

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2012 - 161

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 14 "ANIMALS", ARTICLE I "GENERAL" BY REPEALING SECTION 14-3 "DEFINITIONS" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-3 "DEFINITIONS"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 "Animals", Article I "General", by deleting Section 14-3 "Definitions" and substituting in lieu thereof a new Section 14-3 "Definitions" which shall read as follows:

**"Sec. 14-3. - 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:

*Animal* means any description of vertebrate, excluding Homo sapiens.

*Animal control unit* means the county animal control unit, a unit of the county police department.

*Animal establishment* means any pet shop, kennel, grooming shop, auction, performing animal exhibition; 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; or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

*Animal shelter* means any facility operated by any government entity for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

*At large* means any animal is at large when it is not under control as provided in this chapter.

*Auctions* means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. Individual sales of animals by owners are not auctions.

*Certificate* means a certificate issued at the time of vaccination of a dog or cat, which certificate shall bear thereon the signature of a licensed veterinarian; the license number; the name, color, breed and sex of the dog or cat; the name and address of the dog's or cat's owner; and the date of the vaccination.

*Commercial kennel* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals, excluding veterinarians, veterinary clinics and veterinary hospitals.

*Cruelty* means every act, omission or neglect whereby unjustifiable pain, suffering, maiming or death may be caused or permitted to any animal.

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

- (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 definition; or
- (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 definition; or
- (3) While off the owner's property, kills a pet animal; provided, however, that this definition 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.

*Deputy rabies inspector* means any employee of the county department of health deputized by the rabies inspector as an assistant.

*Dog* means any member of the canine genus.

*Dog control officer* means an individual selected by a local government pursuant to the provisions of O.C.G.A. § 4-8-22(b) to aid in the administration and enforcement of the provisions of this chapter.

*Fowl* means any warm-blooded, feathered, flying or non-flying animal.

*Health officer* means the commissioner of health of the county or his authorized representative.

*Humane manner* means care of an animal to include, but not be limited to, adequate heat, ventilation, sanitary shelter, wholesome fresh food, and access to fresh, clean wholesome water at all times, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

*Licensing authority* means the agency or department of the county or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter.

*Livestock* means any animal that has hooves.

*Neutered* means incapable of sexual reproduction.

*Nuisance* means an animal shall be considered a nuisance if it:

- (1) Damages, soils, defiles or defecates on private property (other than the property of the owner of the animal), or public property and recreational areas;
- (2) Causes unsanitary, dangerous or offensive conditions;
- (3) Causes a disturbance by excessive barking or other noise making;
- (4) Molests, attacks or interferes with persons on public or private property, unless the animal is a guard dog actively performing its duties while confined to the property of the owner or responsible person; or
- (5) Chases vehicles or attacks other animals.

*Owner* means any natural person or any legal entity including, but not limited to, a corporation, partnership, firm or trust owning, possessing, harboring, keeping or having custody or control of an animal or fowl within this state. An animal shall be deemed to be harbored if it is fed and/or sheltered for three consecutive days or more. 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. The term owner shall also embrace a custodian as defined in OCGA 4-8-4.

*Performing animal exhibition* means any spectacle, display, act or event other than circuses in which performing animals are used.

*Pet* means any animal kept for pleasure, excluding livestock.

*Private kennel* means any person, excluding commercial kennels, pet shops and veterinary clinics or hospitals, who keeps, harbors or knowingly permits to remain on or about his premises, more than five dogs or five cats or more than a combination of five dogs and cats over four months of age.

*Proper enclosure* means any enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property. The dog shall be 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, and, 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 the dog protection from the elements.

*Public place* means any place where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household.

*Rabies inspector* means an employee of the county department of health who shall be appointed by the commissioner of health to carry out the provisions of this chapter.

*Records of an appropriate authority* means the 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 a dog control officer provided for in this chapter.

*Responsible Dog Ownership Law as provided for in O.C.G.A. § 4-8-20 et seq and in Article VI of this Chapter.*

*Responsible person* means any accountable human being.

*Restraint. See Under control.*

*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.

*Spayed* means incapable of sexual reproduction.

*Under control* means any animal shall be considered under control if it is confined by fence, pen, cage, trolley system, or secure enclosure on the premises of its owner or is secured by a leash when not confined or off the premises of the owner. When secured by leash, the animal must be under the

direct control of a person of sufficient size and maturity to restrain the animal from trespassing or causing injury, death or damage to property.

*Vaccination* means the injection by an authorized person of a specified dose of anti-rabic (rabies) vaccine into the body of a dog or cat, which vaccine shall have the U.S. government license number approval stamp on the label of the vaccine container and which vaccine has been approved by the health officer.

*Veterinarian* means any person who holds a license to practice the profession of veterinary medicine in the state.

*Veterinary clinic or hospital* means a clinic or hospital operated by a licensed veterinarian.

*Vicious animal* means any animal that without provocation attacks, bites, or directly causes harm to a human being, domestic animal, or livestock. This phrase shall not be construed to include dogs that are part of a governmental operation.

*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.

*Wild and exotic animals* means and includes any monkey or other nonhuman primate, raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, ferret, bear, wild rabbit, wild rodent and reptiles, including, but not limited to, crocodiles, alligators, snakes, caiman and gavials, and any other animal so designated by the animal control unit."

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 4. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this the 7<sup>th</sup> day of August, 2012.

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

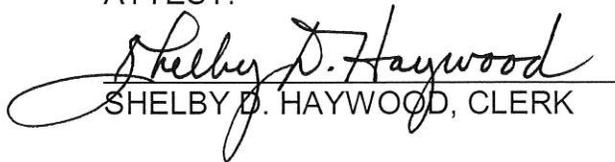
  
WOLE RALPH, VICE CHAIRMAN

  
GAIL B. HAMBRICK, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

(Absent)  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK