

C O V E R




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E-MAIL

S H E E T

CHATHAM COUNTY MANAGER'S OFFICE

124 BULL STREET, SUITE 220/P. O. BOX 8161

SAVANNAH, GEORGIA 31412

Date: September 30, 2020
To: City Managers/Administrators
From:  Lee Smith, County Manager
Subject: Chatham County Animal Control Ordinance

Ladies and gentlemen, on January 17, 2020 the Chatham County Board of Commissioners approved amendments to the Animal Control Ordinance. As you may recall, there were discussions at the Calling All Managers meeting prior to this action about the County's intent to make these changes. However, since March all of us have been dealing with unprecedented public health challenges.

The County's Animal Services Department responds throughout the County to calls for animal assistance. To ensure continued response, I would ask that your City council adopt the revised ordinance by December 18, 2020 so the County can continue enforcement within your jurisdiction.

For your convenience and information, I have attached a copy of the ordinance along with a PowerPoint presentation outlining the changes adopted on January 17, 2020. Your council may choose to adopt a more restrictive ordinance, but our officers will only enforce and prosecute the County Ordinance.

Upon Council adoption, please forward a copy of the related resolution or certified copy of the minutes to my attention. For additional information, please contact the following as needed:

Legal	Jennifer Davenport	Assistant County Attorney	(912) 652-7881
Technical/Service Questions	Dr. Charles Harper	Animal Services Director	(912) 201-4390
General	Linda B. Cramer	Assistant County Manager	(912) 652-7888

We appreciate your attention to this matter.

WLS:dbh

Attachment

cc: R. Jonathan Hart, County Attorney
Jennifer Davenport, Assistant County Attorney
Dr. Charles Harper, Director, Chatham County Animal Services
Michael A. Kaigler, Assistant County Manager
Linda B. Cramer, Assistant County Manager
Janice E. Bocook, Clerk of Commission

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Animal Control

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ARTICLE I

In General

The Board of Commissioners of Chatham County does hereby repeal Articles I through and including IV of 22-101 through 22-407 of the Animal Control Ordinance in its entirety and substitutes in lieu thereof the following provisions of said ordinance set forth more particularly as follows:

\$22-101 Statement of Purpose. Chatham County has undertaken to establish this Animal 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 County. Animal ownership is encouraged and welcomed within this County; 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. Chatham County believes that all animals should be cared for in a loving and nurturing manner by both pet owners within their dwelling or by shelters using best practices or in conformance with modern veterinarian practices.

\$22-102 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, water, or food impure or unwholesome.
- (e) Person - "Person" means 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 - an occurrence when a dog uses its mouth to attach 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 - 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 - 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 and access to food and water.
- (j) Adequate shelter - means a protective covering for an animal that is of adequate size and provides adequate protection to maintain the animal in a state of good health, and that prevents pain, suffering, or 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. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure.
- (k) Menacing - as determined by the Director of Animal Services, a menacing animal is one that suggest the presence of danger or is threatening given the totality of the circumstances.

§22-103 Dogs Not to Run at Large; Restriction in a Public Places.

- (a) It shall be unlawful for the owner of any livestock or domestic fowl to permit the same to run at large within the unincorporated limits of the county or to keep the same in any manner in any street or public place.
- (b) It shall be unlawful for the owner of any dog to permit the same to run at large. At large means any dog 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 owner of the animal, unless by permission of the owner of such property. A dog off a leash despite the presence of the owner within the unincorporated limits of the county to include parks, playgrounds, County owned facilities, cemeteries, schools or other 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) 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 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.

§22-104 Provisions for Domestic Animals and Wildlife

- (a) The provisions of the Animal Control Ordinance within the boundaries of Chatham County shall apply to the following: any non-human living vertebrate creature, including, but not limited to, dogs, cats, horses, cows, goats, swine, guineas, rabbits, fowl, chickens, peacocks, geese and ducks.
- (b) 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.

§22-105 Citation and Punishment and Jurisdiction

- (a) Where any animal, dog or cat, whose owner or custodian is found to be in violation of any provision of this Article, the Animal Services officer shall have a duty and authority to issue a citation and a subpoena to owner or custodian for the violation of said article in addition to any other remedy provided by state law including impounding the animals.
- (b) Any person violating any provisions of this chapter upon conviction before the Magistrate 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.
- (c) Notwithstanding the previous limitations, punishments for certain offenses are outlined more specifically herein.

§22-106 Keeping of Animals: Humane Treatment

- (a) All dogs and other animals shall have adequate shelter as defined herein.
- (b) If the shelter is made of wood, it shall be raised at least two inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.
- (c) 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.

§22-107 Jurisdiction

- (a) Jurisdiction to enforce this ordinance is vested throughout the entirety of Chatham County to the extent permitted by law. Animal Services shall enforce all provisions as to the vaccination for rabies throughout the entirety of Chatham County.
- (b) Should any municipality wish to adopt this ordinance in its entirety then the Director of Animal Services shall enforce the same within the municipal limits of said municipality. All enforcement actions shall be handled by the County and any revenues or expenses thereto shall be received or borne by the County. Venue shall lie in a court of competent jurisdiction.
- (c) Should any municipality adopt an ordinance for services that vary or are otherwise not outlined herein, then the Director is authorized to enforce the municipality's adopted ordinance upon execution of an Intergovernmental Agreement or Memorandum of Understanding between the County and the municipal governing authority.

§22-108 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 purposes 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 a 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 in.
- (c) Section 22-108 shall not apply to commercial establishments permitted for use as boarding, breeding, or veterinarian offices.

§22-109 Spay and Neuter Requirements

- (a) 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 as outlined herein.
- (b) 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 health of the dog or cat.

§22-110 Exemptions

At the sole discretion of the Director of Animal Services, exemptions from strict compliance with any provision of the Animal 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.

§22-111 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, squares or other common public property of Chatham County any dead animal.

§22-112 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 residence within twenty-four (24) hours where notice of complaint was provided to owner or custodian of animal for the purpose of establishing

ownership or 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 go upon the premises and take custody of said animal.

- (b) The Director of Animal Services shall also be authorized to establish, participate or otherwise coordinate in any educational, rescue, or other benevolent groups for the purposes of eradicating overpopulation, promoting responsible treatment of all animals and for the general welfare of the citizens of Chatham County and any animal belonging to those citizens when so authorized by the County Manager.

ARTICLE II

Dogs and Cats Generally

§22-201 Definitions; Vaccination and Registration of Dogs and Cats

- (a) The following definitions shall apply in the interpretations and enforcement of this chapter:
1. Cat - The word "cat" shall mean domestic cats only (*felix catus*) whether vaccinated or not vaccinated against rabies
 2. Dog - The word "dog" shall mean only domesticated dogs (*canis familiaris*) whether vaccinated against rabies or not vaccinated.
 3. Exotic Animal - The word "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 - The word "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 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 the Chatham County Animal Services.
 5. Vaccination and License Tag - The word "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 article.
 6. Vaccinate or Inoculate - The word "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) The word "veterinarian" shall mean any person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine and holds a license to practice 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. All such license from the State of Georgia shall be prominently displayed.

(b) Vaccination Required. It shall be unlawful for any person to own any dog or cat 14 weeks of age or older without first having the dog or cat vaccinated against rabies. Each dog or cat shall have both the vaccination and licensed tag in addition to the rabies certificate described in subsection (a) above. Any tag or license required by Chatham County to reflect the vaccination shall be displayed as directed.

1. Any person owning a dog or cat who does not comply with this shall be in violation of this ordinance, provided that a person shall register his or her dog or cat within thirty (30) days of the rabies vaccination, or thirty (30) days after becoming a resident of Chatham County. 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:

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

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

3. All owners of animals being moved into Chatham County 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 Chatham County.

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.

Any 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.

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

1. Every owned dog or cat which has received a rabies vaccination or medical waiver as set forth in subsection (d) of 22-201 above shall have attached to a collar around its neck a vaccination and license tag described in subsection (a) 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 shall submit the rabies certification to Animal Services or its designee.

(e) Fees

1. The veterinarian's fees for vaccination of a dog or cat shall be set by each individual licensed veterinarian of the State of Georgia.
2. For all non-commercial pets, as defined in Section 22-202(1)(a), the fee for an annual vaccination tag shall be as specified in the Chatham County Revenue Ordinance.

- (f) Exemptions. Dogs or cats entering unincorporated Chatham County from outside the County only for the purpose of performing or temporary stay not exceeding thirty (30) days and kept under direct control of their owners or handlers are exempt from the tag requirements of this article.
- (g) Time Limitation on Obtaining License. Except as provided by subsection 2. above, it shall be the duty of all persons owning or having possession of a dog or cat brought into unincorporated Chatham County 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 thirty (30) days from the date of such entry.
- (h) Impoundment of Unlicensed, Unvaccinated Owned Dogs or Cats.
1. Any owned dog or cat found within covered jurisdictions of Chatham County 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 owned dog or cat found within unincorporated Chatham County not properly vaccinated as required by this chapter shall be impounded, quarantined or otherwise disposed of as required by this chapter.
 2. Notwithstanding any provision of this Article, 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 unless the dog has been found at large three or more times.

§22-202 Breeder Regulations

- (a) Breeders of AKC, or similar registries as listed on the official website of Animal Services must comply with all state regulations before applying for a Chatham County Business license. Proof of compliance with Department of Agriculture's regulations must be presented along with the application for business license in Chatham County. In addition the business license issued by Chatham County will reflect the Breeder's permit number.
- (b) Any dog born to a breeder as outlined in Section 22-202 that is not registered must be spayed or neutered

as soon as medically possible as well as both parents, if possible.

- (c) Any breeder of such animal who does not comply with this Code Section that has intentionally bred dogs outside the permissions described above shall pay a super breeder fee for failure to comply.
- (d) The super breeder fine shall be \$250. 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 \$1000.
- (e) If for any reason the animal is not capable of being spayed or neutered for a medically accepted reason, the owner shall present proof of the same within 5 days of citation of Director of Animal Services.
- (f) 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.

§22-203 Effect of Impounding on Dogs and Cats

- (a) Any dog or cat found upon the public streets, lanes, highways roads or squares of unincorporated Chatham County or other area governed by the ordinance in violation of this article, may be caught by the Animal Services officer or his assistant and impounded the same. The Animal Services officer or his 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 in the discretion of the Animal Services.
- (b) Any dog or cat impounded for any reason shall not be returned to the owner until the dog or cat has a microchip placed in the dog by Animal Services at the owner's expense.
- (c) The regulations regarding spaying and neutering outlined in this article shall apply to all impounded dogs and cats.
- (d) Any dog impounded under the provisions of this article shall be kept for a minimum of five (5) days in some convenient place, to be known as the Animal Services

shelter. Any cat impounded shall be kept three days unless otherwise deemed a hazard to the welfare of other sheltered animals or released in accordance with acceptable veterinarian practices in sole discretion of the Director of Animal Services. All owners of outside cats are encouraged to microchip all cats.

22-204 Effect of Impounding dogs and cats on owners and non-owners

- (a) For dogs and cats found within Chatham County by a non-owner, the finder shall actively pursue ownership of the animal by notifying Animal Services of the animal's whereabouts. All non-owners finding such a cat or dog shall have it scanned for a microchip. Under all circumstances, a lost animal report shall be submitted to Animal Services within 24 hours.
- (b) For dogs and cats found within Chatham County 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 24 hours of taking custody of the animal. Failure to notify Animal Services within 24 hours shall result in a fine not to exceed \$25 per day for each day the report is not filed.
- (c) Any person having been found to intentionally abandon a dog or cat as outlined in O.C.G.A. Section 4-11-1 shall be found guilty of a violation of this ordinance and punished as provided herein.
- (d) Within five (5) days after a dog is impounded, the owner or possessor shall come forward and pay the annual license fee, if he or she has not paid the same, and an impoundment fee, and a boarding fee. Impoundment and boarding shall be paid before an impounded animal shall be released to the owner or possessor.
 - a. The impoundment fee shall be \$35.00 or as otherwise authorized under the Chatham County Revenue Ordinance.
 - b. The boarding fee may be assessed up to \$25.00 per day or as otherwise authorized under the Chatham County Revenue Ordinance.

- (e) Any dog impounded under this article whose owner, possessor or representative shall not come forward within five (5) days after the impoundment and pay the license tax and the fees specified in this article shall become the property of Chatham County to be managed by the Director of Animal Services.
- (f) The shelter and impounding of dogs and cats found, impounded or trapped within Chatham County, to include all municipalities therein, in violation of this article may be delegated to and performed by such organization as shall be selected by the Board of County Commissioners. During times of a declared emergency pursuant to Chapter 4 of this Code, the Director of Animal Services may take necessary steps to ensure the safety and health of both the citizens and animals located within the Chatham County.

§22-205 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, lots, 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.
- (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 fifty (\$50.00) or greater than two-hundred (\$200.00) dollars unless otherwise outlined in the Chatham County Revenue Ordinance.

§§22-206 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.

§22-207 Animals left in unattended cars

It shall be unlawful to leave an animal unattended in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from dangerous temperatures, lack of food or lack of water. Chatham County Animal Services or any other law enforcement shall take such action as is necessary including entry of the vehicle by any means to remove an animal from such jeopardy and may impound said animal and secure medical treatment for said animal as needed at the owner's expense. Chatham County Animal Services officers may take possession of any deceased animal found in any parked vehicle for purposes of determining the cause of death in question pursuant to animal neglect or cruelty of this code. 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 and experience.

22-208 Abuse and Negligent

- (a) It shall be unlawful for any person to commit an act of cruelty towards any animal. Any person who abuses an animal, or aids another person in abusing an animal or causes or permits an animal to abuse another animal, by acting or failing to act, shall be in violation of this section. Cruelty to animals includes but is not limited to:
 - (1) Neglecting to provide adequate drink, adequate food, adequate space, adequate shelter, adequate ventilation and/or sanitary conditions;
 - (2) Failure to provide reasonable remedy or relief for any injured or diseased animal;
 - (3) Failure to provide necessary veterinary care;
 - (4) Causing unnecessary suffering of any animal;
 - (5) Beating, torturing, tormenting or mutilating;

- (6) Otherwise treating any animal in a cruel or inhumane manner;
- (7) Any of the above while the animal is tethered.
- (b) It shall be unlawful for a person to intentionally train, breed, possess, harbor, keep, have custody or control of any animal for the purpose of animal fighting. It shall be unlawful to be a spectator at or bet on an animal fighting activity. The intentional fighting of dogs, dog and hog, and cocks is expressly prohibited.
- (c) Exceptions:
 - (1) A person shall not be guilty of animal cruelty when the person is protecting his/her life, or the life of another person or animal that is being attacked by an animal that is attempting to severely harm or kill him/her or another person or animal provided that the person being attacked is not committing a crime or is not aggravating or inciting the animal to attack.
 - (2) Licensed veterinarians who perform surgery or euthanasia and animal control officers who euthanize animals under the direction of animal control per the guidelines of the Georgia Veterinary Medical Association, Georgia Department of Agriculture, and this article shall not be guilty of animal cruelty.
- (d) Any animal control officer or other officer empowered to act by law may impound any animal found to be abused in any manner set forth in this section.

ARTICLE III

Classified Dogs

§22-301 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 done 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 considered whether it occurred on public or private property.

\$22-302 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) 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.

\$22-303 Fee for Classified Dog

The registration fee for all classified dogs shall be \$150.00 annually. It shall be a requirement that one warning sign shall be included in this fee and additional signs as may be required shall cost an extra \$35.00 per sign.

In addition to the requirements above, 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 \$25,000.00 or more issued by a surety company authorized to transact business in this state insuring the owner of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog; or
- (b) A surety bond in the amount of \$25,000.00 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.
- (c) Issuance of a certificate of registration or the renewal of 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. Law enforcement agencies of local governments and the sheriffs of counties shall cooperate with Animal Services officers in enforcing the provisions of this section.

§22-304 Restraint of 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.

§22-305 Animal Control Board; Creation; Membership

Pursuant to the authority granted herein, the Board of Commissioners hereby creates, designates and defines an Animal Control Board.

- (a) The Animal Control Board shall consist of 3 members. The first member shall be a representative of the State Board of Health. The second member shall be the Director of Animal Services or a representative of thereof. The third member shall be a citizen of Chatham County who shall be selected by the Chatham County Health Department. There shall also be a hearing officer who is selected by the Director of Animal Services.
- (b) The Animal Control Board shall be created upon the enactment of this ordinance and all terms shall be for two years beginning on May 1, 2017.
- (c) The Animal Control Board shall conduct all of the duties outlined by Article 8 of Title 4 of the Official Code of Georgia.

§22-306 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 given the 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 or residence is relocated.
 - (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) of this provision:
- (1) the presence of children, elderly persons, 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;

d, any other factor deemed relevant by the Director.

§22-307 Classified Dogs Brought Into County.

It shall be unlawful for anyone to bring a classified dog into Chatham County with the intent of having said dog reside in the county.

ARTICLE IV

Dogs and Cats Other

\$22-401 Animals Transported by Vehicles

No animals shall be transported on a public road in an open vehicle including an open top vehicle or open truck bed unless housed in a secured container designed for that purpose and having a provision for adequate ventilation, food and water. Said container shall have an open grille on one end, a solid top and bottom and a minimum of 15% total accumulated side areas incorporated into an open grille for air circulation provisions. Chatham County Animal Services officers shall be entitled to impound and cite the owner or custodian of any animal being transported in violation of the term of this article.

\$22-402 Limitation on Number of Animals in Residential Areas

- (a) No person who is the owner or custodian of any single family residence which is zoned for single family residences shall have greater than eight (8) cats, unless all animals are permanently confined to the actual living space of the family residence.
- (b) No person who is the owner or custodian of any single family residence which is zoned for single family residences shall have greater than 10 dogs per acre.
- (c) The prohibitions on the number of cats and dogs shall not include in that number any dog or cat that has a litter less than four months of age nor the litter itself so long as the animals are confined to the actual living space of the family residence.

\$22-403 Stray Dog and Cat

Any person who after 14 days of diligent search and in compliance with this article who intends to provide care and sustenance for any dog or cat shall be deemed to be the custodian of said dog or cat.

\$22-404 Limitations on cats outside of a residence

- (a) Any cat that resides in a residence but is allowed outside of said structure must be spayed or neutered.

- (b) Any cat deemed a nuisance to adjacent property owners or Animal Services may be trapped and brought to Animal Services as an at large animal.

ADOPTED AND APPROVED, this ^{4th} 17 day of

January, 2020.

