

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Code of the City of Perry, Georgia is amended as follows:

1.

By deleting Article II of Chapter IV in its entirety.

2.

By adding a new Article II to Chapter IV as follows:

ARTICLE II. UNIFIED ANIMAL CONTROL

Sec. 4-21. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word “shall” is mandatory and the word “may” is permissive.

Abandonment means releasing or leaving an animal on any property, public or private, with the intention of deserting the animal.

Adequate Food and Water means food and water which is sufficient in amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal’s health from a lack of food or water.

- 1) Adequate food means palatable, non-contaminated and nutritionally adequate food that is appropriate for the species. Adequate food does not include garbage.
- 2) Adequate water means clean, fresh, potable water.

Adequate Shelter means a structure having three sides, a top and bottom which is suitable for the animal’s size to protect it from cold, wind and rain and other elements. During cold weather, sufficient bedding inside the shelter shall be present.

Animal means any living thing, not a plant, other than man. (Excludes: rodents and insects.)

Animal Control Officer means any person assigned to enforce the provisions of this chapter as designated by the Chief of the Perry Police Department.

Animal Shelter means any facility operated by the City of Perry or in conjunction with the county or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter.

Running At Large means any animal which is off the property of its owner and not under the control of a competent person.

Governing Authority means the City Council in which the legislative powers of the City of Perry are vested.

Guard Dog means any trained or untrained dog that is maintained for the purpose of safety or security and which is reasonably expected to attack persons or other animals independently or upon command.

Humane Care of animals means but is not limited to the provision of adequate shelter and wholesome and adequate food and water consistent with the normal requirements and feeding habits of the breed.

Inhumane Care means any act, omission or neglect which causes unjustifiable physical pain suffering or death to any living animal.

Inoculation Against Rabies means the injection subcutaneously or otherwise, of rabies vaccine approved by the state department of public health, and administered under the supervision of a licensed veterinarian and a certificate of vaccination or inoculation issued by the veterinarian.

Jurisdiction means for the enforcement of this chapter, the incorporated areas of the City of Perry.

Owner means any person partnership or corporation owning, possessing, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for seven (7) or more consecutive days.

Public Nuisance. An animal shall be deemed to be a public nuisance if the animal:

- (1) Is permitted to go upon the property of another person other than its owner or keeper without the express consent of such other property owner or occupant;
- (2) Attacks or acts so as to menace pedestrians or other persons using public ways;
- (3) Barks, whines or howls in an excessive, continuous, or untimely fashion.
- (4) Is repeatedly at large.
- (5) Trespasses on school grounds.

Records of Appropriate Authority means records of any county or municipal animal control agency, records of any county board or health, records of any federal, state or local courts, or records of an animal control officer provided for in this chapter.

Restraint means any animal which is on a leash or at heel or beside a competent person and obedient to that person's commands, or within a vehicle being driven or parked on the streets and roads of the City of Perry, or in a fenced area within the real property limits of the owner. Invisible fence systems are allowed if they are maintained in good working order and keep the animal contained. The primary means of restraint within the property may not be by means of a chain, cable, rope or other stakeout or tieout device.

Sec. 4-22. Penalty for Violation of Chapter.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided in Sec. 1-10 of the Code of the City of Perry, Georgia.

Sec. 4-23 Citations.

Any person who violates the provisions of this chapter may be issued a citation for any violation to appear in Perry Municipal Court. Such a citation may be issued by an animal control officer, based upon his own personal knowledge or upon a sworn written statement of another person who has witnessed the violation, in which case the witness shall be subpoenaed to testify for the City of Perry in the court.

Sec. 4-24. Joint Government Services.

Any county or municipality or any combination of such local governments may contract or enter into agreements with each other for joint animal control services and codes and for the separate or joint use of personnel, facilities and equipment used in provision of such services

Sec. 4-25. Designation and Powers of Animal Control Officer.

- (a) The Perry Police Chief shall designate an individual to carry out the duties of an animal control officer as provided in this chapter.
- (b) One animal control agency may carry out the duties of animal control for more than one local government pursuant to a contract or agreement under Section 4-24.
- (c) An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter. Law enforcement agencies of local governments and the sheriffs of counties shall cooperate with animal control officers in enforcing the provisions of this chapter.
- (d) Persons carrying out the duties of an animal control officer shall not be authorized to make arrests unless the person is a law enforcement officer having the powers of arrest.

Sec. 4-26. Authority to Remove Abused or Neglected Animals.

Animal control officers shall be authorized to remove or cause to have removed to a safe location any animal that appears to be abused or suffering undue pain from abuse or neglect, as may be necessary to prevent further suffering. The owner or possessor of the animal may be charged according to O.C.G.A Sec. 16-12-4 concerning cruelty to animals.

Sec. 4-27. Interference with Animal Control Officer.

It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any animal control officer in the official performance of their duties as provided for in this chapter.

Sec. 4-28. Keeping of Wild Animals, Livestock, or Fowl.

It shall be unlawful for any person to raise, keep or permit to be raised or kept on premises that he owns or controls within the city of Perry any wild nondomestic animal, or any cattle, horses, ponies, donkeys, mules, goats, sheep, or fowl, unless permitted by the Code of Ordinances of the City of Perry.

Sec. 4-29. Restraint of Animals.

It shall be unlawful for any person to fail to keep any animal under restraint which is owned by or in the custody of control or such person.

Sec. 4-30. Creation of Nuisance.

It shall be unlawful for any person to maintain a public nuisance as defined in this chapter.

Sec. 4-31. Confinement of Female Animals in Season.

It shall be unlawful for any owner or person who has custody or control of a female animal that is in season to fail to keep the female animal confined in such a manner that such female animal cannot come in contact with a male animal, except for intentional breeding purposes.

Sec. 4-32. Animal Care.

It shall be unlawful for any owner to fail to provide his animals with sufficient and wholesome food and water, with proper shelter and protection from the weather, with veterinary care when needed to prevent suffering, and with humane care and treatment.

Sec. 4-33. Cruelty to Animals.

It shall be unlawful for any person to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cock fight, or other combat between

animals or between animals and humans.

State law references: Dog fighting unlawful, O.C.G.A. Sec. 26-2-160, as amended.

Sec. 4-34. Abandonment.

It shall be unlawful for any person to abandon an animal.

Sec. 4-35. Exposure of Poisons.

It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that the substance is liable to be eaten by any animal; provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with raw vegetable substances.

Sec. 4-36. Removal of Waste.

It shall be unlawful for the owner of an animal to:

1. Fail to immediately remove any excrement deposited by his animal on public property, walks, recreation areas or private property not owned or controlled by the owner of the animal.
2. Fail to remove any excrement from their property and dispose of this waste on a daily basis.

Sec. 4-37. Confinement and Quarantine of Biting animals.

It shall be unlawful for an animal that is known to have bitten a person not to be confined for the purpose of quarantine by a method to be determined by the county health department for a period of not less than ten days. All expenses incurred for such confinement and observation shall be paid by the owner of such animal.

State Law Reference O.C.G.A. 31-19 and the Georgia Rabies Control Manual as amended.

Sec. 4-38. Rabies Inoculation for Dogs and Cats.

It shall be unlawful for the owner of any dog or cat housed, kept or boarded within the unincorporated or incorporated limits of the county to fail to have the animal(s) inoculated against rabies, and to have a rabies tag attached to the animal's collar. The owner shall be liable for the inoculation of the animal.

State Law Reference O.C.G.A. 31-19 and the Georgia Rabies Control Manual.

Sec. 4-39. Number of Dogs and Cats per Residential Lot.

It shall be unlawful for there to be more than six (6) animals on any residential lot subject to the following exceptions:

- (1) Pet owners in compliance with any prior ordinance limiting the number of animals shall be allowed to continue to keep said number of animals.
- (2) A litter of puppies or kittens will be permitted to remain on property for a period of 12 weeks after their birth.
- (3) Limitation does not apply to licensed foster home operators, breeders or other individuals who have been granted a waiver by the Mayor and Council consistent with the procedures and criteria outlined in Section 4-40.

Sec. 4-40. Waiver to Animal Limitations.

- (a) Upon application to and approval by the Mayor and Council, a citizen may keep animals in greater numbers than provided in Section 4-39 of this chapter, provided that the council finds that:
- (1) There are exceptional and extraordinary circumstances existing such that a waiver should be granted;
 - (2) Granting the waiver would not confer upon the applicant any special privileges that are denied to others;
 - (3) The waiver will not be injurious to the neighborhood or to the general welfare of the neighborhood; and
 - (4) The applicant can demonstrate a special use or need to house animals in greater numbers than provided in Section 4-39. This item shall be deemed to include, but not be limited to, participation in a licensed animal rescue organization, use of animals for therapeutic or other purposes, emergency care of pets owned by other persons, or other circumstances which are specified in the application for waiver.
- (b) The person making the application for such a waiver shall submit, with his/her application a fee as determined by the Mayor and Council of the City of Perry. A sign containing information as to the proposed waiver, and the date and time at which the application will be considered by the Council shall be posted in a conspicuous location on the property not less than fifteen (15) days prior to the date of the public hearing.
- (c) The application shall be sent to the Mayor and Council for review, public hearing and approval/denial thereof. The Mayor and Council shall have thirty (30) days in which to make a decision.
- (d) Any waiver approved by the Mayor and Council may be revoked upon the applicant being found in violation of the nuisance provisions of this article.

Sec. 4-41. Warning Notice on Premises Using Guard Dogs.

It shall be unlawful for the owner, tenant or custodian of property upon or within which a guard dog is located to fail to conspicuously and prominently post a notice on the outside of the property. Such notice shall comprise the words "Warning-Guard Dog" and shall be in clearly distinguishable block letters of either red or black on white background which are easily read at a distance of 50 feet. In the case of a guard dog being kept inside a building or fence, such notice shall be conspicuously posted upon the building or fence at a distance not greater than 50 feet apart, as well as upon each and every entrance and exit to the building. In the case of apartments, condominiums or businesses located within a larger building where the guard dog is located within the apartment, condominium or business solely, this notice shall be conspicuously posted on each and every entrance and exit to the apartment, condominium or business.

3.

By renumbering Sections 4-41 through Sections 4-48 in Article III to Sections 4-51 through Sec. 4-58.

4.

By adding a new Article IV to Chapter 4 as follows:

ARTICLE IV. IMPOUNDMENT

Sec. 4-71. Animals Subject to Impoundment.

Any animal that is out of control or unattended or otherwise in violation of this article, whether or

not the animal is on private or public property, may be impounded by the animal control officer in accordance with rules and regulations adopted pursuant to this article.

Sec. 4-72. Redemption of Impounded Animals.

It shall be the duty of the animal control officer to notify the owner, if the owner is known or can be reasonably ascertained, of every animal impounded, by telephone, if possible, or by mail, within two (2) working days of the impoundment. The owner of any animal impounded may claim and take custody of the animal within four (4) working days of such impoundment by the payment of an impoundment fee, plus the boarding fee and providing proof of rabies inoculation. If the animal is not current on rabies inoculation, the animal may be released to the owner and the owner shall have the animal inoculated within five (5) working days and provide a copy of the rabies certificate to the animal control officer.

Sec. 4-73. Impoundment Fee.

All fees for impoundment under this article shall be set from time to time by the Mayor and Council of the City of Perry. Impoundment fees are separate and distinct from penalties for violations of any part of this chapter.

Sec. 4-74. Disposition of Unclaimed Animals.

The animal control officer shall be authorized to dispose of any animal impounded under this article in as humane and painless a manner as possible, or to donate any animal to a public or nonprofit institution or agency, if such animal has remained unclaimed for the prescribed period of time or if it has been injured and is suffering or in great pain and such animal does not display an identification tag and no determination of the owner can be made from a reasonable investigation. The disposal of any animal as provided in this section does not relieve the owner of any liability for any violation of this chapter. If the owner of any animal is known or ascertainable, but for a valid reason cannot be reached within the four working day period, the animal control officer shall be authorized to hold the animal until such time as the owner can be reached.

5.

By adding a new Article V as follows:

ARTICLE V. DANGEROUS DOG CONTROL

* State law references: Dangerous Dog Control Law, O.C.G.A. Sec. 4-8-20, et seq., as amended.

Sec. 4-101. 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:

Dangerous dog means any dog that, according to the records of an appropriate authority:

- (1) Inflicts a severe injury on a human being without provocation on public or private property at any time after March 31, 1989;
- (2) Aggressively bites, attacks or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification; or
- (3) Inflicts a severe injury on another animal without provocation on public or private property.

Potentially dangerous dog means any dog that, when unprovoked, bites a human being on public or private property at any time after March 31, 1989.

Proper enclosure means an enclosure for keeping a dangerous or potentially dangerous dog, while on the owner's property, securely confined indoors or in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top. If the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

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

Cross references: Definitions and rules of construction generally, Sec. 1-2.

Sec. 4-102. Exemptions from Article.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a dangerous dog or potentially dangerous dog within the meaning of this article if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing or assaulting the dog or had in the past been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

Sec. 4-103. Violation of Article.

Provisions pertaining to violations of this article and penalties therefore shall be applied in accordance with O.C.G.A. Sec. 4-8-28, as amended.

Sec. 4-104. Animal Control Board.

- (a) The Mayor and Council hereby establish an animal control board to hold hearings as provided for in O.C.G.A. Sec. 4-8-24 as amended. This board is created in conjunction with Houston County and the cities of Centerville and Warner Robins and shall be comprised of one representative from the Houston County Board of Commissioners, one representative from the council of the City of Centerville, one representative from the council of City of Warner Robins, and one representative from the council of City of Perry.
- (b) No member of the animal control board may participate in a hearing on any matter in which such member previously participated in the classification of the animal at issue.

Sec. 4-105. Investigation; Notice to Owner.

Provisions pertaining to investigations by the animal control officer and to notice of classification of a dog as a dangerous or potentially dangerous dog shall be applied in accordance with O.C.G.A. Sec. 4-8-23, as amended.

Sec. 4-106. Procedures for classification.

Provisions pertaining to procedures for classification of a dog as a dangerous or potentially dangerous dog, notice requirements and hearings shall be applied in accordance with O.C.G.A. Sec. 4-8-24, as amended.

Sec. 4-107. Duties of Owner; Registration Fee.

Provisions pertaining to the requirements for possessing dangerous or potentially dangerous dogs shall be applied in accordance with O.C.G.A. Sec. 4-8-25. Also, each owner of a dangerous dog or potentially dangerous dog shall be charged an annual registration fee as provided in the City of Perry fee schedule.

Sec. 4-108. Confinement.

Provisions pertaining to restrictions on permitting dangerous or potentially dangerous dogs to be outside a proper enclosure shall be applied in accordance with O.C.G.A. Sec. 4-8-26, as amended.

Sec. 4-109. Confiscation of Dogs.

Provisions pertaining to the confiscation of dogs, the grounds therefore, and the disposition of such dogs shall be applied in accordance with O.C.G.A. Sec. 4-8-27, as amended.

Sections 4-110 to 4-150. Reserved.