, association or agency.

(f) Health Officer. “Health Officer” shall mean the designee of the Chatham County Health Department or an authorized representative thereof.

(g) Dog Bite. “Dog bite” shall refer to an occurrence when a dog uses its mouth to attach to another living thing irrespective of whether human or other animal. This occurrence is short in length and does not permanently disfigure or cause serious bodily harm to the victim.

(h) Dog Attack. “Dog attack” shall refer to an occurrence when a dog uses its mouth, legs or any other part of its body, solely or in conjunction with any other dog(s), in a manner that is vicious and unprovoked or prolonged. A dog attack is defined as such an event that causes serious bodily injury, disfigurement, or any other factors of damage that would deem the event a serious threat to the safety and welfare of a person or animal.

(i) Tethering. “Tethering” shall refer to the prohibited act of causing an animal to be affixed to a stationary object in such a manner that its normal behaviors and needs are not met or affixed in any manner that limits an animal’s access to food and water. Tethering is not the act of securing an animal to more than one stationary object which allows for movement an access to food and water.

(j) Service Animal. “Service Animal” shall refer to any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, no matter what type. These animals are protected under Title II and Title III of the Americans with Disabilities Act.

(k) Emotional Support Dog. “Emotional Support Dog” shall refer to any dog that is used in any therapeutic capacity, either for emotional support, comfort or companionship that is not protected by the Americans with Disabilities Act.

(l) Menacing. “Menacing” refers to a determination by the Director of Animal Services that suggests the presence of danger or threat, given the totality of the circumstances, posed by a particular animal.

Section 9-5003. Animal Not to Run at Large or be Kept in a Public Place.

(a) It shall be unlawful for the owner of any livestock or domestic fowl to permit the same to run at large within the City of Savannah or to keep the same in any manner in any street or public place. This section shall not be read to pertain to animals subject to the City's Tour Service for Hire Ordinance.

(b) It shall be unlawful for the owner of any dog or cat to permit the same to run at large. At large means any animal which is not under manual control of a person and which is on any public roads of this state or on any property not belonging to the owners of the animal, unless by permission of the owner of such property. A dog off leash despite the presence of the owner within the City limits, to include parks (excluding specifically designated dog parks), playgrounds, City-owned facilities, cemeteries, schools or other locations is not permitted.

(c) Unless otherwise required by a homeowner's association, other land restriction covenant, or other natural geographic boundaries, invisible fences shall not be used as a method of restricting animals on private property that abuts a public road or public right of way.

(d) Where any animal, dog or cat, whose owner or custodian is found to be in violation of any provision of this ordinance, the Animal Services officer shall have a duty and authority to issue a citation and a subpoena to the owner or custodian for the violation of this article in addition to any other remedy provided by law, including impounding the animal.

(e) No dog shall be allowed to walk about outside on public property or private property of another without express permission using a retractable leash of more than 6 feet at any gathering place which requires a permit to gather. Specifically, dogs on retractable leashes in an unlocked position are banned from permitted parades, farmers' markets and outdoor festivals.

Section 9-5004. Provisions. The provisions of the Animal Control Ordinance within the boundaries of the City of Savannah shall apply to the following; any non-human living vertebrate creature, including, but not limited to, dogs, cats, horses, cows, goats, swine, guinea pigs, rabbits, fowl, chickens, peacocks, geese and ducks.

Section 9-5005. Wildlife. All complaints and matters concerning animals not of a domestic nature or exotic pets and complaints involving game animals or protected species and/or hunting shall be forwarded to the State Department of Natural Resources, Game and Fish Division or the U.S. Department of Agriculture Law, Enforcement Division for the proper disposition compliance,

apprehension and controlling enforcement as may be necessary and provided by State law or Federal regulations.

Section 9-5006. Keeping of Animals; Humane Treatment. Any housing or enclosure used for the keeping of animals or fowl shall be well drained, free from accumulation of animal excrement and objectionable odors and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the Chatham County Health Department. All animals which are housed or enclosed shall be provided with a source of potable water. Each dog enclosed exclusively outside of a residence shall have a minimum of 100 square feet of space and that space shall have 3 sides and a roof.

Section 9-5007. Jurisdiction.

(a) Jurisdiction to enforce this ordinance is vested throughout the City to the extent permitted by law. Animal Services shall enforce all provisions as to the vaccination for rabies throughout the entirety of the City of Savannah.

(b) As provided for in section 22-107 of the Chatham County Animal Control Ordinance, the City of Savannah wishes to substantively adopt the County's ordinance in its entirety, which shall vest the Director of Animal Services with the power to enforce this ordinance within the municipal limits of the City.

Section 9-5008. Nuisances.

(a) The owner or person that is the custodian of animals or fowl shall be responsible for correcting and abating any nuisance that may arise from the keeping of said animals.

(b) No person shall allow any animal or fowl which howls, barks or emits audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of the neighborhood. For the purpose of this article, for example, "barking dog" shall mean a dog that barks, bays, cries, howls intermittently for sufficient time and noise level to be observed by law enforcement or recorded by a citizen, day or night, regardless of whether the dog is physically situated on or upon private property; provided, however, that dog shall not be deemed a "barking dog" for purposes of this regulation, if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property.

Section 9-5009. Penalty. Any person violating any provision of this chapter upon conviction in the Recorder's Court of Chatham County or such other court of competent jurisdiction shall be subject to a fine of not less than \$100 or in excess

of \$1,000 for each count and violation of this ordinance. In addition to any fine imposed by a court of competent jurisdiction, that court is likewise authorized to order payment of restitution to any person harmed by a violation of this chapter.

Section 9-5010. Exemptions. At the sole discretion of the Director of Animal Services, exemptions from strict compliance with any provision of the Animal Control Ordinance can be made if the Director deems the activity is being done for educational purposes, is otherwise legal, meets the intent of the ordinance, and does not cause excessive adverse impact on neighboring property owners.

Section 9-5011. Authority of Public Works Department.

(a) Chatham County Public Works Department is authorized to remove dead animals from public property including public schools, parks and roadways.

(b) All dead livestock including horses, cattle and other large animals will be disposed of by the animal owner or the property owner in accordance with State and local regulations.

(c) It shall be unlawful for any person to throw or put onto the streets, lanes, square or other common public property of the City of Savannah any dead animal.

Section 9-5012. Duty of Animal Services Officer.

(a) The Animal Services officer, upon finding an animal which appears to be abandoned shall provide written notice of complaint to the owner or custodian, if known, or at the place of residence where the animal was found. The Animal Services officer shall respond back to the resident within 24 hours where notice of complaint was provided to the owner or custodian of an animal for the purpose of establishing ownership or a determination of the status of the animal's health and safety. If the owner or custodian of the animal is not located, the Animal Services officer shall enter the premises and take custody of said animal.

(b) The Director of Animal Services shall be authorized to euthanize any dog that kills a human without necessity of classifying the dog notwithstanding any other provision of this ordinance.

Sections 9-5013 – 9-5019 shall be reserved.

ARTICLE B. Animal Control - Dogs and Cats Generally.

Section 9-5020. Definitions; Vaccination and Registration of Dogs and Cats.

(a) The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) Cat. “Cat” shall mean domestic cats only (*felix catus*) whether vaccinated or not vaccinated against rabies.

(2) Dog. “Dog” shall mean only domesticated dogs (*canus familiaris*) whether vaccinated against rabies or not vaccinated.

(3) Exotic Animal. “Exotic animal” shall mean any vertebrate animal ordinarily confined to a zoo, or one that would normally be found in the wild. This includes, but is not limited to, all carnivorous wildlife, monkeys, raccoons, squirrels, ocelots, hybrids of wild felines, wolves, hybrid wolves, and mammals and non-venomous reptiles weighing over 50 pounds.

(4) Rabies Certificate. “Rabies certificate” shall mean a certificate signed by a licensed veterinarian bearing a license number, ownership, name, address, breed, color and sex and spay or neuter status of a dog or cat, which certificate shall be issued for each dog or cat vaccinated. The date of last vaccination of such dog or cat shall be clearly stated on such certificate, and a copy of such certificate shall be sent by the veterinarian to Chatham County Animal Services.

(5) Vaccination and License Tag. “Vaccination and license tag” shall mean a metal tag issued by authority of Chatham County and also a license or serial number to show that such dog or cat has been vaccinated as required by this chapter.

(6) Vaccinate or Inoculate. “Vaccinate” or “inoculate” shall mean the injection into the body of a dog or cat of an approved anti-rabies vaccine prescribed by the State of Georgia, such vaccine having a U.S. government license number approval stamped on the label of the vaccine container and which vaccine has been approved by the health department. Vaccine used for vaccination of dogs or cats against rabies shall have been refrigerated and kept under proper conditions showing no signs of spoilage or otherwise being unfit for producing immunity against rabies.

(7) Veterinarian.

(A) “Veterinarian” shall mean any person who has received a doctor’s degree in veterinary medicine from a school of veterinary medicine and holds a license to

practice in the profession of veterinary medicine in the State of Georgia; the number of the aforesaid veterinary license shall be the same as that recorded by the Georgia State Board of Veterinary Examiners. Such license shall be prominently displayed.

(B) It is the express intent of the Mayor and Aldermen of the City of Savannah that veterinarians be approved by the United States Department of Agriculture. The Director of Animal Services will publish on the official page of Chatham County any veterinarian practicing in Chatham County that possesses such credentials.

(b) Vaccination Required. It shall be unlawful for any person to own, keep, maintain or harbor any dog or cat 6 months of age or older without first having the dog or cat vaccinated against rabies. Each dog or cat shall have both the vaccination and license tag in addition to the rabies certificate described in subsection (a)(5) above. Such license and tag shall be provided by the veterinarian administering the vaccination.

(1) Any person owning a dog or cat who does not comply with this shall be in violation of this ordinance, provided that person shall register his or her dog or cat within 30 days of the rabies vaccination, or 30 days after becoming a resident of the City of Savannah. Non-compliance shall result in a set fine of \$25.00 in addition to the fee for registration.

(2) Any person owning a dog or cat that does not comply with this section on multiple occasions shall have an increased fine as follows:

(A) Upon the conviction of a second offense, a fine of \$100 shall be imposed.

(B) Upon the conviction of a third or subsequent offense, a fine of not less than \$150 nor more than \$500 shall be imposed.

(3) All owners of animals being moved into the City of Savannah from out of state shall present valid paperwork reflecting current vaccination to Animal Services and shall pay the applicable tag fee within 30 days of moving to the City of Savannah.

(4) Any owner of a dog or cat who cannot be vaccinated for a medical reason must present a letter annually to Animal Services

stating the same from a veterinarian licensed to do business in Chatham County.

- (c) Term of Certificate. All dogs and cats shall be vaccinated annually or tri-annually thereafter against rabies and their owner shall obtain both a tag and certificate for such dogs or cats every 12 or 36 months following the original annual vaccination and tag of dogs or cats depending upon the prior vaccination. The fee paid for said vaccination shall be as outlined herein.

Any dog or cat that cannot be vaccinated for a medical reason must present a letter annually to Animal Services stating the same from a veterinarian licensed to do business in Chatham County.

- (d) Tag to be Attached; Number of Rabies Certificate; Term.

(1) Every dog or cat which has received a rabies vaccination or medical waiver as set forth in subsection (b)(4) above shall have attached to a collar around its neck a vaccination and tag described above.

(2) The rabies certificate shall bear a tag number identified with the tag attached to the collar of the dog or cat. Both certificate and tag will expire one or three years from date of issue.

(3) All veterinarians who vaccinate a dog or cat shall issue a certificate as outlined in this article as well as inform the owner of the animal that a tag is required by law. Such notification must be done in writing. No exemptions are applicable to these requirements.

(4) Any veterinarian who administers a rabies vaccination must enter the rabies certificate and owner information into the database maintained by Animal Services.

- (e) Fees.

(1) The veterinarian's fee for vaccination of a dog or cat shall be set by each individual licensed veterinarian of the State of Georgia.

(2) A tag shall be issued in exchange for a fee as set forth herein. Any veterinarian licensed to do business in the City of Savannah or Chatham County may collect the fee and issue the tag. Should any veterinarian elect to do so, then that veterinarian is

authorized to keep \$1 of the collected fee and the remainder shall be remitted to Animal Services.

(3) For all non-commercial pets as described 9-5021(a)(1), the fee for an annual vaccination tag shall be \$5 and the fee for a three year vaccination tag shall be \$15.

(f) Exemptions. Dogs or cats entering the City of Savannah from outside Chatham County only for the purpose of performing or a temporary stay not exceeding 30 days and kept under the direct control of their owners or handlers are exempt from the tag requirements of this article.

(g) Time Limitation on Obtaining a License. Except as provided by subsection (b) above, it shall be the duty of all persons owning or having possession of a dog or cat brought into the City of Savannah to have the dog or cat vaccinated and to obtain the vaccination tag and the rabies certificate required by this article within a period of 30 days from the date of such entry.

(h) Impoundment of Unlicensed, Unvaccinated Dogs or Cats.

(1) Any dog or cat found within the City of Savannah not wearing or displaying a valid, current vaccination tag and not confined within a fence on the premises of the owner/custodian with all gates and openings closed shall be immediately impounded, quarantined or otherwise disposed of as required by this article. Any dog or cat found within the City of Savannah not properly vaccinated as required by this chapter shall be impounded, quarantined or otherwise disposed of as required by this chapter.

(2) Notwithstanding the above, the American Kennel Club (AKC), or similar registries as listed on the official website of Animal Services, registered animals are exempt from spay and neuter provisions of animals at large upon presentation of proof that the animal is registered with AKC and the owner is a *bona fide* owner as determined in the sole discretion of the Director of Animal Services.

Section 9-5021. Breeder Regulations.

(a) Breeders of AKC, or similar registries as listed on the official website of Animal Services, registered animals must possess a business permit and comply with all state regulations. Any dog born that is not registered must be spayed or neutered as soon as medically possible as

well as both parents, if possible. Any breeder of such animal who does not have AKC registration but has been intentionally a super breeder fee for failure to comply. In addition to the super breeder fee of \$250, the pet shall come into compliance within 5 days. Upon second conviction, the super breeder fee shall be \$1,000. If for any reason the animal is not capable of being spayed or neutered for a medically acceptable reason, the owner shall present proof of the same within 5 days of citation to the Director of Animal Services.

(b) Any non-registered animal in violation of this section must also be microchipped for identification purposes within the same 5 day period and proof of the same must be presented to the Director of Animal Services.

Section 9-5022. Impoundment of Dogs and Cats.

(a) Any dog found upon the streets, lanes, highways, roads or squares of the City of Savannah in violation of this article shall be caught by the Animal Services officer or his/her assistant and impounded. The Animal Services officer or his/her assistant shall have the specific right to enter upon any unenclosed private property to secure capture of any dog in violation of this article. To effect the impounding of such a dog, if necessary, the Animal Services officer shall have the right to muzzle or employ such other methods as may be reasonably necessary to impound such animal.

(b) Any dog impounded for any reason shall not be returned to the owner until the dog has a microchip placed in the dog at the owner's expense.

(c) Any menacing dog or cat impounded as a stray animal will not be released until the animal is spayed or neutered at the owner's expense unless the owner has *bona fide* registration letters. Notwithstanding the above, any dog or cat who is impounded for a third time irrespective of registration, shall not be returned to its owner until such time as it is spayed or neutered unless a veterinarian licensed to do business in Chatham County provides written proof that the spay or neuter procedure would jeopardize the animal's health.

(d) For dogs and cats found within the City of Savannah by a non-owner, the finder shall actively pursue ownership of the animal by bringing the animal to Animal Services for a stray hold within 24 hours of finding the animal unless other such rules are promulgated by the Director of Animal Services on the official Chatham County web page. Under all circumstances, a lost report shall be submitted to Animal Services within 24 hours by the finder and the animal must be surrendered

to Animal Services within 72 hours of being found so the original owner can pursue reunification.

(e) For dogs and cats found within the City of Savannah by a non-owner and taken to a licensed veterinarian, should the veterinarian elect to shelter the cat or dog, then the veterinarian shall actively pursue ownership of the animal for at least 14 days. The veterinarian shall notify Animal Services within 48 hours of taking custody of the animal.

(f) The penalty for non-compliance shall be seizure of the stray animal for a stray hold and the finder may be assessed a fine of up to \$25 per day.

(g) Any person having been found to intentionally abandon a dog or cat in accordance with O.C.G.A. §4-11-1 shall be found guilty of a violation of this ordinance and punished as provided herein.

(h) Any dog impounded under the provisions of this article shall be kept for a minimum of 5 days in some convenient place, to be known as the Animal Services shelter. Any cat impounded shall be kept 3 days unless otherwise deemed a hazard to the welfare of other sheltered animals or released in accordance with accepted veterinary practices in the sole discretion of the Director of Animal Services.

(i) Within 5 days after a dog is impounded or 3 days after a cat is impounded, the owner or possessor shall come forward and pay the annual license fee, if he has not paid the same, and an impoundment fee, and a boarding fee. Impoundment and boarding fees shall be paid before an impounded animal shall be released to the owner or possessor. Impoundment fees will be established by Chatham County

(j) Any dog impounded under this article whose owner, possessor or representative shall not come forward within 5 days after the impoundment and pay the license tax and the fees specified by Chatham County shall become the property of Chatham County to be managed by the Director of Animal Services. Any cat impounded under this article whose owner, possessor or representative shall not come forward within 3 days after the impoundment and pay the license tax and the fees specified by Chatham County shall become the property of Chatham County to be managed by the Director of Animal Services.

(k) The shelter and impounding of dogs and cats found, impounded or trapped within the City of Savannah in violation of this article may be delegated to and performed by such organization as may be selected by the Chatham County Board of Commissioners. During times of a County-

declared emergency, the Director of Animal Services may take necessary steps to ensure the safety of animals located within the City of Savannah.

Section 9-5023. Disposal of Dog Excrement; Proper Equipment; Offense.

(a) It shall be unlawful for any person who possesses, harbors or is in charge of any dog not to immediately remove excrement deposited by any dog upon the common thoroughfares, streets, sidewalks, trees, lawns, playground areas, parks, squares, and upon other public premises and the failure to remove said excrement shall be deemed a public nuisance and is prohibited.

(b) It shall be the duty of any person having custody of any dog on public property to have in such person's possession a device or equipment for the picking up and removal of dog excrement. An acceptable device shall include any plastic or metal mechanized or non-mechanized device constructed for scooping pet excrement; a hand shovel or trowel; a plastic or paper bag; a Styrofoam, plastic or paper cup; or any similar device that can contain and remove the excrement. The use of sheet paper, newspaper, paper napkins or handkerchief is deemed unacceptable and unsanitary for removing excrement and shall not be used. The provisions of this subsection shall not apply to a dog aiding the disabled (*e.g.*, a guide dog) or to a dog performing police or rescue activities.

(c) Failure of the person having custody of the dog to remove the dog excrement by acceptable device shall constitute a violation of this ordinance and be subject to a fine of not less than \$50.00 or greater than \$200.00.

Section 9-5024. Service Dogs and Emotional Support Animals.

(a) It shall be illegal for any person to use a dog purportedly for use as a service dog where the dog is not a *bona fide* service animal as determined by the Director of Animal Services.

(b) Emotional support dogs are not animals covered by the Americans with Disabilities Act. Any dog being used as an emotional support dog shall obtain a Canine Good Citizen Certificate prior to service. A list of approved American Kennel Club trainers will be provided by the Director of Animal Services. Said certificate must be carried by the animal handler at all times the dog is being used in an emotional support capacity.

Section 9-5025. Tethering. It shall be unlawful for anyone to tether a dog as defined herein. The Animal Services officer is authorized to seize any dog so confined and impound the dog as if it were found at large. The same fees, fines and restrictions shall apply to the dog before it can be returned to the owner. An

overhead run designed for natural and sufficient movement within a confined space that contains water and food is not considered tethering.

Section 9-5026. Animals Left in Unattended Cars. It shall be unlawful to leave any animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal. Any animal services employee or other law enforcement agent may use reasonable force to remove the animal from the vehicle if such employee or agent believes the animal is in jeopardy of death or serious injury. Nothing herein constitutes a waiver of sovereign immunity. Any act of removing an animal from an unattended vehicle is within the sole discretion of the employee or agent pursuant to his or her training or experience.

Sections 9-5027 – 9-5029 shall be reserved.

ARTICLE C. Animal Control - Classified Dogs.

Section 9-5030. Classified Dogs. Classified dogs are defined in Title 4, Chapter 8 of the Georgia Code. Any determination of a dog as a classified dog shall be conducted in accordance with O.C.G.A. §4-8-23. Notwithstanding any other provision of law, any event leading to or resulting in the classification of a dog can be discovered whether it occurred on public or private property.

Section 9-5031. Proper Enclosure. “Proper enclosure” means an enclosure for keeping a classified dog while on the owner’s property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such structure shall either be:

- (a) A kennel or doghouse with a secured top and ample space for movement if the structure includes a run. Additionally, all kennels and doghouses shall include a barrier from the exposed ground; or
- (b) A secured area that is escape-proof from the particular animal housed therein; or
- (c) Any other enclosure permitted under Title 4, Chapter 8 of the Official Code of Georgia.

Section 9-5032. Fee for Classified Dog. The registration fee for classified dogs shall be set by Chatham County pursuant to Section 22-303 of the County Animal Control Ordinance. In addition thereto, the owner of a classified dog shall present to the Animal Services officer evidence that the dog has been spayed or neutered, microchipped for identification and evidence of:

- (a) A policy of insurance in the amount of at least \$25,000 or more issued by a surety company authorized to transact business in this state

insuring the owner of the classified dog against liability for any personal injuries inflicted by the classified dog; or

(b) A surety bond in the amount of \$25,000 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the classified dog.

(c) Issuance of a certificate of registration or the renewal of a certificate of registration by Chatham County Animal Services shall not warrant or guarantee that the requirements specified are maintained by the owner of a classified dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

(d) An Animal Services officer shall be authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section.

Section 9-5033. Restraint of a Classified Dog. It shall be unlawful for an owner of a classified dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by no more than a 6-foot chain or leash and is under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person.

Section 9-5034. Animal Control Board. The Chatham County Animal Control Board is hereby recognized by the City and vested with authority to conduct the duties outlined in Article 8 of Title 4 of the Official Code of Georgia within the City's corporate limits.

Section 9-5035. Prevention of Classification of Dogs; Prevention of Attacks.

(a) The Director of Animal Services in his or her sole discretion may determine that special circumstances exist that warrant implementation of preventative measures to ensure the health, safety and welfare of citizens from certain dogs. If the Director determines such circumstances exist, the Director is hereby vested with authority to require any of the following measures:

(1) Necessary repairs or erecting of a fence or other similar enclosure to ensure the dog remains securely inside the structure or designated area;

(2) Requiring the owner to microchip the dog at the owner's expense;

- (3) Post a sign similar to that required of a classified dog;
 - (4) Require owner to secure the dog inside the residence when the owner is not present on the property;
 - (5) Require written notification to Animal Services if the dog's ownership changes or residence is relocated; and/or
 - (6) Require that the owner and dog attend training or other domestication education to empower the dog and owner to obtain the skills necessary to prevent attacks.
- (b) The Director may take into account the following factors when requiring preventative measures under subsection (a) above:
- (1) The presence of children, elderly person, disabled persons or other vulnerable population in close proximity to the dog;
 - (2) The history of the dog, whether in this jurisdiction or another;
 - (3) The reputation of the dog to attack or attempt to attack without provocation to either other animals or humans;
 - (4) The adequacy of the current confinement and its use or lack thereof by the owner;
 - (5) The behavior, size, temperament, capacity for inflicting serious injury, the number and type of other dogs present or in close proximity to the dog in question; or
 - (6) Any other factor deemed relevant by the Director.

Section 9-5036. Classified Dogs Brought into the City. It shall be unlawful for anyone to bring a classified dog into the City of Savannah with the intent of having such dog reside within the City limits.

ARTICLE D. Animals - Miscellaneous Provisions.

Section 9-5037. Additional Protections for Birds. The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests within the sanctuary; provided, however, that if pigeons, starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property in the opinion of the proper health

authorities of the City, such health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of such clubs are found to exist in the city, after having given at least three days actual notice of the time and place of such meeting to the representatives of the clubs. If, as a result of such meetings, no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities, under the supervision of the police chief.

Section 9-5038. Prohibition on Fishing at Coffee Bluff Marina. It shall be unlawful for any person to fish at any time on the Coffee Bluff Marina property, which shall include, but not be limited to the observation pier and marina proper.

Section 9-5039. Animal Cruelty. A person commits an act of animal cruelty when such person causes the death or unjustified physical pain and suffering of an animal or maliciously causes the death, physical harm to the animal rendering parts of the animal useless or seriously disfigured or with knowledge or intent commits any of the acts otherwise made unlawful by this Chapter. This provision shall not apply to any person euthanizing an animal due to a disease or action taken to avoid pain and suffering.

Section 9-5040. Beekeeping. The purpose of this section is to establish sound beekeeping practices, so as to avoid issues that may otherwise be associated with the keeping of bees in an urban setting.

- (a) Notwithstanding compliance with any other section of this Chapter, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.
- (b) Beekeeping may be permitted provided the following requirements are met:
 - (1) Licensing requirement for commercial beekeepers. The Georgia Bee Law, O.C.G.A. § 2-14-40, requires that all beekeepers selling bees, queens, nuclei, etc. be commercially licensed. All other beekeepers (e.g. hobbyists, pollinators, honey producers) are not required to be licensed or inspected by the plant protection section.
 - (2) Registration required. All beekeepers are required to annually register each apiary with the Chatham County Department of Building Safety. Commercial beekeepers

are required to submit a copy of their state license with their registration.

- (3) Fees. The fee for registration is \$25.00 per address, regardless of the number of hives and will be collected by the Chatham County Building Safety and Regulatory Services Department. All fees raised by this registration procedure shall be designated and used for animal control activities.
- (4) Mosquito control. Mosquito control operations are conducted to maintain a reasonable quality of life for residents and protect them from mosquito-borne diseases. Mosquito control staff will notify registered beekeepers prior to control operations that may affect their hives. It is the beekeeper's responsibility to take precautions that will help to protect their hives. Mosquito control staff can provide hive protection recommendations.
- (5) Fencing of flyways. Where a colony is located within 25 feet of a property line, as measured from the nearest point on the five to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet high in the vicinity of the apiary. Colonies in stands above six feet should have the hive opening facing inward of the property on which they are located.
- (6) Water. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times.
- (7) General maintenance. Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. All such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (8) Queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper shall promptly re-queen the colony. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.
- (9) Colony densities. It shall be unlawful to keep more than the following number of colonies on any parcel within the city:

- (A) One-quarter acre or less tract size: two colonies;
- (B) More than one-quarter acre but less than one-half acre: four colonies;
- (C) More than one-half acres but less than one acre tract size: six colonies;
- (D) One acre or larger tract size: eight colonies.

Regardless of parcel size, if all hives are located at least 200 feet from all property lines, there shall be no limit to the number of colonies.

Regardless of parcel size, if all property, other than the apiary parcel, within a 200 foot radius from the hive is undeveloped property, there shall be no limit to the number of colonies.

(10) Definitions. For purposes of this section:

- (A) *Apiary* shall mean a place where bees and beehives are kept, especially a place where bees are raised for their honey.
- (B) *Beekeeper* shall mean a person who owns or has charge of one or more colonies of bees.
- (C) *Colony or hive* shall mean an aggregate of bees consisting principally of workers, but having, when perfect, one queen at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

Section 5-5041. Chickens. Chickens kept for personal, non-commercial purposes may be permitted provided the following requirements are met:

- (a) Number of chickens. One chicken per 1,000 square feet of high ground shall be permitted; provided, however, that the maximum number of allowable chickens shall be 30. More than 30 chickens shall constitute a poultry farm and must meet all zoning and other regulations.

- (c) Building permit. A city building permit is required for any coop or shelter in 120 square feet or larger.
- (d) Minimum setback requirements. The minimum setback of a chicken habitat from neighboring human living quarters is determined by the number of birds and shall be:
 - (1) Up to ten birds: 25 feet;
 - (2) More than ten birds: 50 feet.

This setback requirement may be waived if the adjoining neighbor(s) provides written permission. If a neighbor changes, written permission from the new neighbor is required.

Section 9-5042. Horses. Horses may be permitted provided the following requirements are met:

- (a) Minimum parcel size. Horses shall not be kept on parcels less than two acres in size.
- (b) Proper drainage. Horses shall be kept on high ground with proper drainage.
- (c) Minimum setback. Horse stables (not enclosures or fencing) shall be a minimum of 100 feet from any occupied building except the unit of the owner unless the owner of the adjacent building and the health officer give permission for a lesser distance. Horse stables standing as of February 15, 2007 shall be at least 50 feet from an occupied building, except the dwelling unit of the owner, unless the owner of the building and the health officer grant approval.
- (d) Waiver of minimum parcel size. The animal control unit commander or his/her designee may waive the minimum parcel size in cases where the horse(s) has appropriate shelter, food and is generally well cared for.

Section 9-5043. Pigs. Pigs kept for personal, non-commercial purposes may be permitted provided the following requirements are met:

- (a) Number of pigs. One pig per 1,000 square feet of high ground is permitted.
- (b) Minimum parcel size. Pigs shall not be kept on parcels less than two acres in size, except as provided for in this section.

- (c) Waiver of minimum parcel size. The animal control unit commander or his/her designee may waive the minimum parcel size in cases where the pig(s) has appropriate shelter, food and is generally well cared for.
- (d) Minimum parcel size exemption. Swine species such as Miniature Vietnamese, Chinese or Oriental pot-bellied pigs (*sus scrofa vittatus*) shall be permitted on any parcel, regardless of parcel size, subject to the following:
 - (1) The height of the pig at its shoulder does not exceed 18 inches and the animal weighs no more than 25 pounds.
 - (2) No more than three pigs shall be kept at any one address for any period in excess of three days.
- (e) Minimum setback requirements. The minimum setback of the pig exterior habitat shall be 250 feet from any occupied building except the dwelling unit of the owner.
- (f) Maximum number of pigs. More than ten pigs constitutes a non-personal, commercial use and must meet all zoning and other regulations.

Section 9-5044. Slaughter of animals. Slaughter of any animal must be performed in a humane manner and out of sight of neighbors and the general public.

Section 9-5045. Snakes and other large reptiles. Snakes and other large reptiles shall not be permitted at public events, parades or festivals. Individuals or organizations permitted by the State Department of Natural Resources are exempted from this section.

SECTION 2: That Chapter 5, Animal Control, shall become effective when signed by the Mayor.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: _____

Eddie W. DeLoach, MAYOR

CLERK OF COUNCIL