

Title 4 - ANIMALS

Ch. 4.10	Animal Services (2009 Revision)
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*Footnotes:***--- (1) ---**

Editor's note—Res. of 9-24-2009, § 1(Exh. A), deleted former Title 4, §§ 4.10.010—4.10.500, and enacted a new Title 4 as set out herein. The former Title 4 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Cross reference—Health and safety, tit. 8; disposal of dead animals, § 8.60.170; noisy animals, § 8.80.020; abatement of nuisances, ch. 8.140; zoning regulations, tit. 17; setbacks for buildings or pens housing livestock or other animals, § 17.240.060; animals in residential districts, ch. 17.290.

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Footnotes:

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Editor's note— Res. of 2-11-10(2), § 1(Exh. A), amended Ch. 4.10 title to read as herein set out. Former Ch. 4.10 title pertained to animal services.

ARTICLE I. - GENERAL PROVISIONS

4.10.100. - Definitions.

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

Abandonment means to place upon public property, within a public building or within the private property of another without the express permission of the owner, custodian or attendant of the private property, any domesticated animal or agricultural animal that is unattended or uncared for. Any owner shall also be considered to abandon the domesticated animal or agricultural animal, for the purposes of this chapter, if the animal has been upon or within the property of the owner or custodian of this animal for a period of time in excess of 36 hours unattended and without adequate food and water or if the owner of the animal was evicted from the premises

where the domesticated animal or agricultural animal was kept and said owner fails to immediately remove the animal from the premises.

Adequate food means food that is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Adequate food shall not include garbage, spoiled, rancid or unhygienic food or food containing worms, insects or insect larvae.

Adequate size means a structure or container of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure or container comfortably.

Adequate space means a sufficient space for adequate exercise suitable to the age, size, species and breed of animal, which, unless otherwise provided in this chapter, shall include at least:

1. An enclosure with a minimum of **100** square feet per animal except for an animal in transport by vehicle, an animal being boarded at a licensed facility, or any animal under 25 pounds that shall be provided with space of adequate size, or
2. A provision of at least a ten-foot metal chain or metal cable (not including a rope) that cannot become tangled or prevent the animal from having access to adequate food, water or shelter for any animal tethered or chained outside. **This form of tether shall not be used as a permanent means of restraint.**

Adequate water means clear, drinkable water in adequate supply, but does not include snow, ice, rancid, unhygienic water or water containing worms, insects, or insect larvae.

Aggravated habitual violator means a habitual violator as provided for in this chapter that has been found guilty of more than one violation of article III of this chapter or any

other provision of this chapter wherein the animal involved in the violations inflicted a bite breaking the skin on another animal or human.

Agricultural animal means any hoofed animal including, but not limited to, bovine, caprine, equine, ovine, and swine, and, more specifically, cows, donkeys, goats, horses, llamas, mules, sheep and pigs as well as all other animals used or suitable for either food, fiber or labor including chickens, roosters, turkeys, or other fowl on agricultural property.

Agricultural property means, for the purpose of this chapter only, any parcel of land two acres or more in size, or property that is less than two acres in size that is contiguous or adjacent to parcels of land that are at least five acres or more in size.

Animal means any animal including those of the amphibian (amphibians), reptilian (reptiles), aves (fowl) and mammalia (mammals) classes.

Animal at large means an animal not under restraint.

Animal control officer means any officer, agent or employee of Hall County Animal Services designated by the governing authority to perform the duties of animal control and enforcement of this chapter and to perform the duties of dog control officer pursuant to **O.C.G.A. § 4-8-22(c)**, as amended from time to time.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under **§ 501(c)(3)** of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include any entity, which is, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

Animal shelter means any facility operated by or under contract for the state, county, a

municipal corporation, or a political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

Animal under restraint: any domesticated animal or agricultural animal is considered under restraint unless otherwise provided herein if:

1. It is controlled within the property limits of its owner by:
 - a. A visible physical barrier from which the animal cannot escape, that is securely locked by key or combination lock at any time the animal is left unattended and that is not an invisible electronic fence; or
 - b. A metal chain or metal cable of sufficient strength to restrain the animal;
2. It is controlled on a leash by a person physically able to control the animal;
3. It is entirely contained within the occupant enclosure of a vehicle;
4. If entirely contained within the cargo area of a truck being driven or parked on the streets, it is safely restrained by a harness or tether of sufficient strength to restrain the animal or confined in a kennel or cage; or
5. It is within the fenced enclosure of any dog park approved and operated

by the governing authority.

Board of health means the Hall County Board of Health.

Bona fide farm means five acres or more of land used for agriculture and which houses livestock.

Canine shall mean a dog.

Cock fighting tool means any instrument attached to the spur of a rooster intended for fighting.

Community cat means any stray or feral cat (unowned and free roaming) that has been impounded by the animal control unit and marked by surgical ear-tip in accordance with the Community Cat Program.

Dangerous animal means any animal other than livestock maintained on agricultural property, that, according to the records of an appropriate authority:

1. Has without provocation inflicted severe injury on a human being on public or private property; or
2. Aggressively bites, attacks, or endangers the safety of humans, domesticated animals or agricultural animals without provocation after the animal has been classified as a potentially dangerous animal and after the owner has been notified of such classification.

Domesticated animal means an animal that is living in or about the habitation of people including, but not limited to, cats, chickens, dogs, ducks, cows, fowl, geese, horses, rabbits, swine and livestock, whether or not they are further classified by this chapter as hazardous animals, dangerous animals or potentially dangerous animals, but shall not include agricultural animals. Pen raised skunks are categorized as those skunks acceptable by the State of Georgia and may be kept in Georgia as pets.

Feral animal means an animal that has escaped from a domestic or captive status and is more or less living as a wild animal, or is born of a feral animal.

Fowl means chickens, ducks, geese, roosters, turkeys, poultry and other birds of the aves class.

Governing authority means the Board of Commissioners of Hall County, Georgia.

Guard animal means any animal which has been trained to attack persons or other animals independently or upon oral command and any animal which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which it is located.

Habitual violator means any owner or member of the owner's household that is found guilty of violating two or more of the same sections of this chapter more than once in any twelve-month period when the violations for two or more of the same sections occur on separate days.

Hall County Animal Shelter means the animal shelter operated by Hall County, Georgia.

Harbors means providing comfort and safety by providing food, water, or shelter for more than 7 days.

Hazardous animal means any animal:

1. For which a permit or license is required for possession pursuant to O.C.G.A. § 27-5-1, et seq.;
2. That is a hybrid animal which is part wild animal in accordance with the laws of the State of Georgia; or
3. That is a Reticulated Python (*Python reticulatus*), Amethystine Python (*Morelia amethistina*), Green Anaconda (*Eunectes murinus*), Indian Python (*Python molurus*—the Burmese Python *P. m. bivittata* is a

subspecies of the Indian) or African Rock Python (*Python sebae*).

Hoarder means a person or entity that is the owner of more than one animal maintained without adequate food, water, sanitation or space.

Humane society means the Humane Society of Hall County or any corporation, organization or association existing for the purpose of prevention of cruelty to animals, education for humane treatment of animals or animal adoption for stray animals.

In distress means the condition of an animal that, because of lack of necessary veterinary care, is in pain, anxiety, or acute physical or mental suffering requiring immediate assistance to prevent death of the animal or an animal suffering to the extent that necessary veterinary care is required to prevent further physical harm to the animal.

Indiscriminate Breeder is someone who is not licensed by the Department of Agriculture, does not have a Hall County business license, and intentionally or unintentionally breeds their animals.

In heat means a female animal that is in her estrous cycle.

Law enforcement agency means the Hall County Sheriff's Office, Hall County Enforcement Division or other law enforcement agency of the governing authority.

Livestock means any hoofed animal including, but not limited to, bovine, caprine, equine, ovine, and swine, and, more specifically, cows, donkeys, goats, horses, llamas, mules, sheep and pigs.

Necessary veterinary care means medical care of an animal from or under the direction of a licensed veterinarian and necessary to maintain the health of an animal based on the age, species, or breed of the animal, or to prevent an animal from suffering from:

1. Ongoing infection;

2. Infestation of parasites;
3. Disease; or
4. Any other medical condition/injury where withholding or neglecting to provide such veterinary care would further endanger the health or welfare of the animal or promote the spread of communicable diseases.

Owner means any natural person or any legal entity, including but not limited to a corporation, partnership, firm, trust, or parent or legal guardian of any minor, who or which:

1. Owns;
2. Possesses;
3. Harbors;
4. Keeps;
5. Cares for;
6. Feeds;
7. Maintains;
8. Has custody or control of; or
9. Knowingly permits to be harbored or kept or to remain on or about their premises an animal within the jurisdiction of the governing authority. If an animal has more than one owner, any one of such owners may be prosecuted for violations whether or not any other owners are also prosecuted.

Pet shop means a retail establishment where animals are sold, advertised for sale, exchanged, offered for adoption, bartered or offered for sale, or auctioned as pet animals to the general public at retail. Such definition shall not include a private residence not generally open to the public, an animal control facility, or animal rescue organization as defined.

Potentially dangerous animal means any animal, other than livestock maintained on agricultural property, with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings, or any animal that when unprovoked:

1. Inflicts injury on a human being on public or private property;
2. Chases or approaches a human being upon the street, sidewalks or any public grounds or the private property of another in a vicious or terrorizing manner in an apparent attitude of attack; or
3. On more than one occasion causes injury to or death of another domesticated animal or agricultural animal. ~~Unless the other domesticated animal or agricultural animal was not under restraint at the time.~~

Proper enclosure means an enclosure for keeping a dangerous animal or potentially dangerous animal while on the owner's property securely confined and enclosed in a manner suitable to prevent the entry of young children and designed to prevent the animal from escaping as specified in the criteria set forth in subsection 4.10.570B of this chapter.

Public or private animal refuge means a place where a harborer of unwanted animals of any breed, including crossbreeds, provides food, shelter, and confinement for more than four animals of any kind.

Public Nuisance Animal means an animal that:

1. Is repeatedly found at large;
2. Damages the property of another, or causes injury to a person (not from an aggressive attack);

3. Attacks or bites without provocation;
4. Chases vehicles, bicycles, or people; or
5. Is found with no owner's tag, microchip, or other form of owner's information that would aid in returning the animal to the rightful owner.
6. Chases vehicles, bicycles, or people

Records of appropriate authority means records of any state, county or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state, or local court; records of a dog control officer as provided in O.C.G.A. § 4-8-22(c); or records of an animal control officer as provided by this chapter.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery, or a physical injury that results in death.

Sexually mature animal means any dog or cat that has reached the age of 180 days or more.

Sterilization means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

Unowned animal means any animal that is not wearing a collar or other identifying information such as a microchip, and no information is known about a possible owner.

(Res. of 2-11-10(2), § 1(Exh. A); Res. of 10-25-18(1), § 1)

Editor's note— Res. of 2-11-10(2), § 1(Exh. A), repealed former § 4.10.100, and enacted a new § 4.10.100 as set out herein. Former § 4.10.100 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

4.10.110. - Animal services division.

The animal services division of Hall County shall be comprised of Hall County Animal Control and the Hall County Animal Shelter. Hall County Animal Control shall be responsible for enforcing the provisions of this chapter and such other duties as assigned by the animal services director. The Hall County Animal Shelter shall be responsible for sheltering animals impounded by Hall County Animal Control, the adoption of animals released to it from Hall County Animal Control and such other duties as may be assigned in this chapter and the animal services director.

(Res. of 9-24-09, § 1(Exh. A))

4.10.120. - Dog control officer.

Pursuant to O.C.G.A. § 4-8-22(c), the duties of the dog control officer shall be vested in the animal services division director and his designees which shall include all individuals employed by said division to enforce the provisions of the chapter as animal control officers.

(Res. of 9-24-09, § 1(Exh. A))

4.10.130. - Cooperation with animal control officer.

A. An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter. All law enforcement agencies of the governing authority shall cooperate with the animal control officers in enforcing the provisions of this chapter.

B. It shall be unlawful:

1. To interfere with, fail to cooperate with or fail to respond to any lawful request of a Hall County Animal Control Officer or any

law enforcement officer acting pursuant to this chapter;

2. To refuse to comply with any Hall County Animal Control Officer's command to place an animal in quarantine or to provide an animal to Hall County Animal Control for quarantine;
3. To take or attempt to take any animal from a Hall County vehicle, trailer or any other vehicle or trailer used by Hall County to transport an animal pursuant to this chapter without the authorization of Hall County Animal Services;
4. To take or attempt to take any animal from the Hall County Animal Shelter or other impounding area used by Hall County Animal Services for the purposes of this chapter without the authorization of Hall County Animal Services;
5. To relocate, interfere with, or alter the operation of any device, equipment, or item of Hall County Animal Services without the express authorization of Hall County Animal Services;
6. To place their own animal into or remove any animal confined within a trap or cage operated by Hall County Animal Control without the authorization of Hall County Animal Services; or
7. To give a false name, address, date of birth, or statement to any officer, employee or agent of Hall County Animal Services in the lawful discharge of his or her official duties with the intent to mislead such officer, employee or agent in any way.

(Res. of 9-24-09, § 1(Exh. A))

4.10.140. - Enforcement of chapter.

The primary responsibility for the administration and implementation of this chapter shall be vested in Hall County Animal Services with the enforcement of all of said chapter except for article VII to be vested in Hall County Animal Control, which may call upon such other officers and employees of any law enforcement agency of the governing jurisdiction as may also be necessary for the enforcement of this chapter. Animal Control Officers may exercise good faith discretion in the implementation and enforcement of the provisions of this article. Enforcement shall be based upon a complaint lodged with an Animal Control Officer or observations made by an Animal Control Officer.

(Res. of 9-24-09, § 1(Exh. A))

4.10.150. - Summons.

Upon information known to, or a complaint lodged with, any officer or member of Hall County Animal Control, or any law enforcement agency employee of the governing authority, that any owner or possessor of an animal is in violation of this chapter, a summons or citation shall be issued requiring the owner or possessor of such animal to appear before the judge of the magistrate's court of the county on a day and time certain and to answer said summons or citation.

(Res. of 9-24-09, § 1(Exh. A))

4.10.160. - Violations; penalty.

Any person, firm, corporation, association or partnership violating any provision of this chapter as the same exists or as it may hereinafter be amended, or who shall fail to do anything required by this chapter as the same exists or as it may hereafter be amended, shall be guilty of a County ordinance violation, amenable to the process of the magistrate or state court of Hall County, and upon conviction, shall be punished as provided

in the Official Code of Hall County, Georgia § 1.50.020 for each violation in the discretion of the court. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

- A. In addition to any other penalties allowed by law, the court, as a part of the sentence, may include conditions mandating the spay or neuter of offender's animals, or prohibiting the offender from owning, possessing, or having on the offender's premises any animal.
- B. A habitual violator or aggravated habitual violator shall be sentenced to at least a fine of twice the amount imposed on the defendant's last conviction for a violation of this chapter, unless otherwise constrained by law.
- C. A person determined by the courts to be an Indiscriminate Breeder shall be mandated to spay or neuter all of their animals. In the event that the owner cannot afford to do so or would rather surrender their animals to the Hall County Animal Shelter they do so with the understanding that they shall not own any animals for a period of (2) years.

(Res. of 9-24-09, § 1(Exh. A))

ARTICLE II. - DUTIES TOWARDS ANIMALS

4.10.200. - Duty of owner to keep animals under control.

- A. It is unlawful for the owner of any domesticated animal or agricultural animal, or anyone having a domesticated animal or agricultural animal in his possession or control, to permit such domesticated animal or agricultural animal to be at large and not under restraint unless said

animal is livestock and is maintained in accordance with § 4.10.230 of this chapter. However, on or after January 1, 2010, all hazardous animals shall be maintained in accordance with § 4.10.250D. of this chapter.

B. A public nuisance animal includes any animal that:

1. Is repeatedly found at large;
2. Damages the property of another; or causes injury to a person (not from an aggressive attack);
3. Attacks or bites without provocation;
4. Chases vehicles, bicycles, or people.

C. Found with no owner's tag, microchip, or other form of owner's information that would aid in returning the animal to the rightful owner.

(Res. of 9-24-09, § 1(Exh. A))

4.10.210. - Rabies vaccination; vaccination fee; display of tag.

A. When any animal as may be required by state law to be vaccinated for rabies is being kept in the jurisdiction of the governing authority, it shall be the duty of any owner or possessor or custodian of said animal to procure current rabies vaccination if said animal is three months of age or older. The owner, possessor or custodian shall affix to the collar or harness of the animal the current vaccination tag as prescribed by the board of health.

B. The veterinarian administering the rabies vaccine required by this section shall collect, in addition to the charges for vaccination, the sum of \$0.50 for each dog vaccinated. The fees collected under this provision shall be delivered to the general fund for the board of commissioners of

Hall County by the veterinarian collecting said fees on or before the 20th day of the month following the month in which said fees were collected.

C. It shall be unlawful for any owner of a dog, cat or other animal required to have a rabies vaccination by state law, to allow such animal in any area of the jurisdiction of the governing authority without a visible collar which shall have attached a valid and current rabies vaccination tag as required by the board of health. It shall be the duty of each animal owner required to have a rabies vaccination for such animal to provide a collar with a rabies vaccination tag for each animal, except when such animal is participating in an animal show or exhibition.

(Res. of 9-24-09, § 1(Exh. A))

4.10.220. - Limitation of ownership.

A. Any person who has been convicted of a violation of Article III of this chapter or who is a habitual violator under the provisions of this chapter shall not own, possess, or have on his premises with him any animal for one year from the date of conviction without a written waiver from the Hall County Animal Services Director. A nolo contendere plea is considered a conviction for the purpose of this section. Nothing in this section shall prohibit the court from imposing a greater length of time as a part of any sentence imposed for a violation of this chapter.

B. Any person who is an aggravated habitual violator under the provisions of this chapter shall not own, possess, or have on his premises with him any animal for three years from the date of conviction without a written waiver from the Hall County Animal Services Director. A nolo

contendere plea is considered a conviction for the purpose of this section.

Nothing in this section shall prohibit the court from imposing a greater length of time as a part of any sentence imposed for a violation of this chapter.

(Res. of 9-24-09, § 1(Exh. A))

4.10.230. - Maintaining livestock.

A. All livestock shall be:

1. Confined within the property limits of its owner by:
 - i. A visible fence enclosure (can be electric); or
 - ii. A metal chain, metal cable or rope of sufficient strength to restrain the animal;
2. Controlled by a leash or lead in the possession of a person physically able to control the animal;
3. Contained within the occupant enclosure of a vehicle or any D.O.T. approved trailer suitable for carrying and containing said animal;
4. Contained within the cargo area of a truck being driven or parked on the streets if it is safely restrained by a harness or tether of sufficient strength to restrain the animal or confined in a kennel or cage; or
5. If the livestock is otherwise restrained in accordance with the provisions of this chapter for having an animal under restraint or as may otherwise be provided.

B. Any fenced enclosure containing livestock shall be maintained in such a

manner as to keep any livestock from escaping the property of its owner.

- C. Any person providing boarding or pasturing space or such services for hire shall have the same responsibility for maintaining the livestock and the enclosure it is kept within in accordance with paragraphs
 - A. and B. of this section unless an applicable livestock owner lease agreement or other agreement between the livestock owner and the property owner specifies the livestock owner is responsible for maintaining livestock.
 - D. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the jurisdiction of the governing authority or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.
 - E. Unless kept in accordance with standard agricultural practices and as otherwise permitted pursuant to **§§ 17.290.010 - 17.290.040** of this Code, only one **grazing** livestock animal shall be permitted for each 15,000 square feet of land area.

(Res. of 9-24-09, § 1(Exh. A))

4.10.240. - Guard animals.

In addition to all other requirements of this chapter, any person maintaining a guard animal in an area for the protection of persons or property shall meet each of the following requirements:

- A. The animal shall be confined to an enclosed area adequate to insure that the animal cannot escape and that is securely locked by key or

combination lock at any time the animal is left unattended.

B. When not securely enclosed, the animal shall be under the absolute physical control of a handler that is capable of restraining and controlling the dog at all times, muzzled and restrained by a secure leash which is not in excess of six feet in length and which is of sufficient strength to prevent escape of the animal.

C. The owner or other persons in control of the premises upon which a guard animal is maintained shall post warning signs over or next to all exterior doors stating that a guard animal is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such sign shall be in lettering clearly visible from either the curb line or at a distance of 50 feet, whichever is greater, and shall contain a telephone number where some person responsible for controlling such guard animal can be reached 24 hours a day.

D. The owner or custodian of any guard animal shall report to Hall County Animal Control within 24 hours any of the following:

1. Escape of the guard animal;
2. An attack on a human or animal by the guard animal;
3. Transfer of ownership of the guard animal by sale, gift or otherwise;
4. Any change in the location of the guard animal; or
5. Death of the guard animal.

E. Prior to the placing of a guard animal on any property, the person or

persons responsible for the placing shall inform Hall County Animal Control, all law enforcement agencies of the governing authority, as well as the fire chief, in writing, of their intention to post said animal, the number of animals to be posted, the location where said animal will be posted, the approximate length of time said animal will be guarding the area, and the breed, sex, age and rabies tag number of said animal. Said notice must be renewed in writing every 12 months.

(Res. of 9-24-09, § 1(Exh. A))

4.10.250. - Hazardous animals.

- A. No person shall own, keep, harbor, house, or permit to be kept, harbored or housed any hazardous animal within the jurisdiction of the governing authority, unless said animal is registered in writing annually with the Hall County Animal Control Director or his designee in accordance with paragraph B of this section.
- B. Written registration shall be made to the Hall County Animal Control Director or his designee and shall include:
 1. Photographic evidence that the animal will be kept under restraint or confined and will be provided adequate space as is common for the hazardous animal species being registered;
 2. Proof that the animal is registered as required by state or federal law; and
 3. Payment of any required registration fee for hazardous animals as set by the fee schedule adopted by the governing authority.
- C. The owner of any hazardous animal shall keep the animal:

1. In a container, kennel, crate or fence that it cannot escape and that is securely locked by key or combination lock at any time the animal is left unattended;
2. Controlled by a leash or lead by a person physically able to control the animal; or
3. Entirely contained within the occupant enclosure of a vehicle.

D. The owner of the hazardous animal shall notify animal control:

1. Immediately if the animal has attacked a human or other animal;
2. Within 24 hours if the animal is on the loose, is unconfined, has died;
3. Within 72 hours if the animal has been sold, transferred or donated and provide the animal control officer with the name, address, and telephone number of the new owner of the animal as well as the address for the location of the animal;
4. Within 72 hours of any change in the property location where the hazardous animal is kept; and
5. Within 72 hours of the death of the hazardous animal.

E. The owner of any hazardous animal must obtain all necessary state and federal permits and meet all state and federal requirements for keeping such animal.

(Res. of 2-11-10(2), § 1(Exh. A))

Editor's note— Res. of 2-11-10(2), § 1(Exh. A), repealed former **§ 4.10.250**, and enacted a new **§ 4.10.250** as set out herein. Former **§ 4.10.250** pertained to similar subject matter. See the Code Comparative Table for complete derivation.

4.10.260. - Confining dogs and cats in heat.

Every female dog or cat in heat shall be confined in a building or other enclosure in such manner that such female animal cannot come into contact with another sexually intact animal of the same species except for planned breeding.

(Res. of 9-24-09, § 1(Exh. A))

4.10.265. -Indiscriminate breeder.

It is unlawful to be an Indiscriminate Breeder within the jurisdiction of this governing authority.

4.10.270. - Loud noises prohibited.

It shall be unlawful for any person to keep or maintain any domesticated animal or agricultural animal that makes, continues or causes to be made or continues any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the jurisdiction of the governing authority and which is audible to a person of normal hearing ability more than 100 feet from the point of origin of this sound or noise. Anyone who keeps or maintains a domesticated animal or agricultural animal that unreasonably disturbs the comfort or repose of any person or persons because the domesticated animal or agricultural animal is emitting frequent or long continued sounds or noises, and who continues to keep, maintain, or allow any domesticated animal or agricultural animal to so disturb the comfort or repose of any person or persons shall be deemed in violation of this section. This section shall apply to horses, livestock, poultry and other farm animals unless on agricultural property.

(Res. of 9-24-09, § 1(Exh. A))

4.10.280. - Sterilization of dogs and cats.

A. Any public or private animal shelter, including the Hall County Animal Shelter, animal control agency operated by a political subdivision of this state, including Hall County Animal Control, a humane society, or a public or private animal refuge, shall make provisions for the sterilization of all dogs or cats acquired from such shelter, agency, society, or refuge by:

1. Providing sterilization by a licensed veterinarian before relinquishing custody of the dog or cat; or
2. Entering into a written agreement with the person acquiring such dog or cat guaranteeing that sterilization will be performed by a licensed veterinarian within 30 days after acquisition of such dog or cat in the case of a sexually mature animal or by the sexual maturity of the animal in the case of a sexually immature animal, provided, however, that the requirements of this paragraph shall not apply to any privately owned dog or cat which any such shelter, agency, society, or refuge may have in its possession for any reason if the owner of such dog or cat claims or presents evidence that such dog or cat is the property of such person.

B. All costs of sterilization pursuant to this section shall be the responsibility of the person acquiring such dog or cat and, if performed prior to acquisition, may be included in any fees charged by the shelter, agency, society, or refuge for such dog or cat.

C. Any person acquiring a dog or cat from a public or private animal shelter including the Hall County Animal Shelter, an animal control agency

operated by a political subdivision of this state including Hall County Animal Control, a humane society, or a public or private animal refuge, which dog or cat is not sterile at the time of acquisition, shall submit to the animal shelter, animal control agency, humane society, or public or private animal refuge from which the dog or cat was acquired a signed statement from the licensed veterinarian performing the sterilization required by paragraph A.2 of this section within seven days after such sterilization attesting that such sterilization has been performed.

D. Every public or private animal shelter, including the Hall County Animal Shelter, an animal control agency operated by a political subdivision of this state, including Hall County Animal Control, a humane society, or a public or private animal refuge selling or offering for sale or exchange any dog or cat that is not sterilized shall maintain and furnish to any person acquiring a dog or cat from such shelter, agency, society, or refuge, a current list of veterinarians licensed in this state who have notified the shelter, agency, society, or refuge that they are willing to perform sterilizations and the cost for such procedures.

(Res. of 9-24-09, § 1(Exh. A))

4.10.290. - Disposal of dead animals.

A. If a domesticated animal or agricultural animal other than livestock or fowl shall die:

1. The owner must bury the carcass within 24 hours after the death and discovery of the carcass; and
2. The animal shall be buried at least three feet below the ground

level and have not less than three feet of earth over the carcass and must not contaminate the ground or surface water.

B. If livestock or fowl shall die, it shall be disposed of in accordance with state law.

C. In the event the public works director of the governing authority, or his designee, shall be designated by said governing authority to remove said carcasses, then it is unlawful to bury said carcass and said carcass shall be removed at the expense of the owner of the animal, if known, and the finance director of the governing authority shall collect the fee for the same as provided by law.

(Res. of 9-24-09, § 1(Exh. A)) ARTICLE III. - ANIMAL ABUSE

4.10.300. - Animal abuse—Abandonment.

It is unlawful for the owner of any domesticated animal or agricultural animal to knowingly abandon the animal or commit the act of abandonment within the jurisdiction of the governing authority. However, the following exceptions shall apply:

A. A domesticated animal or agricultural animal that is deserted when premises are temporarily vacated for the protection of human life during a disaster or emergency hospitalization shall not be regarded as abandoned under this section where the owner or custodian lacked sufficient time or resources to make reasonable arrangements for the adequate care and custody of the animal.

B. A domesticated animal or agricultural animal left unattended when its sole owner dies shall not be deemed abandoned, and shall be impounded

by Hall County Animal Control until animal control can locate a family member to take custody of the animal. If a family member cannot be located within a period of seven days or does not claim the animal within three days, then the animal will be held in compliance with article IV of this chapter.

(Res. of 9-24-09, § 1(Exh. A))

4.10.310. - Animal abuse—Physical harm.

Any person who causes undue suffering, deprives their injured or sick animal of necessary veterinary care, tortures, torments, disfigures, maims, mutilates, kills without legal justification, beats, bruises, wounds or poisons any domesticated animal or agricultural animal or exposes the animal to any poisonous substance with the intent that the poisonous substance should physically harm any domesticated animal or agricultural animal, whether belonging to himself or another, shall be in violation of this chapter.

(Res. of 9-24-09, § 1(Exh. A))

4.10.320. - Animal abuse—Food, exercise, space and air.

Any person who confines any animal shall be in violation of this chapter if the person:

- A. Fails to supply it with adequate food and adequate water;
- B. Keeps the animal in an enclosure without adequate space; or
- C. Keeps the animal without wholesome exercise and change of air.
- D. It shall be unlawful for the owner of a canine or one who has a canine in his possession to restrain or leave unattended by means of anchoring with a chain, cable, rope, leash, runner, cord or similar tethering device.
- E. Fails to provide necessary grooming that would prevent harm or health issues.

(Res. of 9-24-09, § 1(Exh. A); Res. of 10-25-18(1), § 2)

4.10.330. - Animal abuse—Shelter and sanitation.

A. Any owner, custodian or possessor of any animal who fails to provide shelter of adequate size with at least a roof, a floor and three sides or an "igloo" type of structure for the animal it is intended for and sufficient to protect said animal from the elements shall be in violation of this chapter. 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. All livestock maintained in pastures are exempt from this section.

B. Any owner, custodian or possessor of any animal who fails to maintain in a clean and sanitary condition and free from extreme and unreasonable objectionable odor all structures, pens, yards, and areas adjacent thereto wherein any animal is kept shall be in violation of this chapter. Unclean and unsanitary conditions shall include but not be limited to:

1. Crates, kennels and indoor premises where the animal is kept that are malodorous from more than a day's waste of urine and feces from said animal or whose floor of the container it is in is more than 25 percent covered in urine and feces; and
2. Premises where the animal is enclosed with garbage, trash outside of trash containers or sewage or effluent from human waste that can be reached by the animal.

(Res. of 2-11-10(2), § 1(Exh. A))

Editor's note— Res. of 2-11-10(2), § 1(Exh. A), repealed former § 4.10.330, and enacted a new § 4.10.330 as set out herein. Former § 4.10.330 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

4.10.340. - Animal abuse—Hoarder.

It shall be unlawful for any person to be a hoarder within the jurisdiction of the governing authority.

(Res. of 9-24-09, § 1(Exh. A))

4.10.345. – Habitual Violator

It shall be unlawful for any person to be a habitual violator within the jurisdiction of the governing authority.

4.10.350. - Animal abuse—Leaving in autos.

A. Any person who transports any animal in any vehicle or leaves an animal in a vehicle unattended with the outside temperature higher than 80 degrees shall be in violation of this chapter unless sufficient ventilation is provided to prevent the animal from being in distress.

B. No animal shall be transported in the closed trunk of a vehicle.

C. When the conditions inside a parked vehicle provide reasonable cause to believe the animal may die if not immediately removed as shown by the animal's physical appearance and a violation of paragraphs A or B is present, any animal left in a parked vehicle may be removed from that vehicle by animal control, any law enforcement agency, or any fire agency. Hall County shall not be liable for any damage caused to such vehicle in order to remove said animal.

(Res. of 9-24-09, § 1(Exh. A))

4.10.360. - Animal abuse—Fighting.

No person shall:

- A. Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting;
- B. Build, make, maintain, or keep a pit on any premises owned by him or occupied by him or allow a pit to be built, made, maintained or kept on such premises for the purposes of an exhibition of animal fighting;
- C. In any manner encourage, instigate, promote or assist in an exhibition of animal fighting or intentional combat;
- D. Charge admission, be an assistant, umpire or participant or be present as a spectator to any exhibition of animal fighting or combat; or
- E. Own, possess, keep, or make any cock fighting tools.

(Res. of 9-24-09, § 1(Exh. A))

4.10.370. - Animal abuse—Dying or coloring certain animals for display, sale, or gift prohibited.

No person shall sell, offer for sale, give away, or display any animal which has been dyed, colored or otherwise treated so as to impart to them an artificial color except for medically necessary reasons.

(Res. of 9-24-09, § 1(Exh. A))

4.10.380. - Animal abuse—Procuring another to do act.

Any person who procures another person to do any of the acts prohibited in this article shall, upon conviction, be punished as provided for any other violation of this chapter.

(Res. of 9-24-09, § 1(Exh. A))

4.10.390. - Animal abuse—Exemptions.

A. A person who is:

1. Lawfully engaged in any sporting or hunting activity;
2. Slaughtering an animal for the purpose of providing food;
3. Engaged in the lawful euthanasia of an animal;
4. A veterinarian or is working under the direction of a veterinarian and performs any procedure, handles or transports an animal pursuant to the standard practices for a veterinarian or their practice; or
5. Acting as a law enforcement officer or animal control officer in the line of duty to protect against a case of aggression of an animal shall not be charged with a violation of this chapter if a violation of this article is from any such lawful activity.

B. Any person who maintains an agricultural animal on agricultural property and that keeps the agricultural animal in accordance with standard agricultural practices shall not be charged with a violation of the following provisions of this chapter:

1. **Subsection 4.10.320B.** (adequate space); and
2. **§ 4.10.330** (sanitation, adequate shelter and adequate size) and shall otherwise be exempt from the provisions of this article for the handling, treating and transporting of agricultural animals using accepted agricultural practices and procedures.

(Res. of 9-24-09, § 1(Exh. A))

ARTICLE IV. - IMPOUNDMENT AND REQUIRED EUTHANASIA

4.10.400. - Impoundment of animals, generally.

A. Any animal may be impounded if:

1. It is not under restraint or is at large as provided in **§ 4.10.200**;
2. It is livestock and is not being maintained in accordance with **§ 4.10.230** of this chapter;
3. It is a hazardous animal that, on or after January 1, 2010, the owner has not registered with the Hall County Animal Services Director or his designee or the hazardous animal is not being confined as required pursuant to **subsection 4.10.250D**. of this chapter;
4. It is a guard animal and is not kept in accordance with the provisions of **§ 4.10.240** of this chapter;
5. It does not have a visible collar with a valid and current rabies vaccination tag affixed as required by **subsection 4.10.210C**. of this chapter;
6. It has been abandoned as prohibited in **§ 4.10.300** of this chapter;
7. It has bitten or is reasonably suspected of biting another animal or human and is being held for the required quarantine period under the rules of the board of health; or
8. It has been abused as prohibited in article III of this chapter.

B. Said animal shall be impounded according to such rules and regulations now or hereafter prescribed by law or by the resolutions and ordinances of the governing authority for the detention, control and disposition of animals. All impounded animals shall be housed and cared for at the Hall

County Animal Shelter or such other facility as may be required to securely confine the animal if the animal cannot be maintained at the Hall County Animal Shelter.

C. Any animal impounded after a finding by an animal control officer that it has been abused pursuant to article III of this chapter or a violation of **§§ 4.10.250 or 4.10.265** of this chapter shall not be released to the owner unless the owner demonstrates to animal control that the animal will not be subjected to the same or different conditions upon its release that originally led to or will lead to a violation of article III of this chapter or **§ 4.10.240 or § 4.10.250** of this chapter within seven days of animal control's impoundment of the animal.

D. Any animal whose owner fails to comply with paragraph C of this section within the required seven days shall be released by Hall County Animal Control to the Hall County Animal Shelter for adoption or euthanasia.

(Res. of 9-24-09, § 1(Exh. A))

4.10.410. - Impoundment, housing and care of dangerous or potentially dangerous animals.

A. Upon a finding by animal control that an animal is dangerous or potentially dangerous and that the owner knew the animal was dangerous or potentially dangerous or upon confiscation pursuant to **§ 4.10.640** of this chapter, the animal may be impounded by Hall County Animal Control or any law enforcement agency employee of the governing authority until such time as the owner of the dangerous or potentially

dangerous animal provides proof of compliance with the duties of the owner of dangerous or potentially dangerous animal as set forth in articles V and VI of this chapter.

- B. All animals impounded under this section shall be housed and cared for at the Hall County Animal Shelter unless another facility which meets the requirements for housing a dangerous or potentially dangerous animal is expressly agreed upon between the animal control officer and the animal's owner.
- C. A dangerous or potentially dangerous animal whose owner has not complied with the provisions of articles V and VI of this chapter within 20 days of the date the animal was impounded or whose owner has failed to pay the fees required for release of the animal pursuant to **§ 4.10.420** of this chapter within three days of the impoundment of said animal as well as every seven day period thereafter, shall be destroyed in an expeditious and humane manner.
- D. Any animal classified as dangerous or potentially dangerous under this chapter that is not reclaimed by the owner as provided in this section shall not be released for adoption, but shall be humanely euthanized instead.

(Res. of 9-24-09, § 1(Exh. A))

4.10.420. - Notice to owner of impounded animal; impound fees; redemption by owner.

- A. It shall be the responsibility of Hall County Animal Control to immediately notify the owner of each domesticated animal or

agricultural animal impounded if the owner of the domesticated animal or agricultural animal is known or can be reasonably ascertained. The owner of any domesticated animal or agricultural animal impounded may reclaim such domesticated animal or agricultural animal by the payment of:

1. Any impoundment fee as established in the animal services fee schedule adopted by the governing authority;
2. Any charges assessed by the Hall County Animal Services pursuant to the animal services fee schedule adopted by the governing authority for boarding, quarantine boarding, and veterinary services for the animal;
3. If required due to the animal not wearing a current rabies inoculation tag, the cost of the rabies vaccination as per the animal services fee schedule adopted by the governing authority; and upon proof of payment of any fine already imposed for a violation of this chapter.

B. Owners of animals who have been identified and notified but who refuse to reclaim their animals will be responsible for payment of all fees charged pursuant to this chapter by Hall County Animal Services within ten days of the animal's impoundment.

(Res. of 9-24-09, § 1(Exh. A))

4.10.430. - Release to shelter of impounded animals.

Hall County Animal Control shall release to the Hall County Animal Shelter for adoption or euthanasia any domesticated animal or agricultural animal unredeemed or

unclaimed by the owner after 72 hours except as otherwise provided herein.

4.10.440. - Biting animals.

All animals, other than a dog or cat, which are known to have bitten a person or any animal, which cannot be held for a rabies observation period, shall be euthanized and a lab specimen of brain tissue sent to the state department of epidemiology for testing and control of rabies in accordance with the rules of the board of health.

(Res. of 9-24-09, § 1(Exh. A))

4.10.450. - Suffering animals.

Any impounded animal which:

1. Represents a real immediate danger to persons or other animals, or
2. Is suffering due to a life threatening disease or injury,

and a licensed veterinarian recommends euthanasia as the most humane course of action, and the animal services control director or his designee agrees that the best interest of the animal would be served by euthanizing said animal, shall be humanely euthanized without regard to the period of confinement as provided in **§ 4.10.430** of this chapter.

(Res. of 9-24-09, § 1(Exh. A))

4.10.460. - Livestock impoundment.

All livestock impounded by Hall County Animal Control shall be disposed of in accordance with the provisions of O.C.G.A. § 4-3-4 et seq.

(Res. of 9-24-09, § 1(Exh. A))

4.10.470. - Disposition of feral animals and unowned animals.

Feral and unowned animals which have been captured by or come to be in the custody of Hall County Animal Control need not be retained for any required time

under this article. Wildlife and wild animals received by animal services will be disposed of in accordance with federal and state guidelines. All other feral and unowned animals shall be euthanized or released for adoption in the discretion of the Hall County Animal Services Director or his designee unless otherwise provided herein.

(Res. of 9-24-09, § 1(Exh. A))

ARTICLE V. - CLASSIFICATION AND REGISTRATION OF DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS

4.10.500. - Animal control officer; duties generally.

The animal control officer shall make such investigations and inquiries as may be necessary to identify dangerous animals and dangerous animal owners within the jurisdiction of the governing authority.

4.10.510. - Classification of dangerous or potentially dangerous animals; notice to owner required; contents of notice.

A. When a dangerous animal or potentially dangerous animal is classified as such, or when a potentially dangerous animal is reclassified as a dangerous animal, the animal control officer shall notify the animal's owner of such classification.

B. Notices to the owner shall meet the following requirements:

1. The notice shall be in writing and either mailed by certified mail to the owner's last known address or hand-delivered to the owner. Such notice shall be complete either upon its mailing, or, if hand-delivered, upon personal receipt;
2. The notice shall include a summary of the animal control officer's

findings that formed the basis for the animal's classification or reclassification as a dangerous or potentially dangerous animal;

3. The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has a right to request a hearing on the animal control officer's determination that the animal is a dangerous or potentially dangerous animal;
4. The notice shall state that the hearing, if requested, shall be before the governing authority or its designee, and shall specify the name of the agency which shall conduct the hearing;
5. The notice shall state that either a filing fee in the amount of \$250.00 or a sufficient pauper's affidavit showing that the owner is unable without undue financial hardship to pay the filing fee shall be filed with the hearing request to the governing authority or its designee for said hearing;
6. The notice shall state that, if a hearing is not requested, the animal control officer's determination that an animal is a dangerous or potentially dangerous animal will become effective for all purposes under this chapter 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
7. The notice shall include a form to request a hearing before the governing authority or its designee and shall provide specific instructions on mailing or delivering such request to the governing designee.

(Res. of 9-24-09, § 1(Exh. A))

4.10.520. - Liability of owner of dangerous or potentially dangerous animal.

The notice procedures provided for in this article are not an essential condition for the enforcement of the provisions of this chapter. The owner of a dangerous or potentially dangerous animal is held to know that such animal is dangerous or potentially dangerous if the animal has, at any time, displayed any one or more of the behaviors described in the definition of dangerous animal or potentially dangerous animal as provided in this chapter.

(Res. of 9-24-09, § 1(Exh. A))

4.10.530. - Presiding body at hearings on dangerous or potentially dangerous animals.

The governing authority may conduct hearings provided for in this article, may designate an animal control board to conduct such hearings, or may designate the board of health to conduct such hearings.

4.10.540. - Procedure for hearings on dangerous or potentially dangerous animals.

When the governing authority or its designee receives a request for a hearing as provided in § 4.10.510 of this chapter along with payment of the fee or a sufficient pauper's affidavit showing that the owner is unable without undue financial hardship to pay the filing fee required for said hearing, it shall schedule such hearing within 30 days after receiving the request. The governing authority or its designee shall notify the animal owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the animal owner at least ten days prior to the date of the hearing. At the hearing, the owner of the animal shall be given the opportunity to testify and present evidence, and in addition thereto the governing authority or its designee shall receive such other evidence and hear such other

testimony as the governing authority or its designee may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal control officer's classification of the animal.

(Res. of 9-24-09, § 1(Exh. A))

4.10.550. - Notice of determination regarding dangerous or potentially dangerous animal.

Within ten days after the date of the hearing, the governing authority or its designee shall notify the animal owner in writing by certified mail of its determination on the matter. If such determination is that the animal is a dangerous animal or a potentially dangerous animal, the notice shall specify the date upon which that determination is effective. If such determination is that the animal is not a dangerous animal or a potentially dangerous animal, then the governing authority or its designee for said hearing may, in its discretion, return any filing fee paid to the animal owner.

(Res. of 9-24-09, § 1(Exh. A))

4.10.560. - Certificate of registration required for dangerous or potentially dangerous animals.

It is unlawful for an owner to have or possess within the jurisdiction of the governing authority a dangerous animal or potentially dangerous animal without a certificate of registration issued in accordance with the provisions of this chapter. No more than one certificate of registration shall be granted per person or owner for a dangerous animal or potentially dangerous animal. No more than one certificate shall be issued per tax parcel of property.

(Res. of 9-24-09, § 1(Exh. A))

4.10.570. - Certificate of registration for dangerous or potentially dangerous animal;

proof of proper enclosure and posting of premises.

Subject to the additional requirements of **§ 4.10.580** of this chapter, the animal control officer shall issue a certificate of registration to the owner of a dangerous or potentially dangerous animal if the owner complies with the following requirements including presenting to the animal control officer or the animal control officer otherwise finding sufficient evidence of:

A. The posting of the premises where the dangerous animal or potentially dangerous animal is located with a clearly visible sign of the type specified by animal control warning that there is a dangerous animal on the property and containing a symbol designed to inform children of the presence of a dangerous animal. Said signs shall be exempt from any requirements for signs under the provisions of chapter 17, but, in no event, shall the signs be placed on the right-of-way of any road.

B. A proper enclosure to confine the dangerous animal or potentially dangerous animal as per the following requirements:

1. All proper enclosures located outdoors shall:
 - a. Have a securely attached top;
 - b. Have the fence bottom embedded no less than 24 inches in the ground or attached to a concrete or asphalt floor;
 - c. Be constructed of no less than six gauge wire for the sides of the fence;
 - d. Have tubing that the fence is attached to no less than 18 gauges thick;
 - e. Be no smaller than 12 feet in length and 12 feet in width,

although the height and any further width and length of the enclosure are left to the owner's discretion;

- f. Provide protection from the elements for the animal;
- g. Have only one gate that shall be of the inward opening type that is kept locked by key or combination lock except when the owner is inside the proper enclosure for the purpose of cleaning the kennel, providing food and water or otherwise tending to the animal; and
- h. Be inside a perimeter or area fence of the property on which the proper enclosure is located.

2. Any structure other than a residence approved as a proper enclosure shall meet all other building codes as well as the following:

- a. Have a securely attached top;
- b. Provide protection from the elements for the animal; and
- c. Not have any holes or other means of escape in walls, floors, windows, doors, ceiling, vents and all walls, floors, windows, doors, vents and ceiling shall be securely attached to the frame of the building.

3. A proper enclosure shall not include the owner's residence with the exception of a proper enclosure for a potentially dangerous animal that is 25 pounds or under in which event the proper enclosure may be comprised of the following:

- a. Have a securely attached top;

- b. Be a kennel of no less than five feet in length by five feet in width and five feet in height located inside the residence;
- c. Have a locked gate that shall remain locked by key or combination lock except when the owner is inside the proper enclosure for the purpose of cleaning the kennel, providing food and water or otherwise tending to the animal;
- d. Have six gauge wire fencing;
- e. Have tubing that shall not be less than 18 gauges thick; and
- f. Be allowed only if the owner and the owner of the property on which the proper enclosure is located consent to allow animal control to inspect the inside of the residence where the proper enclosure is maintained or any other area where the animal is found randomly and without notice for compliance with maintaining the animal in the proper enclosure.

C. It shall be the duty of every owner of a dangerous or potentially dangerous animal to have the animal permanently identified by insertion of a microchip by Hall County Animal Services and pay the required fee for the insertion of the microchip in accordance with the animal services fee schedule adopted by the governing authority.

D. Consent from the owner of the animal and the owner of the property that animal control shall have the right to inspect, randomly and without notice, a dangerous animal or potentially dangerous animal, on the

property of the person to whom the certificate of registration is issued to include its proper enclosure, if the animal is therein, or the entire property until the animal is found if the animal is not in the proper enclosure for the purpose of assuring compliance with this chapter.

(Res. of 9-24-09, § 1(Exh. A))

4.10.580. - Certificate of registration for dangerous animal; proof of insurance or bond.

In addition to the requirements of **§ 4.10.570** of this chapter, the owner of a dangerous animal shall present to the animal control officer evidence of:

- A. A policy of insurance in the amount of at least \$100,000.00 per occurrence issued by an insurer authorized to transact business in this state insuring the owner of the dangerous animal against liability for any personal injuries inflicted by the dangerous animal and a letter or other written verification to that effect from the insurance company through which the policy is maintained to the effect that the company is aware of the dangerous animal and is otherwise providing insurance as required in this section for the owner of the animal; or
- B. A surety bond in the amount of \$100,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous animal and a letter or other written verification to that effect from the company issuing the surety bond to the effect that the company is aware of the dangerous animal and is otherwise providing insurance as required in this section for the owner of the animal.

(Res. of 9-24-09, § 1(Exh. A))

4.10.590. - Dangerous or potentially dangerous animals; exemptions.

- A. An animal that inflicts an injury upon a person when the animal is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a dangerous animal or potentially dangerous animal within the meaning of this chapter. An animal shall not be a dangerous animal or a potentially dangerous animal within the meaning of this chapter if the injury inflicted by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the animal or had in the past been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime.
- B. No owner of a dangerous animal shall be held criminally liable under this chapter for injuries inflicted by said owner's animal to any human while on the owner's property if said owner is in compliance with the provisions of this chapter at the time of the injuries being inflicted.

ARTICLE VI. - MAINTAINING DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS

4.10.600. - Notice of escape, death, or change of ownership of dangerous or potentially dangerous animal.

- A. The owner of a dangerous animal or potentially dangerous animal shall notify the animal control officer immediately if the animal has attacked a human or other animal or within 24 hours if the animal is on the loose, is unconfined, has died, or has been sold or donated.

B. If the animal 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 animal as well as the address for the location of the animal.

C. In the event the animal is deceased, the owner shall not dispose of the body until written authorization is received from animal control.

(Res. of 9-24-09, § 1(Exh. A))

4.10.610. - Dangerous or potentially dangerous animals; annual registration fee.

An annual registration fee as set by the governing authority in the animal services fee schedule shall be charged by the animal control officer to defray the cost to register dangerous animals and potentially dangerous animals as required in this chapter. Said fee shall be due and payable at the time an application is made for a certificate of registration to be issued as well as on January 1 of each year thereafter with any required late fee as set in the animal services fee schedule as adopted by the governing authority to be assessed if the annual registration fee is not paid by February 1 of the year in which it is due.

(Res. of 9-24-09, § 1(Exh. A))

4.10.620. - Dangerous animals; muzzling.

It is unlawful for an owner of a dangerous animal to permit the animal to be outside a proper enclosure unless the animal is muzzled and restrained by a substantial 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 animal or interfere with its vision or respiration but will prevent it from biting any person. The leash shall not be in excess of six feet in length and shall be of sufficient strength to prevent escape.

(Res. of 9-24-09, § 1(Exh. A))

4.10.630. - Potentially dangerous animals; restraint.

It is unlawful for the owner of a potentially dangerous animal to permit the animal to be outside a proper enclosure unless the animal is restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The leash shall not be in excess of six feet in length and shall be of sufficient strength to prevent escape.

4.10.640. - Dangerous or potentially dangerous animals; confiscation; return to owner or destruction.

A. A dangerous animal shall be immediately confiscated by the animal control officer or by a law enforcement officer or by another person authorized by the animal control officer if:

1. The owner of the animal does not secure and maintain the liability insurance or bond required by this chapter;
2. The animal is not validly registered as required by this chapter;
3. The animal is not maintained in the proper enclosure approved by animal control;
4. The premises where the animal is located is not posted as required by this chapter; or
5. The animal is outside the proper enclosure approved by animal control in violation of this chapter.

B. A potentially dangerous animal shall be confiscated in the same manner as a dangerous animal if:

1. The animal is not validly registered as required by this chapter;

2. The animal is not maintained in the proper enclosure approved by animal control;
3. The premises where the animal is located is not posted as required by this chapter; or
4. The animal is outside the proper enclosure approved by animal control in violation of this chapter.

C. Any animal that has been confiscated under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this chapter and upon the payment of all required impoundment, boarding, veterinary and other fees set pursuant to the animal services fee schedule as adopted by the governing authority. In the event the owner has not complied with the provisions of this chapter within ten business days of the date the animal was confiscated, said animal shall be destroyed in an expeditious and humane manner.

(Res. of 9-24-09, § 1(Exh. A))

4.10.650. - Destruction of dangerous or potentially dangerous animals.

If impracticable to impound a dangerous or potentially dangerous animal due to its viciousness, or if the delay or attempt to impound the same be attended with danger, it shall be the duty of any law enforcement agency with authority in the jurisdiction of the governing authority or the animal control officer to destroy the animal.

(Res. of 9-24-09, § 1(Exh. A))

4.10.660. - Citation and court appearance for violations relating to dangerous or potentially dangerous animals.

Upon information known to or upon a complaint being lodged with an animal

control officer, or any law enforcement agency employee of the governing authority that an animal is dangerous or potentially dangerous and not being kept by its owner under restraint in compliance with this chapter, the animal control officer, or any law enforcement agency employee of the governing authority shall issue a citation for the violation to the owner of the animal to appear before the judge of the magistrate's court of the county on a day and time certain for a hearing to determine if the animal is dangerous or potentially dangerous as defined herein.

(Res. of 9-24-09, § 1(Exh. A))

4.10.670- Limitations of Potentially Dangerous, Dangerous or Vicious animals

Proper Enclosures for potentially dangerous, dangerous or vicious animals shall not be constructed within 1 mile of a school, daycare, church or area where the public gathers on regular basis, and no felon shall own, house, or be in control of a potentially dangerous, dangerous, or vicious animal. Currently housed and in compliance potentially dangerous, dangerous or vicious animals will be grandfathered in if a new school, daycare, church or area where the public gathers is constructed with in 1 mile provided no violations occur with such classified animal.

ARTICLE VII. - HALL COUNTY ANIMAL SHELTER

4.10.700. - Adoption.

A. Unless otherwise provided herein, the Hall County Animal Shelter may offer for adoption any animal unclaimed after 72 hours following impoundment or, if the animal is voluntarily surrendered to Hall County Services by the owner, the animal may be offered for adoption immediately.

B. An animal may be donated for adoption only by a resident of Hall County, Georgia unless the required animal relinquishment fee as

established pursuant to the animal services fee schedule adopted by the governing authority is paid. The donated animal may be made available for adoption upon the determination by the Hall County Animal Shelter that the animal is of reasonably good health and temperament.

C. Potential persons who desire to adopt an animal must:

1. Make application for adoption with the Hall County Animal Shelter;
2. Meet requirements associated with the humane housing and care of the animal as determined by the Hall County Animal Services Director;
3. Unless waived in writing by the animal services director or his designee, pay the required fees as established pursuant to animal services fee schedule adopted by the governing authority, including the applicable adoption fee; and
4. Be approved for adoption by the Hall County Animal Shelter in accordance with the provisions of this chapter.

D. No dog or cat which is not neutered or spayed shall be released from the Hall County Animal Shelter without a written agreement from the person adopting the animal that such dog or cat will be sterilized within 30 days from the date of adoption or, if the dog or cat is under six months old, by the time dog or cat is seven months old, in accordance with the provisions of this chapter.

E. Any adopted dog or cat not sterilized within the time specified may be reclaimed by animal control.

F. No person residing in the same household, nor any corporation, institute or other entity may adopt more than three animals within any 12-month period unless approved by the animal services director or his designee.

G. Nothing shall prohibit the Hall County Animal Shelter from using the discretion to donate animals, if the donation is in the best interest or welfare of the animal or it is in the best interest of public safety, provided a written record of the date, animal and person receiving the donation is kept by the Hall County Animal Shelter of all animals donated.

H. Hall County Animal Shelter shall have the exclusive right to dispose of all animals that have been relinquished to Hall County Animal Shelter, impounded or confiscated and not redeemed within the period specified by this chapter in any manner deemed appropriate and in the best interest of the animal and in accordance with this chapter.

Editor's note— Res. of 2-11-10(2), § 1(Exh. A), repealed former **§ 4.10.700**, and enacted a new **§ 4.10.700** as set out herein. Former **§ 4.10.700** pertained to similar subject matter. See the Code Comparative Table for complete derivation.

ARTICLE VIII - HALL COUNTY ANIMAL SHELTER

7.10.710 Community Cat Program/Feral Cat Colonies

A. The Community Cat Program/Feral Cat Colonies/Barn Cat Program may be focused in the areas of the county where the number of unowned free roaming cats located in such area is high as determined by the Community Cat Program personnel.

B. Cats brought into the Community Cat Program are exempt from registration, licensing, and stray animal provisions of this chapter, and shall not be deemed abandoned when returned to the location where captured, and as necessary and appropriate, may be exempt from other provisions of this Code applicable to owned

animals.

C. Any stray cat without traceable form of identification that is impounded or brought to the animal shelter and deemed eligible by using best practices, may immediately place into the Community Cat Program. Healthy, ear-tipped cats shall not be impounded, as they are already considered part of the Community Cat Program.

D. Nothing within this subsection shall be construed to authorize individuals to enter upon private property without consent of the property owner to trap and/or release any stray cat.

7.10.720 Restrictions on the sale of dogs and cats.

A pet shop may not sell, advertise for sale, exchange, offer for adoption, barter, offer for sale, auction, or otherwise deliver or transfer a cat or dog. Nothing in this article shall prevent a pet shop from providing space and appropriate care for cats and dogs owned by an animal control facility or an animal rescue organization and maintained at the pet shop for the purpose of adopting those animals to the public.

A. Disclosure- A pet shop that provides space for the adoption of cats and dogs shall post, in a conspicuous location on the cage or enclosure of each such animal, a sign stating the name of the animal control facility or animal rescue organization which owns the dog or cat offered for adoption.

7.10.730 Roadside sales

It shall be unlawful for any person to sell, exchange, trade, barter, lease, or display for a commercial purpose or profit any dog, cat, or domestic rabbit on or in any roadside, public right of way, parkway, median, park, other recreational area, flea market or other outdoor market, or commercial or retail parking lot, regardless of whether access to such location is authorized.

This section shall not apply to:

The display or adoption of dogs, cats, or domestic rabbits by an animal shelter or animal rescue organization; or

The display of dogs, cats, or domestic rabbits as part of a state or county fair or exhibition, 4-H program, or similar exhibition or educational program.

7.10.740 Violations

- A. Each failure to post a sign for an individual dog or cat as required by this article shall constitute a separate offense.
- B. Each dog or cat sold, exchanged, bartered, offered for sale, auctioned, delivered, or transferred in violation of this article shall constitute a separate offense.
- C. Each day any violation of this article shall continue shall constitute a separate offense.