

TITLE IX:

**GENERAL
REGULATIONS**

Chapter 91

**Animal Control
Ordinance**

CHAPTER 91: ANIMAL CONTROL

Section

91.01	Title
91.02	Statement of Purpose
91.03	Applicability
91.04	Definitions
91.05	Duties and Powers of Animal Control Officer
91.06	Reporting of Animal Bites
91.07	Joint Government Services
91.08	Classifications of Dangerous and Vicious Dogs
91.09	Procedures for Classified Dogs
91.10	Rabies Inoculations for Dogs and Cats
91.11	Nuisance Dogs
91.12	Dog Restraint Districts
91.13	Tethering of Animals
91.14	Cruelty to Animals
91.15	Keeping of Wild or Exotic Animals
91.16	Livestock Exempted
91.17	Enforcement and Penalties
91.18	Appeals
91.19	Severability and Conflict
91.20	Effective Date

§ 91.01 TITLE

This Ordinance shall hereafter be known and cited as the “Pike County Animal Control Ordinance.”

(Res. passed x-xx-xx)

§ 91.02 STATEMENT OF PURPOSE

By enacting this Chapter, the County intends to preserve and promote the public health, safety, and welfare of the citizens of Pike County through:

- (A) Complying with current State regulations concerning dangerous and vicious dogs;
 - (B) Complying with current State regulations requiring the inoculation of dogs and cats against rabies;
 - (C) Establishing local regulations to reduce the number of nuisance incidents within the County;
- (Res. passed x-xx-xx)

§ 91.03 APPLICABILITY

Unless otherwise stated, the regulations set forth in this Ordinance shall apply and govern in all zoning districts in unincorporated Pike County.

(Res. passed x-xx-xx)

§ 91.04 DEFINITIONS

For the purposes of this Ordinance, the following terms shall apply:

- (A) **ADEQUATE FOOD AND WATER.** Food and water which is sufficient in an amount and appropriate to prevent starvation, dehydration, or a significant risk to a dog's health from a lack of food or water.
- (B) **ADEQUATE SHELTER.** A structure having three (3) sides, a top, and an impervious floor, suitable for a dog's size to protect it from the elements with sufficient bedding inside the shelter during cold weather.
- (C) **ANIMAL CONTROL OFFICER.** The person(s), office, or agency designated by the Pike County Board of Commissioners for the purposes of administration and enforcement of the provisions of this Ordinance.
- (D) **AUTHORITY.** The Pike County Magistrate Court.
- (E) **CLASSIFIED DOG.** Per current State regulations, any dog that has been classified as either a dangerous dog or a vicious dog.
- (F) **CRUELTY.** Any and every act, omission or neglect whereby unjustifiable pain, suffering, maiming, or death may be caused or permitted to any animal.
- (G) **CUSTODIAN.** Any person that cannot document ownership of a dog, but that has exercised care or control of a dog for seven (7) or more consecutive days, and shall be held liable of the actions of that dog.
- (H) **DANGEROUS DOG.** Per current State regulations, any dog that:
 - a) 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;
 - b) 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
 - c) 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.
- (I) **EUTHANIZATION.** The legal act of humanely putting to death dangerous and vicious dogs through the administering of lethal drugs by a State licensed veterinarian. Euthanization procedures shall follow the standards provided for in O.C.G.A. 4-11-5.1.
- (J) **GUARD DOG.** Any dog maintained for the purpose of safety or security which dog is reasonably expected to attack other persons or animals either independently or on command on its owner's property.
- (K) **HUMANE CARE OF ANIMALS.** The provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of a dog's size and breed.
- (L) **INHUMANE CARE OF ANIMALS.** Any act, omission, or neglect which causes unjustifiable physical pain, suffering, or death to an animal.
- (M) **INOCULATION.** The injection of a specified dose of anti-rabies vaccine by a veterinarian into the proper site of an dog or cat, 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 Georgia Department of Human Resources.
- (N) LOCAL GOVERNMENT. Any county or municipality of the State of Georgia.
- (O) MAIL. To send by certified mail or statutory overnight delivery to the recipient's last known address.
- (P) OWNER. The person, partnership, or corporation owning, possessing, keeping, harboring, or having custody or control of one (1) or more dog(s) or other animal(s). An animal shall be deemed to be harbored if it is fed or sheltered for seven (7) or more consecutive days. In the case of an animal owned by a minor, the term owner shall include the parents or person in loco parentis with custody of the minor.
- (Q) PUBLIC NUISANCE. A dog shall be deemed a public nuisance if it:
- a. Attacks or acts so as to menace citizens off of its owner's property, or attacks or acts as to menace pedestrians or other persons using public ways.
 - b. Attacks or acts so as to menace pets or livestock off of its owner's property.
 - c. Repeatedly runs at-large, causing destruction or theft of personal property while at-large, causing an accumulation of waste on another person's property while at large and/or harassing a property owner while at-large; or
 - d. Barks, whines, or howls per the standard set forth in Section 91.13
 - e. Is left in unsanitary conditions causing excessive odors, etc.
- (R) RECORDS OF APPROPRIATE AUTHORITY. Records of any county or municipal animal control agency, records of any county board of health, records of any federal, state or local courts, or records of an animal control officer provided for in this Ordinance.
- (S) RESTRAINT. Means:
- 1) having a dog on a leash or at heel or beside a competent person and obedient to that person's commands; or
 - 2) Having a dog securely within a vehicle being driven or parked on the streets and roads of Pike County; or
 - 3) Having a dog in a fenced area within the real property limits of the owner, which is adequate to prevent the dog(s) from escaping. Invisible fences shall be allowed if maintained in good working order and if they effectively keep the dog restrained.
 - 4) Having a dog on a running line which has a connection between two (2) fixed points of not less than thirty (30) feet and a lead of not less than fifteen (15) feet, which lead must be attached to the dog by a chest harness that fastens on the back of the dog rather than on its neck. No other means of restraint may be used to attach a dog to a running line.
- (T) RUNNING-AT-LARGE. Any dog which is off the property of its owner and not under the control of a competent person.
- (U) SERIOUS INJURY. 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.
- (V) STRAY DOG. A dog that lives at-large, for which an owner cannot be documented.

(W) VETERINARIAN. Any person who holds a license to practice the profession of veterinary medicine in the State of Georgia and has a degree of Doctor of Veterinarian Medicine.

(X) VICIOUS DOG. Per current State regulations, any 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.

(Res. passed x-xx-xx)

§ 91.05 DUTIES AND POWERS OF ANIMAL CONTROL OFFICER

(A) The Pike County Board of Commissioners shall designate an individual to carry out the duties of Animal Control Officer as provided in this Ordinance. The Board of Commissioners may also designate assistants to aid the Animal Control Officer in the performance of his or her duties.

(B) The Animal Control Officer may carry out the duties for animal control for more than one (1) local government pursuant to any agreement entered into under Section 91.07 of this Ordinance.

(C) The Animal Control Officer shall not be authorized to make arrests under this Ordinance, unless the Officer is also certified as a law enforcement officer by the State of Georgia.

(D) The Animal Control Officer is authorized, directed, and empowered to issue citations for violations of this Ordinance. Said citation(s) shall be returnable to the Magistrate Court of Pike County.

(E) The Animal Control Officer and his or her assistants shall be provided with proper training and equipment as is necessary to enforce the regulations of this Ordinance. The Animal Control Officer and his or her assistants shall also be inoculated against rabies.

(F) The Animal Control Officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the terms of this Ordinance.

(G) It shall be unlawful for any person to hinder, interfere, harass, or otherwise obstruct any Animal Control Officer in the official performance of his or her duties.

(H) The Animal Control Officer shall submit monthly reports to the Pike County Manager and the Board of Commissioners concerning animal incidents, corrective measures, euthanizations, expenses, etc. in the County and applicable municipalities within the County.

(I) Under no circumstances shall a local government or any employee or official of a local government 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.

(Res. passed x-xx-xx)

§ 91.06 REPORTING OF ANIMAL BITES

In the interest of public health, and to help reduce the proliferation of rabies and other diseases, bites from any type of animal, whether domesticated or wild, shall be reported to either the Animal Control Officer, the Environmental Health Department, or the Sheriff's Office within 48 hours of the occurrence of the bite. Bite incidents reported directly to the Environmental Health Department or the Sheriff's Office shall be forwarded to the Animal Control Officer. Failure to report bites to the Animal Control Officer, or providing false information on a report, may constitute interference with the Animal Control Officer, in conjunction with Section 91.05(G).

(Res. passed x-xx-xx)

§ 91.07 JOINT GOVERNMENT SERVICES

The Pike County Board of Commissioners and the representatives of any municipality within Pike County, or any combination of them, may contract and enter into formal agreements with each other for joint animal control services and codes for the shared use of resources used in the provision of such services.

(Res. passed x-xx-xx)

§ 91.08 CLASSIFICATIONS OF DANGEROUS AND VICIOUS DOGS

The determination of dangerous and vicious dogs in Pike County shall conform to the standards of the current edition of the State of Georgia’s “Responsible Dog Ownership Law”.

- (A) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within the Animal Control Officer’s jurisdiction, the Animal Control Officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
- (B) When the Animal Control Officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the Animal Control Officer shall send a dated notice by certified mail to the dog’s owner or custodian within seventy-two (72) hours of the determination. Such notice shall include a summary of the Animal Control Officer’s determination and shall state that the owner or custodian has a right to request a hearing from the Authority on the Animal Control Officer’s determination within fifteen (15) days after the date shown on the mailed notice. The notice shall also provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the Animal Control Officer’s determination shall become effective for all purposes under this Ordinance.
- (C) When a hearing is requested by the dog owner or custodian in accordance with 91.07 (B) of this Ordinance, such hearing shall be scheduled within thirty (30) days after the request is received; provided, however, that such hearing may be continued by the Authority for good cause shown. At least ten (10) days prior to the hearing, the Authority shall mail the dog owner or custodian written notice of the date, time, and place of the hearing. At the hearing, the dog owner or custodian shall be given the opportunity to testify and present evidence and the Authority shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the Animal Control Officer’s determination. If a custodian requests a hearing for a dog under their care, they shall hereafter be considered the “owner” of the subject dog. Failure to acknowledge ownership shall result in the subject dog being classified as a “stray” dog, which shall be subject to the procedures outlined in Section 91.08(I).
- (D) Within ten (10) days after the hearing, the Authority shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized, the notice shall specify the date by which the euthanasia shall occur.
- (E) A Superior Court Judge may order the euthanasia of a dog if the Court finds, after notice and opportunity for hearing as provided by Section 91.07 (C), that the dog has seriously injured a human or presents a danger to humans not suitable for control under this Ordinance and:

- (1) The owner of the dog has been convicted of a violation of any State criminal law and the crime was related to such dog; or
 - (2) Any local governmental authority has filed with the Court a civil action requesting the euthanasia of the dog.
- (F) A dog that is found, after notice and opportunity for hearing as provided by Section 91.07 (C) and (E), 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 Section.
- (G) Dogs with no documented owner or custodian shall not be provided a hearing, and the original determination by the Animal Control Officer shall remain effective. Dogs with no documented owner or custodian that are determined to be dangerous or vicious shall be euthanized by a licensed veterinarian under the direction of the Animal Control Officer, and at owner's expense. It is the responsibility of every dog owner or custodian to properly document their dog as a pet. Per definition, every dog that runs at large and does not properly display ownership documentation is a stray.
- (H) All euthanizations shall be at the cost of the owner or custodian of the dog(s).
- (I) 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.

(Res. passed x-xx-xx)

§ 91.09 PROCEDURES FOR CLASSIFIED DOGS

The procedures for classified dogs in Pike County, not scheduled to be euthanized, shall conform to the standards of the current edition of the State of Georgia's "Responsible Dog Ownership Law".

- (A) It shall be unlawful for an owner to have or possess within this State a classified dog without a certificate of registration issued in accordance with the provisions of this Ordinance. Certificates of registration shall be non-transferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.
- (B) Unless otherwise specified in this Ordinance, a certificate of registration for a dangerous dog shall be issued if the Animal Control Officer determines that the following requirements have been met:
- (1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and
 - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
 - (3) Invisible fencing shall not be adequate for confining a dangerous dog to the owner's property.
- (C) Unless otherwise specified in this Ordinance, a certificate of registration for a vicious dog shall be issued if the Animal Control Officer determines that the following requirements have been met:

- (1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and
 - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
 - (3) Invisible fencing shall not be adequate for confining a dangerous dog to the owner's property.
 - (4) 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
 - (5) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000 issued by an insurer authorized to transact business in this State insuring the owner of custodian of the vicious dog against liability for any bodily injury or property damage caused by the dog.
- (D) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this Ordinance.
- (E) No person shall be the owner of more than one vicious dog.
- (F) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:
- (1) A serious violent felony as defined in O.C.G.A. 17-10-6.1;
 - (2) The felony of dog fighting 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 and O.C.G.A. 16-13-31.1
- from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.
- (G) Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a vicious dog, the Animal Control Officer shall verify that the owner is continuing to comply with the provisions of this Ordinance. Failure to renew a certificate of registration with ten (10) days of the renewal date or initial classification date shall constitute a violation of this Ordinance.
- (H) The owner of a classified dog shall notify the Animal Control Officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the Animal Control Officer within 24 hours if the dog has died or has been euthanized.
- (I) A vicious dog shall not be transferred, sold, or donated to any other person. However, it can only be relinquished to a governmental facility or veterinarian to be euthanized.
- (J) The owner of a classified dog who moves from one jurisdiction to another within the State of Georgia shall register the classified dog in the new jurisdiction within ten (10) days of becoming a resident and notify the Animal Control Officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into this State shall register the dog as required in Section 91.08 within thirty (30) days of becoming a resident.

(K) 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 (6) 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
- (2) The dog is contained in a closed and locked cage or crate.
- (3) The dog is working or training as a hunting dog, herding dog, or predator control dog.

(L) 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 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 (6) 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.

- (2) Unattended with minors.

(M) A person who violates Section 91.09 (L) shall be guilty of a misdemeanor of high and aggravated nature.

(N) An owner with a previous conviction for a violation of this Ordinance whose classified dog causes serious injury to a human being under circumstances constituting another violation of this Ordinance shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one (1) nor more than ten (10) years, a fine of not less than \$5000.00 nor more than \$10,000.00 or both. In addition, the classified dog shall be euthanized at the cost of the owner.

(O) Any irregularity in classification proceedings shall not be a defense to any prosecution under this Ordinance 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.

(Res. passed x-xx-xx)

§ 91.10 RABIES INOCULATIONS FOR DOGS AND CATS

It shall be unlawful for the owners or custodians of dogs and cats to not maintain current rabies vaccinations. The Animal Control Officer shall have the authority to request documentation of current rabies vaccinations for dogs and cats already involved with code cases relative to this Ordinance. Failure to produce proper documentation of current vaccinations shall result in a local citation, independent of any other violations that may have occurred relative to this Ordinance.

The Animal Control Officer shall work in conjunction with the Environmental Health Department relative to the investigation and resolution of possible rabies cases.

(Res. passed x-xx-xx)

§ 91.11 NUISANCE DOGS

Owners of dogs meeting the definition of “nuisance”, as provided in this Ordinance, shall be subject to a written warning from the Animal Control Officer after the initial nuisance incident is documented by the Officer. Further violations of this Section after the written warning shall result in a citation. Warnings and citations shall be issued only after the Animal Control Officer has documented:

- 1) The date and approximate time of the dog nuisance incident.
- 2) The size, color(s), and, if possible, the breed of dog(s) involved in the incident. (Photographic or video evidence is recommended.)
- 3) Confirmation of dogs within the area that match the compiled description of the dog(s) that are under the ownership or custodial care of persons living in the area.

Barking, whining, and howling, for a sustained period of 30 minutes or longer, shall also be subject to initial warnings and possible citations. However, a dog which barks as the result of the intentional and unauthorized actions of persons other than the owner or custodian of the dog shall be deemed to have “provoked”, and shall not be subject to a warning or citation. A recording of the dog noise and confirmation of the ownership of the dog must be provided to the Animal Control Officer. In lieu of a recording, the Animal Control Officer may also document the excessive dog noise in person. Dog noise incidents shall also involve an initial warning, followed by a citation if the problem continues.

§ 91.12 DOG RESTRAINT DISTRICTS

It shall be the duty of every owner of any dog, or anyone having any animal in his or her possession, custody, or care to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries, damage, or public nuisance which might result from their dog's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(A) There are hereby created within the unincorporated areas of Pike County, dog restraint districts, in which such districts no dogs shall be permitted to run at-large and cause a nuisance, but shall be properly restrained (as defined in this Ordinance) in its owner's yard, or live within its owner's residence, or be properly trained to stay within the yard of its owner's residence. Such restraint districts shall be designated as:

- (1) All public areas owned or leased by any federal, state or local government or its agencies or the board of education, including, but not limited to, all public parks, recreation areas, school grounds, as well as all sidewalks, streets, roads, highways and rights of ways located in restraint districts. An exception will be made for law enforcement dogs and “seeing eye dogs” which are engaged in assisting the blind.
- (2) Within the legal boundaries of all participating platted, major subdivisions within unincorporated Pike County, and similar participating subdivisions within those municipalities that have entered into a joint services agreement with Pike County concerning animal control services. Participating subdivisions are those subdivisions which, by a 2/3 approval vote of the voting members of its homeowner's association, elect to become a dog restraint district within their legal boundaries. The homeowner's association must conduct the election and notify the Animal Control Officer if the restraint district is approved for the subdivision. In

the event that a subdivision does not have a functioning homeowner's association or other legal entity, a petition with the signatures of 2/3 of the subdivision's residents may be submitted for consideration.

- (3) All future residential subdivisions that have been approved and platted within the County.
 - (4) All mobile home parks.
 - (5) Dogs running-at-large within a restraint district, but whose owner lives outside of the restraint district shall also be considered a violation of this Section.
- (B) Signs shall be posted by the homeowner's association, at their own expense, at the entrances and exits of every dog restraint district, denoting the presence of the district, and participating homeowner's associations shall be provided with a copy of the approved Ordinance.
- (C) Initial violations of this Section shall result in a written warning from the Animal Control Officer, except in cases where serious injury or death has occurred due to unrestrained dogs. Further violations of this Section after the written warning shall result in a citation. Warnings and citations shall be issued only after the Animal Control Officer documents:
- 1) The date and approximate time of the unrestrained dog(s) running-at-large and uninvited on another person's property or causing a nuisance on another person's property.
 - 2) The size, color(s), and, if possible, the breed of dog(s) involved in the incident. (Photographic or video evidence is recommended.)
 - 3) Confirmation of dogs within the area that match the compiled description of the dog(s) and that are under the ownership or custodial care of persons living in the area.

(Res. passed x-xx-xx)

§ 91.13 TETHERING OF ANIMALS

- (1) It shall be unlawful to tether any animal on a chain, rope or cable, which is shorter than three times the length of the animal from the nose to the tip of the tail.
- (2) It shall be unlawful to tether any animal on a chain in which the weight of the chain would cause unreasonable pain or stress.
- (3) It shall be unlawful to attach a weight of any kind to any type of tether for the purpose of making the animal pull the weight, except in cases of utilizing or training sport and working dogs.

If the Animal Control Officer records any instances tethering while investigating other code cases relative to this Ordinance, these instances or violations are subject to a local citation independent of any other violations that may have occurred relative to this Ordinance.

(Res. passed x-xx-xx)

§ 91.14 CRUELTY TO ANIMALS

Per Section 4-8-5 (a) of the Georgia Code, no person shall perform a cruel act on any dog; nor shall any person harm, maim, or kill any dog, or attempt to do so, except that a person may:

- (1) Defend his or her person or property, or the person or property of another, from injury or damage being caused by a dog; or
- (2) Kill any dog causing injury or damage to any livestock, or poultry, or pet animal.

It shall be unlawful for any person, either by commission or omission, to:

- (1) Knowingly abandon, knowingly or willingly permit the abandonment of, or aid in the abandonment of any domesticated animal.
- (2) Willfully and maliciously kill, abuse, maim, or disfigure any animal.
- (3) Overload, overwork, torture, beat, mutilate, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal.
- (4) Fail to provide adequate food, water, and shelter.
- (5) Promote or participate in animal fighting.
- (6) Allow an animal to be kept in unsanitary conditions.

Poisoning of dogs, cats, or any other animals is unlawful and shall be considered an act of cruelty. It shall not be unlawful for a person to expose on his or her own property poison mixed only with vegetable substances.

If the Animal Control Officer records any instances of inhumane care of any animals, or violations of the Animal Protection Act, while investigating other code cases relative to this Ordinance, these instances or violations shall be reported to the Georgia Department of Agriculture and are subject to a local citation independent of any other violations that may have occurred relative to this Ordinance.

(Res. passed x-xx-xx)

§ 91.15 KEEPING OF WILD OR EXOTIC ANIMALS

It shall be unlawful for any person to raise, keep, or permit to be raised or kept, wild animals and exotic animals as defined in Section 156.006, on any property located in unincorporated Pike County, except where permitted by an approved special exception.

(Res. passed x-xx-xx)

§ 91.16 LIVESTOCK EXEMPTED

The keeping, raising, and/or producing of livestock (including equines) in any manner shall be exempt from the provisions of this chapter. However, reported cases of livestock cruelty shall be forwarded to the State Department of Agriculture and may be subject to a citation in Pike County Magistrate Court.

(Res. passed x-xx-xx)

§ 91.17 ENFORCEMENT AND PENALTIES

Any person who violates the provisions of this Ordinance may be issued a citation for that violation and ordered to appear in the Magistrate Court of Pike County. Such citation shall be issued by the Animal Control Officer and based upon his or her personal knowledge, or upon a sworn written statement of another person who has witnessed the violation. In the latter case, the witness shall be subject to subpoena to testify for Pike County at the hearing of the case.

Upon conviction, violators shall be punished as a misdemeanor, unless otherwise stated in this Ordinance or prescribed differently by State law. Remitted fine amounts for misdemeanor convictions shall be transferred to the Animal Control Department for the operating expenses of said Department.

Minimum, local fine amounts for violations of this Ordinance:

- 1) Dangerous and vicious dog incidents involving pets only: \$250
- 2) Dangerous and vicious dog incidents involving humans: \$500
- 3) Dog nuisance incidents, other than excessive noise incidents: \$100
- 4) Dog noise incidents: \$50
- 5) Dumping of animals along roadways or abandoning animals on properties, and other instances of animal cruelty: \$500
- 6) Dogs running-at-large in restraint districts: \$50
- 7) Failure to provide proper rabies inoculations: \$100
- 8) Keeping of wild or exotic animals without County approval: \$500

(Res. passed x-xx-xx)

(Penalty, see Code Section 10.99)

§ 91.18 APPEALS

The determination of the Magistrate Court may be appealed on points of law to the Pike County Superior Court by writ of certiorari.

(Res. passed x-xx-xx)

§ 91.19 SEVERABILITY AND CONFLICT

(A) Severability.

This Ordinance is declared to be severable. In the event any section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Chapter, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The County hereby declares that it would have passed the remaining parts of this Chapter if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

(B) Conflict.

If any part of this Ordinance is found to be in conflict with any other Ordinance of this County or any state or federal statute, the most restrictive or highest standard shall prevail.

If any part of this Ordinance is explicitly prohibited by state or federal statute, that part shall not be enforced.

(Res. passed x-xx-xx)

§ 91.20 EFFECTIVE DATE

This Ordinance shall become effective upon the second reading of the proposed ordinance and upon the affirmative vote of at least three (3) County Commissioners.

(Res. passed x-xx-xx)