

City of Bainbridge, Georgia

ORDINANCE #590

CHAPTER 4. DOMESTIC ANIMAL CONTROL

An ordinance of the City of Bainbridge, Georgia providing that the Code of Ordinances of the City of Bainbridge, Georgia be amended by replacing Chapter 4 in its entirety with the following:

Article 1

Sec. 4-1. 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 proper food and water for a period in excess of 36 hours, regardless of where the animal may be found or kept.

Animal at large means any animal not under restraint and off the property of its owner.

Animal Control Officer means any employee of the Public Safety Department charged by the Director with the responsibility of enforcing the city's Animal Control Ordinance(s).

Animal shelter means the facility designated by the Bainbridge City Council for the detention of animals.

Animal shelter officer means any person so designated by the animal shelter director to perform the duties prescribed by this article.

Animal under restraint means any animal secured by a leash or lead; 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 or in motion.

Director means the Director of Public Safety.

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. This definition only applies to those animals mentioned and is

only applicable to this article and in no way affects the meaning or application of a definition of the described animal, as may be found in any other city ordinance.

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

Owner means any person who owns, keeps, harbors or acts as custodian of a domesticated animal.

Public nuisance means any animal other than a guide or working animal which:

1. Enters any retail establishment, excluding any shop for the sale of animal pets or pet supplies which expressly issues an invitation for animals to enter in the accompaniment of its owner, during the time that any such establishment is open for use by the public except that the owner or operator of any business may keep his own dog on the premises of the business;
2. Enters upon any private or public school premises during the hours in which school is in session or school activities are taking place;
3. Jumps upon any person to the annoyance of such person;
4. Damages or destroys private property;
5. Defecates upon any private property other than that of the owner of the animal;
6. Barks or howls so as to subsequently disturb the peace.
7. Is found running at large in violation of this chapter;
8. Is vicious as defined in section 4-9 of this chapter;
9. Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the city;
10. Attacks passersby or passing vehicles; and
11. Poses a risk to the public health, welfare or safety according to the rules and regulations promulgated by the county health department, whose rules and regulations are incorporated in and made a part of this article as if fully set out.

Any person that knowingly keeps, owns, harbors or acts as custodian of an animal constituting a nuisance shall be guilty of an unlawful act and shall be punishable as provided in this chapter.

Vicious animal means any animal, which constitutes a physical threat to human beings, or other domesticated animals by virtue of one or more attacks of such severity as to cause property damage or physical injury. An animal shall also be considered vicious and not under restraint if it makes an unprovoked attack on other domesticated animals that are under restraint or on human beings or on physical property of another.

Sec. 4-2. Running at large prohibited.

It shall be unlawful for the owner of any animal to allow it to run at large unattended on or about the streets and highways of the incorporated limits of the city or upon the property of another without the property owner's consent. The Public Safety Department is authorized to impound any such animal at large as provided in this article.

Sec. 4-3. Duty to keep animal under restraint--While on property.

- a. It shall be the duty of every owner of any animal to ensure that it is confined to the property of its owner 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. In addition, all male and female dogs and cats that have not been spayed or neutered must be securely confined in such a way that they not only can not get out to run loose, but also can not be reached by other dogs or cats.

Sec. 4-4. Same--While off property.

It shall be the duty of the owner of any animal to keep the animal under control at all times while the animal is off the real property limits of the owner. For the purposes of this section, an animal is deemed under control when it is confined within a vehicle, parked or in motion, is secured by a leash or other device held by a competent person, is under voice command of a competent person being present with the animal, or is properly confined within an enclosure with permission of the owner of the property where the enclosure is located.

Sec. 4-5. Enforcement.

- a. *Responsibility.* The primary responsibility for the enforcement of this article shall be vested in the Director of Public Safety.
- b. *Complaints.* If a violation of this article has not been personally witnessed by the Animal Control Officer or his authorized representative or other employee of the city, a subpoena shall be issued to the person making the complaint to be and appear on the day and time set for trial, then and there to testify on behalf of the city. The city may refuse to respond to anonymous complaints
- c. *Impoundment of animal in certain cases; disposal in a humane manner after certain period of time.* If the owner of any dog or animal is unknown and the dog or animal is upon the public streets, alleys, sidewalks, school grounds, or other public places or premises or the property of another without the property owner's permission, as prohibited by this article, upon complaint made to or information made known to the Public Safety Department, the Animal Control Officer or his authorized representative is authorized to immediately take possession of such dog or animal and impound it in the animal shelter. Once impounded, an animal shall be kept for a period of time as defined in section 4-6 of this chapter; thereafter, if the animal is not claimed by anyone after a reasonable effort has been made to locate the owner of the animal as hereinafter provided, the animal may be disposed of in a humane fashion or in accordance with O.C.G.A. § 4-3-9 et seq. Where the Animal Control Officer or his authorized representative is required in this section to take possession of any dog or animal and to impound it, he may use any and all means available.

- d. *Public Safety Department may issue citation in lieu of impoundment.* In all cases of violations of this article, the Director or his authorized representative shall have the authority to exercise his discretion and may in addition to or in lieu of impounding any animal, issue a citation to the owner of the animal. The citation shall state the violation, the name and address of the owner, and the name of the individual issuing the citation. All citations shall be transferred to the municipal court of the city for prosecution.

Sec. 4-6. Impoundment of Animals.

- a. Upon impounding any dog or other animal, the director or his authorized representative shall cause to be made a prompt and reasonable effort to locate the animal's owner. If the owner does not claim the animal within three days (seventy-two hours) of impoundment it shall be the duty of the director or his authorized representative to offer the dog or other animal to the public for adoption or to dispose of the dog or other animal in a humane fashion.
- b. The city or other party with responsibility for the operation of the Animal Shelter is authorized to charge a daily boarding fee for all animals housed at the Animal Shelter. This fee shall not exceed \$20 per day without prior approval of the Mayor and City Council of the City of Bainbridge. In no event shall its lawful possessor, owner or custodian redeem any animal unless this boarding fee is paid.
- c. For the first time a dog, cat or other animal is found by animal control in violation of the leash law provisions, regardless of whether or not the animal is picked up and impounded by animal control, a fine of up to \$100.00 shall be imposed against the owner of such animal.
- d. If a second offense occurs by the owner for the same animal within two years of a first offense, it is mandatory that the animal either be spayed or neutered within one week after the owner claims the animal, whether it is a purebred or mixed breed or permanently removed from the corporate limits of the city. If the animal is spayed or neutered a sworn, notarized statement from a veterinarian, licensed to practice veterinary medicine in the state, must be received by animal control within ten working days following the animal's release from animal control. Such statement must state that the animal has been spayed, neutered or euthanized by the veterinarian, in compliance with this article, or must explain in detail that for health reasons, the animal can not be spayed or neutered. The owner of such animal will be considered in violation of this article for failure to remove the animal from the city or to submit a veterinarian's statement, and shall be guilty of a misdemeanor and subject to a fine of up to \$500.00 and/or imprisonment and jail for a period not to exceed 60 days, or both. A \$250.00 fine will be imposed for the second offense, and is in addition to the cost of any spaying or neutering.
- e. Should the animal be impounded or the owner be cited for a third offense within two years of a first offense, or for any subsequent offenses within two years of two previous offenses, a \$500.00 fine will be imposed against the owner.
- f. If for any reason an animal is impounded and not claimed after proper notification imposed by this section, and if the owner is identified by a rabies or license tag on the animal or can be identified by witnesses, the owner will be considered in violation of this article for the offense of abandoning the animal and shall be guilty of a misdemeanor and subject to a fine of up to \$500.00 and/or imprisonment and jail for a period not to exceed 60 days, or both.

- g. If an animal is impounded and not claimed, the owner shall be conclusively presumed to have given his consent to the adoption of the impounded animal or to have given his consent to the disposal of the animal in a humane fashion in accordance with O.C.G.A. § 4-11-5.1.
- h. If any animal is not claimed as provided within this article, the Director of the Animal Shelter or his authorized representative, in his sole discretion, and after he has satisfied himself that such animal is in good health, may offer the animal for adoption. All animals offered for adoption must be spayed or neutered and must be given a rabies shot. A sworn, notarized statement from a veterinarian, licensed to practice veterinary medicine in the state, must be received by animal control within ten working days following the adoption. Such statement must state that the animal has been spayed or neutered by the veterinarian or must explain in detail that, for health reasons, the animal cannot be spayed or neutered. The owner of such animal will be considered in violation of this article for failure to submit a veterinarian's statement, and shall be guilty of a misdemeanor and subject to a fine of up to \$500.00 and/or imprisonment for a period not to exceed 60 days, or both.

Sec. 4-7. Precautions to be taken by owners of vicious animals or fowl.

- 1. The term "vicious animal/fowl" means:
 - a) Any animal/fowl which attacks, bites or injures humans, other animals or fowl without provocation
 - b) Which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation;
 - c) An animal/fowl which has on one or more occasions caused injury to other living creatures without provocation; or
 - d) Any animal which constitutes a physical threat to human beings or domesticated animals by one or more attacks without provocation of severity to cause physical injury.
- 2. An animal/fowl is not considered vicious if it attacks, bites or menaces anyone attacking the owner, unlawful trespassers on the property of the owner, or any person or animal that has tormented or abused it, or if it is defending its young or another animal.
- 3. No person owning or having custody or control of any dog or other animal/fowl 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.
- 4. It shall be the duty of every owner of any vicious animal/fowl, or anyone having any animal in his possession or custody, to ensure that the vicious animal/fowl is kept under restraint and that reasonable care and precautions are taken to prevent the vicious animal/fowl from leaving, while unattended, the real property limits of its owner, custodian or harbinger, and it is securely and humanely enclosed within a house, building, fence, pen, or other enclosure out of which it cannot climb, dig, jump or otherwise escape

on its own volition; and such enclosure must be securely locked at any time the animal is left unattended.

5. For owners of vicious animals/fowl who maintain their animal/fowl out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence the vicious animal/fowl must be humanely confined inside a pen or kennel of adequate size. 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. The gate to the kennel must be locked.
6. A vicious animal shall not be upon any street or public place except when securely restrained by a leash not more than six feet in length and humanely muzzled and in the charge of a competent person.
7. Whenever outside of its enclosure as provided for in subsections 4 and 5 of this section, but on the owner's property, a vicious animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape.
8. No vicious animal/fowl shall be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure.
9. A warning sign (e.g., BEWARE OF DOG) shall be conspicuously posted denoting a vicious animal/fowl is on the premises.
10. Failure to keep any animal/fowl confined or under restraint as provided for in subsection's 4 and 5 of this section, shall be unlawful and shall be punishable as provided in this article.
11. Any vicious animal/fowl shall be deemed to be a nuisance and may be abated as a nuisance in accordance with the laws of the state.

Sec. 4-8. Abandonment of animals.

It shall be unlawful for anyone to knowingly abandon any domesticated animal within the city. Each person who does abandon, knowingly or willingly 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.

Sec. 4-9. Cruelty to 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. 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.

Sec 4-10. Dead Animals.

It shall be the duty of every person having an animal of any description which dies anywhere within the corporate limits of the city to promptly bury the animal or remove the same beyond such limits upon notice from the Director of Public safety, Animal Control Officer, or any public safety officer.

Sec 4-11. Burning Dead Animals Prohibited.

It shall be unlawful for any person to burn any dead animal within the city

Sec. 4-12. Bird Sanctuary Designated.

The area embraced within the corporate limits of the city developed for industrial, business or residential use is hereby designated as a bird sanctuary.

Sec 4-13. Trapping, Hunting, Molesting Birds and Nests Prohibited; exception.

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wildfowl or to rob bird nests or wildfowl nests; however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the city, the health authorities shall meet with representatives of the Audubon Society and Federated Garden Clubs of Bainbridge, after having given at least three (3) days' notice of the time and place of such meeting to the representatives of such clubs. If as a result of the meeting no satisfactory alternative is found to abate the nuisance, the birds and nests may be destroyed in such numbers and in such a manner as is deemed advisable by the health authorities under the supervision of the city manager.

Sec 4-14. Keeping Live Fowl in Coops Prohibited.

The keeping of live chickens and fowl in coops within the corporate city limits of the City of Bainbridge is hereby prohibited as being unsanitary, encouraging the breeding of rats and harmful to the health of the community

Sec. 4-15. Swine; minimum size of enclosure.

It shall be unlawful for any person to keep any hog or pig in any pen or enclosure of less than three (3) acres within the city limits.

Sec. 4-16. Fees.

A schedule of fees to be collected pursuant to this article shall be adopted by the City Council and kept on file with the director.

Sec. 4-17. Penalties for violation.

Any person who violates the terms of this article shall be punished as provided in section 1-8 of the Code of Ordinances of the City of Bainbridge except for penalties for violations specified in section 4-6 of this chapter.

Sec 4-18. Tags Required for Domesticated Animals; Issuance, Price.

1. It shall be the duty of every person owning or having possession of a domesticated animal within the city limits to purchase and display upon the collar of the animal a City of Bainbridge Pet License.
2. Any domesticated animal remaining in the city for a period of thirty days or longer shall be required to have a license.
3. The license required under this section may be purchased from the Animal Control Division of the Public Safety Department or from any veterinarian operating within the city and shall be valid from January 1 to December 31.
4. The fee charged for this license shall be set by the City Council and shall not be pro rated for a partial year. The issuing veterinarian shall be entitled to keep a 10% administrative fee for each license sold and shall promptly remit the remaining funds to the city.
5. The Animal Control Division is authorized to impound any domesticated animal found not displaying a valid City of Bainbridge Pet License as provided for in this article.
6. No City of Bainbridge Pet License shall be issued until such domesticated has been vaccinated or proof is provided that such domesticated animal has been vaccinated pursuant to section 4-19 of this article.

Sec. 4-19. Rabies Vaccination.

1. It shall be unlawful for any domesticated animal over four months of age to be kept within the City of Bainbridge unless a veterinarian, licensed to practice veterinary medicine in the state, has vaccinated the animal for rabies. Such animal shall wear, displayed upon a collar worn around its neck, a tag furnished by the veterinarian, which shall show the date of vaccination. All animals must be vaccinated within seven days of being brought into the city.
2. Should any domesticated animal be found running at large within the city without the aforementioned tag the Public Safety Department, the Animal Control Officer or his authorized representative is authorized to immediately take possession of such animal and impound it in the animal shelter as provided for in section 4-5 (c) of this chapter.

Sec. 4-20. Commercial guard/security dogs.

1. It shall be the duty of all persons who keep, use or maintain any guard/security dog to have signs conspicuously posted on the premises where the guard/security dog is located to warn of the presence 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.
2. 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 the laws and ordinances of the city and the state. The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by the laws and ordinances of the city and the state.
3. 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.

The effective date of this ordinance shall be January 1, 2005.

Done this 3rd day of August, 2004.

Signed:

Attest:

B.K. Reynolds, Mayor

Steve A. McKown, Clerk

AFFIX CITY
SEAL

Cross-reference: Nuisances Ch. 12

State Law References: City and County's authority to exercise animal control, Ga. Const. Art 9, sec. 2, par. 3(a)(3); livestock running at large or straying, O.C.G.A §4-3-1 et seq.; permitting dogs in heat to roam or run free, O.C.G.A. § 4-8-6; Dangerous Dog Control Law, O.C.G.A § 4-8-20 et seq.; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; control of rabies, O.C.G.A. § 31-19-1 et seq.; Cruelty to Animals O.C.G.A. § 16-12-4; Dog fighting, O.C.G.A. § 16-12-37 liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-6.