

**A RESOLUTION  
BY THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY MODIFYING  
FORSYTH COUNTY ANIMAL CONTROL ORDINANCE, ORDINANCE 11,  
AS CODIFIED IN CHAPTER 14 OF THE CODE OF FORSYTH COUNTY**

**WHEREAS**, the Constitution of the state of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

**WHEREAS** O.C.G.A. § 36-1-20 authorizes the County to adopt ordinances preserving the public health, safety, and welfare and to adopt appropriate measures to enforce those ordinances; and

**WHEREAS**, Section 12.1 of the County's codified local laws authorizes the County to adopt ordinances exercising the police powers of the State of Georgia; and

**WHEREAS**, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to exercise its authority to adopt the amendments attached hereto as Exhibit A; and

**WHEREAS**, appropriate notice and hearing on the amendments contained herein having been undertaken according to general and local law.

**NOW THEREFORE**, the Board of Commissioners of Forsyth County, Georgia, hereby ordains as follows:

1. The text attached hereto as Exhibit A is the proposed amendment to the Forsyth Code of Ordinances;
2. It is the express intent of the Forsyth County Board of Commissioners that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable;
3. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.
4. This Ordinance shall become effective immediately following date of adoption.

**BE IT RESOLVED** this 2nd day of November, 2023.

**FORSYTH COUNTY BOARD OF COMMISSIONERS**



ALFRED JONES, Chairman



on, Vice-Chairman

*Cindy Jones Mills*

CINDY JONES MILLS, Secretary

*Kerry Hill*

KERRY HILL, Member

*Todd Levent*

TODD LEVENT, Member

Attest:

 

CLERK TO THE BOARD

## Chapter 14 - ANIMALS

### ARTICLE I. - IN GENERAL

#### Sec. 14-1. - Definitions.

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

*Abandoned animal* means any domesticated animal that has been placed upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned when it has been unattended and without adequate food and water for a period in excess of 36 hours, regardless of where the animal may be found or kept.

*Adequate food* means a sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian, which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid or contaminated food is not adequate food.

*Adequate shelter* means a protective covering for a dog that is of adequate size and provides adequate protection to maintain the dog in a state of good health, **to protect the dog from injury**, 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 the age, size, breed, and condition of the dog. The structure should be of sufficient size to allow the dog to stand, turn around, lie down, and go in and out of the structure comfortably. **The area shall have a means to rapidly eliminate excess water and minimize mud.** 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 during times when the ambient, outside temperature is below freezing. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of November through March. From April through October, the structure shall either be shaded or moved out of direct sunlight. If 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.

*Adequate space* means sufficient space for adequate exercise suitable to the age, size, species and breed of animals. For dogs, adequate space will be based on the size of the dog. The determination of size will be a visual estimation; an exact weight using a scale is not required. Adequate space for dogs shall be as follows:

Weight of Dog in Pounds	Minimum Total Square Footage of Enclosure
Up to 30 pounds	120 square feet
31—60 pounds	150 square feet
Over 60 pounds	250 square feet

*Adequate water* means clear, drinkable water with adequate supply. Examples of inadequate water include, but are not limited to, snow, ice, and rancid/contaminated water.

*Animal(s)* means any domesticated animals and fowl.

*Animal at large* means any animal not under restraint **or voice control** and off the property of its owner. **Such areas shall not include county parks that are specifically designated as off leash areas or properties in which the animal owner has express permission to have the animal off leash.** If an animal has no known owner or keeper, then it shall be considered "at large" when on any public or private property.

*Animal care facility* means any establishment where the primary business involves the care, treatment,

or sale of animals, which shall include, but is not limited to, veterinarian offices, pet shops, animal shelters, kennels, animal boarding facilities, animal grooming facilities, or animal training facilities.

*Animal services division* means the division of animal welfare and enforcement within the department of code compliance responsible for the enforcement of this chapter.

*Animal services officer* means a person employed by the Forsyth County Code Compliance Office, the Forsyth County Sheriff, or any other employee of Forsyth County duly authorized to pick up, restrain, or impound animals, and who is responsible for discharging such other duties or functions pertaining to animals as may be prescribed by this or any other ordinance, by state law, or by the lawful order of a county official authorized to supervise and direct animal services officers.

*Animal shelter* or *county animal shelter* means the facility designated by the board of commissioners of the county for the impoundment, restraint, care, detention and disposition of animals.

*Animal under restraint* means any animal secured by a leash, ~~or lead~~ **or electric collar**, or enclosed by way of fence or other enclosure; ~~or under the control of a responsible and competent person and obedient to that person's commands, and the person being present with the animal;~~ or an animal confined within a vehicle, parked, in motion, or in a crate or cage or otherwise secured in a pickup.

*Appropriate authority* means Forsyth County, the Forsyth County Sheriff's Office, any duly authorized agent thereof, the State of Georgia, any city, any county, or any state or subdivision thereof.

*Attack* means any biting or attempted biting or other action by an animal that places a person in danger of imminent bodily harm. An attack also means the actual biting of another animal or actual biting of a person.

*Board* means Forsyth County Board of Health, State of Georgia.

*Cat* means any age member of the domestic species *Felis Catus*.

*Certificate* means a certificate of vaccination on a form furnished or approved by the Georgia Department of Human Resources.

*Community cat* means any free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral.

*Community cat caregiver* means a person who, in accordance with a good faith effort to conduct trap-neuter-return, provides care, to include providing food, shelter, or medical care, to one or more community cats. However, community cat caregivers shall not be considered the owner, harbinger, controller, or keeper of a community cat.

*County* means Forsyth County, Georgia.

*Cruelty* means causing death or unjustifiable pain or suffering to an animal by an act, an omission, or neglect.

*Dangerous dog control ordinance* means article V of this chapter.

*Dog* shall mean a dog, of either sex, vaccinated or not vaccinated against rabies.

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

*Ear tipping* means the removal of the distal one-quarter of a community cat's left ear, which is approximately three-eighths-inch, or one centimeter, in an adult cat and proportionately smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a license veterinarian. Ear tips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

*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.

**GDA means the Georgia Department of Agriculture.**

**GDA licensee means a person currently licensed by and in good standing with the GDA for the type of activity involved.**

*Governing authority* means the governing body or official in which the legislative powers of a local government are vested.

*Guard dog* means any dog which has been trained to attack persons or other animals independently or upon oral command.

*Habitually* means an action or state that lasts for or is repeated over an extended duration.

*Health department* means the Forsyth County Health Department or in the absence of a functioning health department, the Forsyth County Board of Health.

***Intermittent barking means that the barking may alternately cease and begin again.***

*Law enforcement* means any law enforcement officer empowered to make arrests or cause to be issued summonses in unincorporated areas of this county.

*Local government* means Forsyth County, Georgia.

*Owner* means any natural person or any legal entity owning, keeping, harboring, possessing, or having custody or control, or acting as caretaker or custodian of any domesticated animal, ***nontraditional livestock or livestock animal***, having a right of property in an animal, or any person who permits an animal to remain on his ***or her*** premises within Forsyth County. ***Any person who knowingly permits any domestic, nontraditional livestock or livestock animal to be kept, harbored, possessed, or otherwise kept upon his or her premises within Forsyth County for a period of at least 5 days, or who has any animal under his or her care or responsibility, either temporarily or permanently shall also be considered an owner for the purposes of this ordinance.*** In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. Without limiting the generality of the foregoing, any adult at whose residence a dangerous dog or vicious dog is kept or found shall be presumed to be an owner of such dog and shall have the burden of rebutting such presumption.

*Necessary veterinary care* means veterinary medical attention appropriate to the circumstances, whenever an animal is known or suspected to have suffered an injury, accidental or deliberate, or exhibits signs of disease process such as shock, temperature fluctuation, tremors, swelling, broken bones, open wounds, inability to eat or drink, blistering, irregular or abnormal breathing, partial or total paralysis, abnormal discharge or bleeding, mange, or other signs of health problems.

*Person* shall mean any individual, firm, corporation, partnership, municipality, county, society, or association.

*Rabies vaccination tag* shall mean a tag furnished or approved by the Georgia Department of Human Resources and which tag shall be worn by the vaccinated dog at all times.

*Records of an 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, or records of an animal services officer as provided for in this division.

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

*Trap-neuter-return* means the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning community cats to their original location.

*Vaccinate, inoculate* shall mean the injection of a specified dose of anti-rabies vaccine by a veterinarian into the proper site of an animal, such vaccine having the U.S. Department of Agriculture, Veterinary Biologies Control Section license number approval stamped on the label of the container and having been approved by the Georgia Department of Human Resources.

*Vaccine* means an injectable material containing killed or attenuated rabies virus, licensed by the United States Department of Agriculture, Veterinary Biologies Section, and approved by the Georgia Department of Human Resources. Vaccine used for the purpose of this rule shall be stored at the temperature prescribed on the purchase label. Outdated vaccine shall not be used.

*Veterinarian* shall mean any person who holds a degree of doctor of veterinary medicine (DVM).

*Vicious animal* means any animal which constitutes a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause physical injury. An animal shall also be considered vicious if it makes an unprovoked attack on human beings or other domesticated animals. The term "vicious animal" shall also mean an animal that because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation.

Sec. 14-2. - Interpretation of chapter; conflicting provisions.

- (a) Where there is a conflict among articles or sections within this chapter, the article or section which is more restrictive shall apply.
- (b) Definitions in one article of this chapter may be used to define terms in other parts of this chapter unless it is clear from the context that the definition does not apply.

Secs. 14-3—14-30. - Reserved.

## ARTICLE II. - ANIMAL CONTROL

Sec. 14-31. - Running at large prohibited.

- (a) It shall be the duty of the owner of any animal or anyone having an animal in his possession to keep the animal under control at all times while the animal is off the real property limits of the owner, possessor or custodian. For the purposes of this section, an animal is deemed under control when it is confined within a vehicle; is secured by a leash, **lead, electric collar**, or other device held by a competent person; ~~is under voice control;~~ or is properly confined within an enclosure with permission of the owner of the property where the enclosure is located. **Trained hunting, herding, or working dogs may be kept under voice control on private property with the express permission of the property owner.**
- (b) No person shall tie, stake or fasten any animal within any street, alley, sidewalk or other public place or in such manner that the animal has access to any portion of any street, alley, sidewalk or other public place.
- (c) Every animal shall be restrained or controlled so as to prevent it from chasing vehicles or attacking persons or other domestic animals.
- (d) The owner or custodian of any animal that is proven to be at large shall be in violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of lack of knowledge of the offense at the time it occurs.
- (e) Any such animal at large may be impounded by the animal services officer or an authorized representative thereof.
- (f) Free roaming community cats and feral cats shall not be considered to be at large and will not be impounded unless showing signs and symptoms of injury or illness.

Sec. 14-32. - Dogs in heat.

Every female dog in heat shall be confined in a building or other enclosure in such manner that such female dog cannot come into contact with another male animal except for planned breeding. No owner, possessor, or custodian of any dog or cat in heat shall permit the dog to roam or run free beyond the real property limits of the owner, possessor or custodian.

Sec. 14-33. - Duty to keep animal under restraint while on property—No tethering of dogs as primary means of restraint.

- (a) It shall be the duty of every owner of any animal to ensure that it is confined by way of a fence, restraint, or other enclosure including activated invisible fence or in some other physical manner under the control of a competent person so that it cannot wander off the real property limits of the owner, it being the intent of this article that all animals be prevented from leaving, while unattended, the real property limits of their owners.
- (b) The above requirement notwithstanding, it shall be unlawful for the owner of any dog to utilize a tether, chain, cable, rope, or cord as the primary method of restraining a dog, it being the intent of this section that tethering a dog shall be used only as a temporary restraint mechanism. In no event shall a dog be restrained by a tether, chain, cable, rope, or cord when the dog is not in the **immediate** physical presence and **line of sight of**, and attended by, the owner or adult custodian. **For purposes of this subparagraph, immediate physical presence means in close enough proximity to the dog that the owner or other adult custodian can intercede before the dog can injure itself or before a person entering the same general area as the dog can be injured.**

The prohibition in this subparagraph shall have no application if the dog is in a park or recreational area where the rules of said park or recreational area require the tethering or physical restraint of dogs. Any tether used to temporarily confine a dog while attended by its owner or custodian must be attached



to a properly fitted collar or harness and shall not be wrapped directly around the dog's neck, except that veterinarians, employees of the county's animal shelter, and professional dog handlers, trainers, and groomers may temporarily restrain a dog by a collar affixed around the neck if required as part of the commercial service being provided. Any such tether shall not be excessively heavy or weighted so as to inhibit the dog's movement. It shall be prima facie evidence that a tether is impermissibly heavy if the weight of a dog's tether exceeds ten percent of its body weight.

- (c) For purposes of this section 14-33, a dog handler shall be considered a person who, for compensation, trains, conditions, and shows dogs in competition.

Sec. 14-34. - Abandonment of animals.

- (a) It shall be unlawful for a person to abandon any domestic animal owned by said person. No person shall put out or abandon any dog, cat or other domestic animal on public or private property. It shall be unlawful for anyone to abandon any domesticated animal within the county. Each person who does abandon, or permits such abandonment, or aids in the abandonment of any domesticated animal shall be in violation of the law and shall be punished as provided in this article.
- (b) It shall be unlawful for any person to abandon or to turn out at large any sick, diseased or disabled animal, but such animal shall, when rendered worthless by reason of sickness or other disability, be disposed of by the owner thereof in accordance with the rules and regulations of the state.

~~(c) It shall be unlawful for the owner of any animal or fowl that die or are killed within the limits of the county to fail to remove or bury the carcass of such animal within a reasonable time, and in no event more than 24 hours after its death; provided that, except in property zoned agricultural under the county's unified development code, no horse, cow, ox, pig, sheep, goat, ostrich, llama, emu, or wildlife shall be buried within the limits of the county. All animals buried within the county shall be buried in accordance with regulations of the county board of health, if applicable.~~

**(c d)** If the owner, possessor or custodian of an animal is not known, and the animal is upon the public streets, alleys, sidewalks, school grounds or other public places or premises, or property of another, without the property owner's permission, as prohibited by this section, any animal services officer, law enforcement officer, or agent or employee duly authorized by the county shall be authorized to immediately take possession of such animal and impound it in accordance with the rules and regulations provided by law or by ordinance of the county for the detention, control and disposition of animals.

**(d-e)** Once impounded, an animal shall be kept for a period of time as outlined in this article, and, thereafter, if the animal is not claimed by anyone after a reasonable effort has been made to locate the owner, possessor or custodian of the animal as provided in this article, the animal may be disposed of in a humane fashion or in accordance with the rules and regulations of the state.

Sec. 14-35. - Cruelty to animals; fighting animals.

No person shall, by act, omission or neglect, cause unjustifiable physical pain, suffering or death to any animal. This section shall not apply to the killing of animals raised for the purpose of providing food, nor does it apply to any person who shall hunt wild animals in compliance with the game and fish laws of the State of Georgia. Furthermore, this section shall not apply to the killing or injuring of animals for humane purposes or in the furtherance of medical or scientific research or in the necessary defense of one's person or personal property.

- (a) Whoever willfully or purposefully kills, abuses, maims or disfigures any animal or willfully or maliciously administers poison to an animal or exposes any poisonous substance with intent that the substance shall be taken and swallowed by an animal shall be in violation of this article. Cropping, docking, and dew claw removal performed by a veterinarian shall not be considered maiming or disfiguring.
- (b) Whoever overloads, overdrives, tortures, torments or beats, mutilates, hobbles or kills any animal or causes such acts to be done, or carries in or upon a vehicle or otherwise any animal in a cruel or inhumane manner, shall be deemed in violation of this article. This section shall not prohibit the hobbling of an animal for legitimate training or approved medical care purposes.
- (c) No person shall:
  - (1) Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of unlawful fighting.

- (2) Build, make, maintain or keep a pit on premises owned by him or occupied by him, or allow a pit to be built, made, maintained or kept on such premises, for the purpose of an exhibition of animal fighting.
- (3) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting.
- (4) Charge admission to, be an assistant, umpire or participant at, or be present as a spectator to any exhibition of animal fighting.
- (d) No owner of any dog contracting distemper or parvo shall allow such dog to remain untreated or fail to take prompt steps to have the dog euthanized.
- (e) Any animal services officer may impound any animal that has been treated in a cruel manner.
- (f) A person who is convicted of animal cruelty as provided in this article may not own, possess, or have on his premises in the county any animal for one year from the date of conviction. 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 time in excess of one year, should circumstances warrant.

Sec. 14-36. - Neglect of animals.

- (a)** It shall be unlawful to endanger an animal's health by failing to provide or arrange to provide the animal with adequate food or adequate water if the animal is dependent upon a person for the provision of food or water, or by restraining an animal in inhumane conditions or in a manner that endangers the animal's life or health.
- (b)** It shall be unlawful for any owner or possessor of any animal to fail to provide adequate water, adequate food, adequate space, adequate shelter, sanitary conditions, or necessary veterinary care in the case of an injury or illness that endangers the life or health of an animal.
- (c) It shall be unlawful to wound, poison, abandon, or subject any animal to conditions detrimental to the health or general welfare of the animal, or to cause or procure such action.**
- (d) No person shall by neglect, omission or act leave exposed any poisonous or toxic liquid or substance in any manner that any domestic animal may come into contact with such liquid or substance.**
- (e)** ~~(c)~~ It shall be unlawful to leave animals unattended in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from heat exhaustion.
  - (1) A law enforcement officer may use any force necessary to remove any animal locked in a closed vehicle when the ambient temperature is 80 degrees Fahrenheit or above outside the vehicle. If the vehicle is damaged during such removal, the law enforcement officer shall not be liable for any damage to the vehicle.
- (f)** ~~(d)~~ Any person who owns an animal, which is seriously sick or injured, who does not provide proper veterinarian care for such animal shall release ownership of the animal to the custody and control of an animal control officer or animal shelter.
- (g)** ~~(e)~~ Any animal services officer or other officer empowered to act by law may impound any animal found to be neglected.

Sec. 14-37. - Animals disturbing the peace.

- (a) No owner or keeper of an animal shall allow an animal to annoy or disturb any person not on the premises of the owner or keeper of the animal by unreasonable barking or other noises. For the purpose of this section, unreasonable barking or other noises shall mean barks, bays, cries, howls or other noises that are continuous or incessant for a period of ~~30~~ **15** minutes, or ~~are~~ **occurs** intermittently for a period of ~~one hour~~ **30 minutes** or more. **Intermittent barking means that the barking may alternately cease and begin again.** Barking or noises shall not be considered unreasonable if the animal is responding to a trespass or attempted trespass on private property. This section shall have no application to noises or disturbances made by livestock, poultry, or other animals emanating from a legitimate farming operation on property zoned for agricultural use.
- (b) Any person that knowingly keeps, owns, harbors, has custody or control of, or acts as custodian of an animal that constitutes a nuisance shall be guilty of an unlawful act and shall be punished as provided in this chapter.
- (c) Where a person permits a domestic animal under his or her ownership or possession to**



disturb the peace of an ordinary, reasonable person by loud, persistent, or habitual barking, howling, growling, yelping or whining, the injured person may bring a civil, private nuisance action against the owner of the offending animal. See O.C.G.A. § 41-1-1, *et seq.* As defined by Georgia law, a private nuisance is one limited in its injurious effects to one or a few individuals.

(1) In accordance with O.C.G.A. § 41-2-5, private nuisance actions for animal noises or barking shall be brought by the injured party in the magistrate court which shall have the jurisdiction and power to order abatement of the nuisance. A person bringing a private nuisance shall initiate the action by filing a statement of claim in accordance with O.C.G.A. § 15-10-43, and shall proceed in accordance with the procedures for civil actions, O.C.G.A. § 15-10-40, *et seq.*

(2) Although the animal services department may respond initially to an animal noise complaint to investigate for other violations of this chapter, the animal services department has no jurisdiction to pursue or assist with the abatement of a private nuisance.

#### Sec. 14-38. - Enforcement.

Enforcement authority of this chapter shall be vested with the animal services division or any animal services officer, who 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 services officer or observations made by an animal services officer. In carrying out the duties of this chapter an animal services officer may employ equipment, including but not limited to control poles, nets, leashes of any construction, chemical capture devices, snake s tongs, oleoresin capsicum aerosols, snake hooks, humane traps, collapsible batons, firearms and metal carrying cages.

#### Sec. 14-39. - Commercial guard/security dogs.

- (a) It shall be the duty of all persons who keep, use or maintain any guard/security dog to have signs of the dog. This warning shall consist of a warning sign placed at each entrance and exit to the premises and in a position to be legible from the sidewalk or ground level adjacent to the sign (eye level). If the premises are not enclosed by a wall or fence, a sign shall be placed at every entrance and exit to each structure on the premises in which a guard/security dog is located. Each sign shall measure at least ten inches by 14 inches and shall contain block lettering stating "Warning, Guard Dog on Duty." In addition, for dogs rented or leased, the sign shall set forth the name, address and phone number of the responsible person to be notified during any hour of the day or night.
- (b) It shall be the duty of all persons who keep, use or maintain a guard/security dog to ensure the dog is vaccinated against rabies and licensed as required by state and county laws and ordinances. The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by state and county laws and ordinances.
- (c) It shall be unlawful to transport any guard/security dog in an open bed truck, and the vehicle transporting guard dogs shall be identified as to the business owner. It shall be unlawful to transport any guard dog in the county except under the following conditions:
  - (1) Each dog shall be placed in separate holding bins.
  - (2) Each holding bin shall be enclosed and measure 48 inches long by 18 inches wide by 30 inches high.
  - (3) Each holding bin will be adequately ventilated.
- (d) No guard/security dog shall be chained, tethered or otherwise tied to any inanimate object, such as a tree, post or building, outside of its own enclosure.
- (e) A guard/security dog shall be confined by the owner/custodian/harbinger within a building or secure enclosure out of which it cannot climb, dig, jump or otherwise escape of its own volition.

#### Sec. 14-40. - Community cat program.

The following actions shall be permitted in Forsyth County as part of the community cat program (trap-neuter-return):

- (a) Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and ear tipping community cats, in compliance with any applicable federal or state law, and under the supervision of a

licensed veterinarian, where applicable.

- (b) An ear tipped cat received by local shelters will be returned to the location where trapped within the jurisdictional limits of Forsyth County unless veterinary care is required. A trapped ear tipped cat shall be returned to the location where trapped unless veterinary care is required.
- (c) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out trap-neuter-return and/or returning ear tipped community cats to their original locations.
- (d) A person who returns a community cat to its original location while conducting trap-neuter-return is not deemed to have abandoned the cat.
- (e) Trap-neuter-return shall be the preferred disposition for impounded community cats. The animal services division and the local shelter are authorized and encouraged to conduct trap-neuter-return or to direct impounded community cats to a trap-neuter-return program.

Sec. 14-41. - Vicious animals—Precautions to be taken by owners.

(a) *Vicious animal.*

- (1) The words "vicious animal" shall mean any animal which attacks, bites or injures humans, other animals without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation; or any animal which constitutes a physical threat to human beings or domesticated animals by one or more attacks without provocation of such severity to cause physical injury. An animal that bites its owner is exempted from this section, except the mandatory reporting requirement of section 14-107 shall still apply.
- (b) *Exception.* An animal is not considered vicious if it attacks, bites or menaces:
  - (1) Anyone attacking its owner;
  - (2) Unlawful trespassers on the property of its owner;
  - (3) Any person or animal that has tormented or abused it;
  - (4) If it is defending its young or other animal; or
  - (5) Any non-domesticated animal being hunted as part of lawful hunting activities.
- (c) An animal will not be classified as vicious simply by nature of its size, breed, phenotype or other physical characteristics.
- (d) No person owning or having custody or control of any animal known to be vicious shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.
- (e) For owners of vicious animals who maintain their animal out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence the vicious animal must be provided adequate shelter of adequate space. The pen or kennel shall not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides, with a secure top attached to all sides, and the sides must be securely set into the ground or onto a concrete pad or securely attached to a wire bottom, out of which it cannot climb, dig, jump or otherwise escape on its own volition. The gate must be securely locked.
- (f) A warning sign (e.g., BEWARE OF VICIOUS ANIMAL) shall be conspicuously posted denoting a vicious animal is on the premises and if said vicious animal is kept in a secure enclosure such signs will be posted on all four sides of said enclosure. It is the intention of this article to make all persons who have legitimate business at the place where a vicious animal is kept to be fully warned that such vicious animal is present.
- (g) No vicious animal shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post or building.
- (h) Whenever outside of its enclosure, but on the owner's property, a vicious animal must be attended by the owner and restrained by a secure collar and leash of not more than six feet in length and of sufficient strength to prevent escape.
- (i) It shall be unlawful for any person to cause, permit, accompany or be responsible for any vicious

animal on the streets or in any other public place, at any time, unless, in addition to the other requirements of this article, such animal is humanely and securely muzzled and in charge of a competent person to effectively prevent it from biting any person or other animal.

- (j) The owner of any vicious animal which is not confined in a building or secure enclosure, or any person who shall release, either willfully or through a failure to exercise due care or control, or take such animal out of such building or secure enclosure in a manner which is likely to cause injury to another person or damage to the property of another person, shall be in violation of this article, and such animal shall be permanently confined or humanely euthanized.
- (k) The provisions of this section shall apply to all animals, with the exception of dogs. Article V, pertaining to dangerous dogs and vicious dogs, shall govern the classification of dogs as dangerous dogs or vicious dogs as defined in that article.

Sec. 14-42. - Same—Penalties.

Unless otherwise specified in this chapter, any person violating this chapter may be deemed guilty of violating a county ordinance and may be punished by a fine not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance. Each act or omission in violation of this chapter shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. In addition to any other penalties allowed by law, the court, as part of the sentence, may prohibit the offender from owning, possessing, or having on the offender's premises in the county any animal during the term of the sentence, may order for the animal to be removed from the county or humanely euthanized, and may order restitution

Sec. 14-43. - Detention of animals.

It shall be unlawful for any person to detain or hold the animal of another without notifying the animal services officer or law enforcement agency.

Sec. 14-44. - Interference with officer.

- (a) It shall be unlawful for any person to interfere with, molest, hinder or prevent any law enforcement officer or animal services officer in the discharge of their duties as prescribed in this article.
- (b) Any person who shall hinder, delay, interfere with or obstruct any law enforcement officer or animal services officer while engaged in capturing, securing or taking to the animal shelter any animal or animals liable to be impounded, or who shall break open in any manner directly or indirectly aid, counsel or advise the breaking open of any animal services vehicle or other vehicle used for the collecting of any such animals shall be deemed in violation of this chapter.

**(c) No person shall interfere with, damage, tamper with, or remove any animal trap that has been set by any animal control officer in the performance of his or her duties.**

Sec. 14-45. - Wildlife.

All complaints and matters, with the exception of an animal bite, concerning wild animals not of a domestic nature 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 proper disposition, i.e., compliance, apprehension, control and/or enforcement as may be necessary as provided by state and federal rules and regulations.

**Sec. 14-46 – Disposal of deceased animals.**

**All dead animals shall be disposed of within 24 hours of the death by the owner, agent or custodian within the requirements of Georgia law and in accordance with any rules and regulations promulgated by the Georgia Commissioner of Agriculture and the county board of health. No person in possession of such a deceased animal carcass shall abandon the same upon any public street, any public property, or any property of another person without the express consent of such property owner. Except in property zoned agricultural under the county's unified development code, no horse, cow, ox, pig, sheep, goat, ostrich, llama, emu, or wildlife shall be buried within the limits of the county.**

### ARTICLE III. - IMPOUNDMENT

#### Sec. 14-71. - Powers and duties of animal services officer.

Animal services officers shall be primarily responsible for the enforcement of this article, and the duties of animal services officers shall include but not be limited to the following:

- (1) Cooperation with the county board of health in the enforcement of rabies control regulations and of animal control directives.
- (2) Cooperation in the promotion of animal control and welfare.
- (3) Taking up and impounding animals that are in violation of this article, using any and all means available which are humane in nature.
- (4) Keeping a record of the number and description of all animals impounded or otherwise taken into custody, showing in detail in the case of each animal a general description by sex, breed and approximate age, together with any identification tag, vaccination tag or other marking, including microchipping, and the date of receipt.

#### Sec. 14-72. - Interference with animal services officer.

It shall be unlawful to take or attempt to take any animal from any vehicle used to lawfully transport such animal, or to take or attempt to take any animal from the animal services impounding areas. It shall also be unlawful for any person to remove or attempt to remove any animal from any trap set by an animal services officer or to disturb, molest or damage any trap set by the animal services officer. It shall also be unlawful for any person to interfere with, molest, hinder, or prevent any law enforcement officer or animal services officer in the discharge of their duties as prescribed in this article. Any person who shall hinder, delay, interfere with or obstruct any law enforcement officer or animal services officer while engaged in capturing, securing or taking to the animal shelter any animal or animals liable to be impounded, or who shall break open in any manner directly or indirectly aid, counsel or advise the breaking open of any animal services vehicle or other vehicle used for the collecting of any such animals shall be deemed in violation of this chapter.

#### Sec. 14-73. - Notice to owners of impounded animals; redemption by owner.

- (a) Any animal seized or impounded under any provision of this article shall be detained in the animal shelter or any other such facility that the county may so designate.
- (b) Upon receipt of any impounded animal having a microchip or wearing a tag, the animal services officer shall immediately make diligent efforts to ascertain the identity of the animal's owner and shall, within a reasonable amount of time, telephone the owner to give notice of the impoundment or notify the owner by personal contact or notice attached to the residence of the owner.
- (c) The owner of the impounded animal may, after receiving such notice, regain possession of the animal upon payment of all applicable fees specified in this section. Such redemption shall not affect any criminal liability of the owner which may exist with respect to any violation of this article and shall not preclude proceedings against the owner for the purpose of pursuing sanctions under this article.

#### Sec. 14-74. - Commencement of period of impoundment.

All periods of impoundment specified in this article shall be deemed to commence at 12:01 a.m. of the day following the date of confinement.

#### Sec. 14-75. - Fees and requirements for violations and impounds.

- (a) The fees with respect to services performed, in connection with the enforcement of this article, shall be set by the board of commissioners from time to time. A copy of such fee schedule shall be posted at the headquarters of the animal services officer. Such fees may be changed at any time and from time to time as determined by the board of commissioners.
- (b) The fees established and collected under this article are not penalties, but are imposed for the sole purpose of defraying expenses borne by the county for animal control and welfare under this article. Such fees are subject to change at any time. Such fees shall include but not be limited to the following:
  - (1) Impound fee;

- (2) Shelter processing fee;
  - (3) Daily boarding fee; and
  - (4) Adoption fee.
- (c) Absent exigent circumstances, in no event shall any animal be redeemed by its lawful possessor, owner or custodian unless those fees established for boarding and/or the administration of necessary medical treatment to the animal are paid.

Sec. 14-76. - Consequences of animal impounded and not claimed.

If for any reason an animal is impounded and not claimed by the owner after proper notification is made, the animal shall be considered abandoned and the following subsections shall apply.

- (1) If the animal is not claimed by the owner within five **calendar** days of being telephoned, personally contacted, or of a notice being left at the owner's residence, the animal shall be deemed abandoned and representatives of the animal shelter may at their discretion adopt such animal or dispose of such animal in accordance with state law. If the owner cannot be located, or no residence of the owner identified, the animal shall be presumed abandoned within five **calendar** days of impoundment. **Notwithstanding any other provisions in the county's code of ordinances, for the purposes of impounded animals, the calculation of days shall include weekends and holidays.**
- (2) If any of the time periods in the subsection (1) of this section expire, the owner shall be deemed to have given his consent to the adoption of the impounded animal or to give his consent to the disposal of the animal in a humane fashion in accordance with O.C.G.A. § 4-11-5.1. All rights of ownership in such animal will immediately cease and the owner shall have no further claims to such animal.
- (3) If an animal is impounded, and through its appearance seems to have been abandoned or is stray, such animal will be kept for a period of five **calendar** days before it will be considered for adoption or euthanized. The appearance of being abandoned or stray would include, but not be limited to, the following: no collar, tag, brand, microchipping, or other identifiable marks, an appearance of being malnourished, excessively dirty or mangle like fur coat, or any other condition that would lead the animal services officer to conclude that such animal is a stray.
- (4) Any animal impounded which is found to be diseased or injured and whose ownership is unknown or is relinquished in writing, or whose owner cannot be immediately contacted, may be immediately euthanized if in the opinion of a licensed veterinarian the severity of the injury or disease of the animal indicates that euthanasia is a humane course of action.
- (5) Feral and unowned animals which have been captured by or come to be in the custody of the animal services division shall be kept for a period of 24 hours before being euthanized, released for adoption, or released as part of the community cat program (trap-neuter-return), as determined in the discretion of the animal services division.

Sec. 14-77. - Adoption.

- (a) The county animal services division or personnel from its designated animal shelter may offer for adoption or placement with any person or any organization approved by the county or its agent an animal otherwise scheduled to be disposed of (euthanized) under the provisions of this chapter. No animal impounded shall be released to any person or organization for the purpose of animal experimentation. Any person or organization adopting an animal from the county shall pay the county for rabies inoculation, necessary medical treatment, and any other administrative fees designated by the county. Additionally, any person seeking to adopt an animal from the county shall provide a written certification disclosing any convictions for animal cruelty or animal neglect under any federal, state, or local laws. No animal may be adopted from the county shelter by any person who, within ten years from the conviction or plea date, was convicted or pled guilty (to include a plea of nolo contendere), to animal cruelty or animal neglect whether such conviction is a felony, misdemeanor, or ordinance-based conviction under any federal, state or local law.
- (b) The county will spay or neuter all dogs and cats at or immediately prior to the time of adoption if the animal is approximately eight weeks of age and weighing at least two pounds, unless otherwise recommended by a licensed veterinarian.
- (c) The requirement set forth in section 14-77(b) shall not apply if the owner of the dog or cat claims or



presents evidence that such dog or cat is the property of such person or organization.

Sec. 14-78. - Authority to euthanize injured or diseased animals.

Any dog, cat or other domestic animal injured upon the public right-of-way is subject to euthanasia by a competent licensed veterinary authority, animal services officer, or duly authorized sheriff's deputy, depending upon the extent of injury to or disease of such animal, or, in the alternative, if such animal is not claimed by the owner thereof within a reasonable time, in the interest of humane treatment.

Sec. 14-79. - Fees.

Where not otherwise specified, fees and costs referred to in this chapter shall be established from time to time by the board of commissioners and posted publicly at the animal shelter. Any such moneys received in connection with the enforcement of this chapter shall be paid to the county.

Sec. 14-80. - Records.

It shall be the duty of the animal services division to keep and maintain current and accurate records of all activities and transactions pertaining to the enforcement and impoundment of animals under this chapter. Such records shall include but not be limited to the name, address, and phone numbers of persons filing complaints and owners of the animals impounded. Other information which shall be recorded will be the description and condition of each animal impounded; date, time and circumstances of impoundment. Records shall also be maintained of all fees of any kind collected, and any other records deemed proper for accurate accounting of activities.

Sec. 14-81. - Business license verification regarding tip line.

Any person applying for a county business license to operate an animal care facility shall be required to certify on a form provided by the county that they are familiar with the county sheriff's office and/or animal services division online and telephonic resources for reporting animal neglect or cruelty and, if observed, will report instances of same. A failure to report an instance of animal neglect or animal cruelty may result in (1) revocation of an existing business license, (2) inability to secure a future business license, (3) a citation for failure to report in violation of the certification to do so.

Secs. 14-82—14-100. - Reserved.

ARTICLE IV. - RABIES CONTROL

Sec. 14-101. - Definitions.

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

*Animal bite* include any potential exposure to rabies, to include any penetration of the skin by teeth, scratches, or the contamination of open wounds, mucous membranes, or abrasions.

*Board* means the county board of health.

*Cat* means any age member of the domestic species *Felis Catus*.

*Certificate* means a certificate of vaccination on a form furnished or approved by the state department of human resources.

*Department* means the state department of human resources.

*Dog* means a dog, of either sex, vaccinated or not vaccinated against rabies.

*Health department* means the county health department, or in the absence of a functioning health department, the county board of health.

*Owner* means any natural person or any legal entity owning, keeping, harboring, possessing, or having custody or control, or acting as caretaker or custodian of any domesticated animal, having a right of property in an animal, or any person who permits an animal to remain on his premises within Forsyth County. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. Without limiting the generality of the foregoing, any adult at whose residence a dangerous dog or vicious dog is kept or found shall be presumed to be an owner of such dog and shall have the burden of rebutting such presumption.



*Quarantine* means a ten-day period of confinement for the observation of the health status of an animal that has bitten a person, regardless of whether the animal has been vaccinated. Quarantine confinement may be completed at a licensed kennel, veterinary hospital or facility, animal shelter, commercial boarding facility, at any other facility deemed appropriate by the animal services division, or at the premises of the owner, as determined in the discretion of the animal services division.

*Rabies vaccination tag* means a tag furnished or approved by the state department of human resources and which tag shall be worn by the vaccinated dog.

*Strict isolation* means the confinement of an animal exposed or potentially exposed to rabies in a manner that prevents direct contact with other animals or persons. Strict isolation can take place only at the county animal shelter or at a location approved by the animal services supervisor.

*Vaccinate* and *inoculate* mean the injection of a specified dose of antirabies vaccine by a veterinarian into the proper site of an animal, such vaccine having the U.S. Department of Agriculture Veterinary Biologics Control Section license number approval stamped on the label of the container and having been approved by the state department of human resources.

*Vaccine* means an injectable material containing killed or attenuated rabies virus, licensed by the United States Department of Agriculture, Veterinary Biologics Section, and approved by the state department of human resources. Vaccine used for the purpose of this rule shall be stored at the temperature prescribed on the purchase label. Outdated vaccine shall not be used.

*Veterinarian* means any person who holds a degree of doctor of veterinary medicine (DVM).

Sec. 14-102. - Purpose.

The purpose of this article is to prescribe rules for the prevention and control of rabies within the county by providing for the vaccination, tagging, certification of dogs and cats, the confinement of dogs/cats and other animals, to designate the county's rabies control officer, collection of rabies control fees, and for other purposes.

Sec. 14-103. - Rabies control/animal services officer.

- (a) The rabies control officer shall be the animal services officer and/or any other designated agent of the county health department.
- (b) Duties of the rabies control officer will include:
  - (1) Investigate and maintain a record of animal bites in the county.
  - (2) Provide for proper confinement of an animal involved in a bite incident.
  - (3) Provide stray animal pickup service.
  - (4) All duties required under this article.

Sec. 14-104. - State rabies vaccination tag; county registration required for dogs and cats.

- (a) Every dog or cat three months of age or older shall be vaccinated against rabies. Dogs and cats will be revaccinated one year later. When dogs or cats one year of age or older are vaccinated with vaccines accepted by the state, county or department for providing a three-year duration of immunity, boosters will be required every three years. Otherwise, boosters shall be required annually.
- (b) All dogs are required to wear a collar containing owner information at all times, except as exempted by section 14-105. Owner information contained in a microchip shall be acceptable to comply with this requirement; but shall not be a replacement for a visible collar. Dogs age three months or older are required to wear a collar and a current rabies tag at all times.
- (c) A \$5.00 fee will be assessed at the time of all rabies vaccinations (cats and dogs) for registration purposes. All dogs and cats shall be registered with the county. If a dog or cat is vaccinated for rabies by a veterinarian outside of the county, it is the responsibility of the owner to register the animal with the animal services division and pay the appropriate fee. If an owner or custodian of a dog or cat provides written verification that, at the time of rabies vaccination, his dog or cat has been spayed or neutered, such verification shall result in their registration fee being reduced to \$3.00.
- (d) All veterinarians receiving fees under this section shall deliver such fees to the county by no later than the 15th day of the subsequent month after receipt.

Sec. 14-105. - Dogs to wear collar, rabies vaccination tag; exceptions.

The wearing of a rabies vaccination tag is not required for show dogs where the wearing of such tag could damage the coat and dogs when boarded in kennels or veterinary clinics, or in an area zoned for agricultural purposes where the owner or custodian of the dog in question is using the dog for hunting purposes and has on his person a valid hunting license. In the latter case, the owner, custodian or harbinger shall have the vaccination certificate in his possession where it may be shown upon demand by any duly constituted authority.

Sec. 14-106. - Reporting.

- (a) The owner or custodian of any animal having signs suggestive of rabies shall confine the animal and immediately notify the animal services division or the county health department reporting any information regarding any persons bitten or attacked by such animal.
- (b) The animal services division shall report all known cases of rabies in the county to the county health department.

Sec. 14-107. - Report of animal bites; quarantine of animals.

- (a) Any person having information that an animal has bitten a person shall immediately report such to the county sheriff's office, the animal services division, or the county board of health.
- (b) If an animal has bitten a person, such animal shall be immediately quarantined at a facility so designated by the animal services division or the county health department, including at a licensed kennel, licensed veterinary hospital or facility within Forsyth County, animal shelter, commercial boarding facility, a location approved by the animal services supervisor, or the premises of the owner with the approval of the animal services supervisor. The quarantine period will commence on the day following the date of the bite, and such animal will be segregated in isolation, if available, for a period of ten days.

Sec. 14-108. - Quarantine of dogs or other animals.

- (a) In accordance with rules and regulations promulgated by the county board of health, all dogs and cats known to have bitten or scratched a person shall be quarantined and confined to a licensed kennel, licensed veterinarian's hospital or facility, animal shelter, commercial boarding facility, any location approved by the animal services supervisor or under home supervision with the approval of the animal services supervisor for a period of ten days following the date of the bite. All expenses incurred for boarding the animal during this period shall be paid by the owner or possessor of the biting animal.
- (b) In accordance with the rules and regulations promulgated by the state department of public health, wild animals known to have bitten a person, or any animal which cannot be held for a rabies observation period, shall be humanely euthanized and a lab specimen of brain tissue sent to the state department of epidemiology for testing and control of rabies.
- (c) Unvaccinated or unwanted animals bitten or scratched by a known potentially rabid animal shall be humanely euthanized immediately. If the owner of the unvaccinated animal is unwilling to have the animal euthanized, upon approval of the animal services division, the exposed animal shall be placed in strict isolation deemed appropriate by the animal services division for four months and vaccinated one month prior to being released. The owner or possessor is responsible for confining the exposed unvaccinated animal in strict compliance with the policies and procedures of the animal services division and county board of health.
- (d) Dogs and cats that are bitten or scratched by a known or potentially rabid animal that are current on their vaccinations shall be re-vaccinated immediately, confined, and observed for 45 days. Confinement must be coordinated with and approved by the animal services division.
- (e) For purposes of subsections (c) and (d) of this section, any animal bitten or scratched by a bat or wild carnivorous mammal, including, but not limited to, bobcats, raccoons, foxes, skunks, or coyotes, which are not available for testing, should be considered exposed to rabies.
- (f) Failure to comply with the quarantine and/or confinement requirements of this section, the animal services division, or the county board of health constitutes a violation of this chapter and may result in the impoundment of the animal. In that event, the owner or possessor remains responsible for all veterinary, boarding, and other expenses incurred on behalf of the quarantined animal.

Secs. 14-109—14-130. - Reserved.

## ARTICLE V. - DANGEROUS DOGS AND VICIOUS DOGS

### Sec. 14-131. - Definitions.

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

*Animal services officer* means an individual employed by the Forsyth County Code Compliance Office, the Forsyth County Sheriff, or any other employee of Forsyth County designated to aid in the administration and enforcement of the provisions of this article.

*Animal shelter* means any facility operated by or under contract for the State of Georgia or any county, municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs; any veterinary hospital or clinic operated by a veterinarian or veterinarians that 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 nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

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

*County animal control board* means a board consisting of (1) a duly licensed Georgia veterinarian having a practice in Forsyth County that is nominated and approved by the county board of commissioners, (2) an individual nominated and approved by the board of commissioners with the only qualification being that the individual be an adult resident of Forsyth County, an appointee selected, and (3) a third appointee that is selected by the following methodology; (i) the first and second appointees above shall nominate no less than two and no more than five individuals, (ii) each such nominee shall be an active member of a Forsyth County animal rescue organization, and (iii) the pool of nominees shall be presented to the board of commissioners who shall select one of the nominees as a board member. For purposes of clarifying the existing terms of all board members, those members serving on the board as of January 2014 may remain on the board until December 31, 2014 at which point their terms shall be deemed expired. Appointments shall then be made for all three board members, with the initial term for members one and two, above, being for two-year terms running from January 1, 2015 to December 31, 2016, and the initial term for member three, above, being from January 1, 2015 to December 31, 2015. Following the expiration of those initial terms, reappointments shall occur and those appointed shall serve two-year terms. During the term of service, an appointee may be removed by the board of commissioners with or without cause.

*Dangerous dog* means any dog that:

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

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

*Owner* means any natural person or any legal entity owning, keeping, harboring, possessing, or having custody or control, or acting as caretaker or custodian of any domesticated animal, having a right of property in an animal, or any person who permits an animal to remain on his premises within Forsyth County. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. Without limiting the generality of the foregoing, any adult at whose residence a dangerous dog or vicious dog is kept or found shall be presumed to be an owner of such dog and shall have the burden of rebutting such presumption.

*Proper enclosure* means an enclosure on the owner's property for keeping a dangerous dog or vicious

dog that meets all of the following criteria:

- (1) Is suitable to prevent the entry of young children and to prevent the dog from escaping;
- (2) Has secure sides and a secure top attached to all sides;
- (3) Has sides so constructed at the bottom so as to prevent the dog's escape by digging under the sides. The sides must either be buried two feet into the ground or sunken into a concrete pad;
- (4) Provides appropriate protection from the elements for the dog. The structure must contain adequate shelter;
- (5) Has a gate which is of the inward-opening type, which shall be kept locked except when the owner is tending to the animal's needs; and
- (6) Is inside a perimeter or area fence.

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

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

Sec. 14-132. - Applicability of provisions.

Any dog classified prior to July 1, 2012 as a potentially dangerous dog in this state shall on and after that date be classified as a dangerous dog under this article. Any dog classified prior to July 1, 2012 as a dangerous dog or vicious dog in this state shall on and after that date be classified as a vicious dog under this article. The owner of any dog referred to in this section shall come into compliance with all current provisions of this article by January 1, 2013.

Sec. 14-133. - Liability of county; liability of owner.

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

Sec. 14-134. - Procedures for classification as dangerous dogs or vicious dogs.

- (a) *Applicability for enforcement purposes.* Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.
- (b) *Duty to investigate.* Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within an animal services officer's jurisdiction, such officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
- (c) If the dog poses an immediate threat to public safety, the dog shall be immediately impounded and kept at the animal shelter until an appropriate hearing to determine where the dog will be kept. Any refusal by the owner to allow the impoundment of a dog deemed by the animal services division to be an immediate threat to public safety under this section shall constitute a violation of this section.
- (d) If impounding of the dog is not possible and/or the dog owner has taken immediate action to ensure the dog cannot pose a public threat and has proven he can properly contain the dog, the animal services division may allow the dog to remain with the dog owner with specific directions to contain the dog, as determined in the sole discretion of the animal services officer. This section does not exempt any requirements set forth in section 14-108 in reference to rabies quarantine in the case of a bite.
- (e) *Notice requirement.* When an animal services officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal services officer shall mail a dated notice to the dog's owner within 72 hours. The notice to the owner shall meet the following requirements:
  - (1) The notice shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address. If a dog has more than one owner, notice to one owner shall be sufficient for purposes of this division. If there is a question as to the dog's ownership, notice shall

be deemed sufficient if sent to the last person who received a citation for the dog.

- (2) The notice shall include a summary of the animal services officer's determination that the dog is subject to classification as a dangerous or vicious dog.
  - (3) The notice shall be dated and shall state that the owner has a right to request a hearing on the animal services officer's determination within seven days after the date shown on the notice.
  - (4) The notice shall state that if the owner does not request such a hearing within seven days from the date shown on the notice, the animal services officer's determination shall become effective for all purposes under this section.
  - (5) The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such a request.
- (f) If an owner cannot be located within ten days of an animal services officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the animal services officer. No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. tit. 16, ch. 5.
- (g) When a hearing is requested by a dog owner in accordance with this section, such hearing shall be scheduled within 30 days after the request is received: provided, however, that such hearing may be continued by the animal control board for good cause shown. At least ten days prior to the hearing, the animal control board shall notify the dog owner in writing by certified mail or statutory overnight delivery of the date, time and place of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence and the animal control board shall receive such other evidence and hear such other testimony as may be reasonably necessary to sustain, modify or overrule the classification of the dog by the animal services officer.
- (h) Within ten days after the hearing, the animal control board shall notify the owner in writing by certified mail or statutory overnight delivery of its determination on the matter. If the determination is made that the dog is a dangerous dog or a vicious dog, the notice shall specify the date upon which that determination is effective. A dog that is found, after notice and opportunity for hearing as provided in this section, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012 shall count for purposes of this subsection. If the determination is that the dog is to be euthanized pursuant to O.C.G.A. § 4-8-26, the notice shall specify the date by which the euthanasia shall occur.
- (i) Judicial review of the animal control board's final decision may be had in accordance with O.C.G.A. § 50-13-19. Written notification of such an appeal shall be given immediately to the county animal services division.
- (j) *Confinement during pendency of hearing or appeal.* During the pendency of any hearing or appeal of a determination that a dog is a dangerous or vicious dog as provided for in this section, the owner of such dog shall cause such dog to be confined at the expense of such owner of such dog, at a veterinary hospital, licensed kennel facility, the animal services division, the animal shelter, or in a proper enclosure deemed suitable by the animal services officer.
- (k) *Authority of animal services officer to confiscate and confine.* If an owner fails or refuses to abide by subsection (j) of this section, the animal services officer is authorized and empowered to impound such animal, confine it at the expense of such owner at a veterinary hospital, kennel facility, the animal services division, the animal shelter, or a proper enclosure deemed suitable by the animal services officer during the pendency of any hearing or appeal mentioned in this section.
- (l) *Retrieval of dog from veterinary hospital.* After notification from the animal control board that a dog has been determined to be a dangerous dog or vicious dog, the owner of such dog shall have three business days within which to pick up the dog from the veterinary hospital or other confinement facility, provided the owner is in compliance with all requirements of the animal control ordinance.
- (m) Any dog classified prior to July 1, 2012, as a potentially dangerous dog in this state shall on and after that date be classified as a dangerous dog under this division. Any dog classified prior to July 1, 2012, as a dangerous dog or vicious dog in this state shall on and after that date be classified as a vicious dog under this division. The owner of any dog referred to in this subsection shall come into compliance



with all current provisions of this division by January 1, 2013.

Sec. 14-135. - Requirements for possessing classified dogs.

- (a) It is unlawful for an owner to have or possess within the county a classified dog without a certificate of registration issued in accordance with the provisions of this section. Certificates of registration shall be nontransferable and shall be issued to a person 18 years of age or older. Each classified dog must be separately registered with the county and issued a separate certificate of registration. No more than one certificate of registration shall be issued per domicile, regardless of whether such certificate of registration is for a dangerous dog or a vicious dog.
- (b) Subject to the additional requirements of this article, a certificate of registration shall be issued once the animal services officer determines that the following requirements have been met:
  - (1) The owner has maintained a proper enclosure designed to securely confine the dangerous dog on the owner's property (which shall not include any electronic animal confinement system);
  - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides, including a sign issued by the animal services division indicating the dog's classification number.
- (c) Except as otherwise provided in this article, a certificate of registration for a vicious dog shall be issued if the animal services officer determines that the following requirements have been met:
  - (1) The owner has maintained a proper enclosure designed to securely confine the vicious dog on the owner's property (which shall not include any electronic animal confinement system);
  - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
  - (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
  - (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 or the maximum amount authorized by state law issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the vicious dog.
- (d) The owner of a classified dog shall notify the animal services division, within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died or been euthanized, or has been sold or relocated. If the dog has been sold or relocated, the owner shall also provide the animal services officer with the name, address, and telephone number of the new owner of the dog and of the effective date of the transfer. Any transferee of a dangerous dog shall be presumed to have notice of the dog's classification as such. A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.
- (e) The owner of a classified dog shall notify the animal services division if the owner is moving out of the county. The owner of a classified dog who moves to the county from another jurisdiction within the State of Georgia shall register the classified dog with the county within ten days of becoming a resident and notify the animal services division of the jurisdiction from which he or she moved. The owner of a similarly classified dog who is a new resident of the state shall register the dog as required in this section within 30 days after becoming a resident.
- (f) Issuance of a certificate of registration or renewal of a certificate of registration by the animal services division in the county does not warrant or guarantee that the requirements specified in this section 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.
- (g) An animal services officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. Pursuant to state law, law enforcement agencies, including those of the county and the municipalities within the county, will cooperate with animal services officers in enforcing the provisions of this article.
- (h) An annual fee, which may be set from time to time in an amount deemed reasonable by the board of commissioners, in addition to any regular dog licensing fees shall be paid to register classified dogs as required by this article. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, an animal services officer shall require evidence from the owner or make such investigation as may be necessary to verify that the classified dog is



continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of the animal control ordinance. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

- (i) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
- (j) No certificate of registration for a vicious dog shall be issued to any person (or to any person residing with such person) who has been convicted (from the time of conviction until two years after completion of his or her sentence) of:
  - (1) A serious violent felony as defined in O.C.G.A. § 17-10-6.1;
  - (2) The felony of dogfighting as provided for in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or
  - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. § 16-13-31.1.

Sec. 14-136. - Restrictions on classified dogs.

- (a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:
  - (1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;
  - (2) The dog is contained in a closed and locked cage or crate; or
  - (3) The dog is working or training as a hunting dog, herding dog, or predator control dog.
- (b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:
  - (1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or other structure suitable to prevent the vicious dog from leaving such property unless:
    - a. The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
    - b. The dog is contained in a closed and locked cage or crate; or
  - (2) Unattended with minors.
- (c) No person shall be the owner of more than one vicious dog.

Sec. 14-137. - Confiscation of dogs.

- (a) A law enforcement officer or animal services officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.
- (b) A classified dog shall be immediately impounded by any animal services officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to impoundment shall be a violation of this article.
- (c) The owner of any dog that has been impounded pursuant to this article may recover such dog upon payment of all reasonable impoundment and housing costs and proof of compliance with the provisions of this article, unless such impoundment is deemed to be in error by an animal services officer or the county animal control board. All fines and all charges for services performed by a law enforcement or animal services officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.
- (d) In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was impounded, such dog shall be released to an animal shelter or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

Sec. 14-138. - Summons.

Upon a complaint lodged with the animal services division regarding any section of this article, a summons may be issued requiring the owner of any domesticated animal, or any person, firm or corporation violating any of the provisions set forth in this article to appear before the judge of the magistrate court of the county on a day and time certain to answer for the violation of this article. If such violation of this article has not been witnessed by an officer of the county, a subpoena may be issued to the person making the complaint, requiring such person to appear on the day and time of the hearing set by the court to testify on behalf of the county.

Sec. 14-139. - Violations; penalties.

Unless otherwise specified in this chapter, any person violating this chapter may be deemed guilty of violating a county ordinance and may be punished by a fine not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance. Each act or omission in violation of this chapter shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. In addition to any other penalties allowed by law, the court, as part of the sentence, may prohibit the offender from owning, possessing, or having on the offender's premises in the county any animal during the term of the sentence, may order for the animal to be removed from the county or humanely euthanized, and may order restitution.

Secs. 14-140—14-169. - Reserved.

## ARTICLE VI. - PET SALES

Sec. 14-170. - Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

*Animal control facility* means an animal control center or animal shelter, maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole, or in significant part, the rescue, care, and placement of stray, abandoned, or surrendered animals in permanent homes or with rescue organizations, and which does not breed animals.

*Animal rescue organization* means any nonprofit organization whose primary mission is the rescue of animals and the placement of those animals in permanent homes and which nonprofit organization does not obtain dogs, cats, or other animals from breeders or brokers for payment or compensation.

*Cat* means a member of the species of domestic cat, *Felis catus*.

*Dog* means a member of the specifics of domestic dog, *Canis familiaris*.

*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.

Sec. 14-171. - Restrictions on the sale of dogs and cats.

A pet shop may not sell, advertise for the sale of, exchange, offer for adoption, barter, offer for sale, auction, or otherwise deliver or transfer a cat or a 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.

Sec. 14-172. - Disclosures.

A pet shop that provides space for the adoption of cats or 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.

Sec. 14-173. - Roadside sales.

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

(b) This section shall not apply to:

- (1) The display or adoption of dogs, cats, or domestic rabbits by an animal shelter or animal rescue organization; or
- (2) 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.

Sec. 14-174. - 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 constitute a separate offense.

Sec. 14-175. - Enforcement.

Enforcement authority of this article shall be vested with the animal services division or any animal services officer, who 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 services officer or observations made by an animal services officer.

Secs. 14-176—14-185. - Reserved.