

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2012 - 160

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 14 "ANIMALS", ARTICLE VI "DANGEROUS DOG ACT", BY RENAMING ARTICLE VI AS "RESPONSIBLE DOG OWNERSHIP LAW"; BY REPEALING SECTION 14-137 "APPOINTMENT OF DOG CONTROL OFFICER AND ANIMAL CONTROL BOARD" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-137 "APPOINTMENT OF DOG CONTROL OFFICER AND ANIMAL CONTROL BOARD"; BY REPEALING SECTION 14-138 "INVESTIGATION" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-138 "INSPECTION"; BY REPEALING SECTION 14-139 "CLASSIFICATION; NOTICE AND HEARING" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-139 "CLASSIFICATION; NOTICE AND HEARING"; BY REPEALING SECTION 14-140 "REGISTRATION OF DANGEROUS OR POTENTIALLY DANGEROUS DOGS" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-140 "REGISTRATION OF DANGEROUS OR VICIOUS DOGS"; BY REPEALING SECTION 14-141 "CONFISCATION" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-141 "CONFISCATION"; BY REPEALING SECTION 14-143 "EXEMPTION" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-143 "EXEMPTION"; BY REPEALING SECTION 14-146 "CONFINEMENT AND CONTROL OF VICIOUS DOG" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-146 "CONFINEMENT AND CONTROL OF VICIOUS DOG"; 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 VI "Dangerous Dog Act", by renaming Article VI as "Responsible Dog Ownership Law".

Section 2. 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 VI "Responsible Dog Ownership Law" by deleting Section 14-137 "Appointment of dog control officer and animal control board" and substituting in lieu thereof a new Section 14-137 "Appointment of dog control officer and animal control board" which shall read as follows:

"Sec. 14-137. - Appointment of dog control officer and animal control board.

(a) The board of commissioners shall designate a dog control officer who shall perform the duties and exercise the powers assigned to that position by Georgia's Responsible Dog Ownership Law" pursuant to O.C.G.A. § 4-8-20 et seq.

(b) The board of commissioners shall appoint an animal control board which will consist of five members who shall serve a term of not more than three years. The terms shall be staggered so that the term of office of three members shall expire together and the remaining two members' terms shall expire in a subsequent year. Members may serve consecutive terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members may be removed for cause by the board of commissioners on written charges and after a public hearing.

(1) The county animal control board shall elect a chairman and vice-chairman from its members who shall serve for one year or until reelected or their successors are seated. The board shall appoint a secretary who may be a county officer or an employee of the county.

(2) The chairman shall call meetings of the board, decide upon points of order and procedure, administer oaths, and command the appearances of witnesses. The vice-chairman shall, in the absence of the chairman, administer the office of the chairman. The board shall keep minutes of

its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be immediately filed as a record of the board and shall be public record. The county animal control unit shall maintain the files of the animal control board and the commanding officer of the unit shall be the records custodian of all such records.

(3) Three members shall constitute a quorum to conduct business. The full board may divide itself into panels for the purpose of conducting hearings as required by Section 14-139 of this Code.

(c) The animal control board will conduct hearings as provided by O.C.G.A. § 4-8-23 and sections 14-139 of this Code. All meetings shall be open to the public and be governed by Georgia's Open Meeting law, as enumerated in Chapter 14 of Title 50 of the Official Code of Georgia."

Section 3. 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 VI "Responsible Dog Ownership Law" by deleting Section 14-138 "Investigation" and substituting in lieu thereof a new Section 14-138 "Investigation" which shall read as follows:

"Sec. 14-138. - Investigation.

The dog control officer may make such investigations and inquiries as may be necessary to identify dangerous dogs and vicious dogs and their respective owners within the unincorporated areas of the county and those incorporated areas which have an agreement with the county for the enforcement of this article. The dog control officer shall have the authority to investigate complaints as part of the process of identifying dangerous dogs and vicious dogs. The dog control authority to investigate shall include the power to enter onto public and private property for the purpose of periodic inspection."

Section 4. 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 VI "Responsible Dog Ownership Law" by deleting Section 14-139 "Classification; notice and hearing" and substituting in lieu thereof a new Section 14-139 "Classification; notice and hearing" which shall read as follows:

“Sec. 14-139. - Classification; notice and hearing.

When the dog control officer, based on his investigation, classifies a dog as a dangerous dog or a vicious dog, the dog control officer shall follow the procedure set out in O.C.G.A. § 4-8-23, provided that:

- (1) The dated notice required by O.C.G.A. § 4-8-23 shall be sent by certified mail. If this notice is not accepted, a second identical notice, sent by first class mail, shall be deemed received three days after the second notice was mailed.
- (2) Appeals from the dog control officer's initial classification of a dog as a dangerous dog or vicious dog shall be heard before a panel of the animal control board.
- (3) Appeals from any subsequent classifications of a dog as a dangerous dog or vicious dog shall be made to the superior court of the county.”

Section 5. 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 VI “Responsible Dog Ownership Law” by deleting Section 14-140 “Registration for dangerous or vicious dogs” and substituting in lieu thereof a new Section 14-140 “Registration for dangerous or vicious dogs” which shall read as follows:

“Sec. 14-140. - Registration for dangerous or vicious dogs.

- (a) The owner of a dangerous dog or vicious dog must secure a certificate of registration in accordance with the provisions of O.C.G.A. § 4-8-27.
- (b) The annual fee for the certificate of registration shall be \$1,000.00.
- (c) Nonpayment of the registration fee shall be an offense and shall be punishable under section 1-12 of this Code.
- (d) The dog control officer shall maintain a copy of all state and local laws applicable to dangerous dogs and vicious dogs which shall be available for inspection by the public during regular business hours. The dog control officer shall not be authorized to interpret these laws for the purpose of giving advice to owners.
- (e) Warning signs of a dangerous or vicious dog shall be posted. In accordance with provisions of O.C.G.A. § 4-8-27, the signs shall be visibly posted for the

public to see on all four sides of the premises where the dangerous or vicious dog is kept. The lettering shall be at least six (6) inches in size and in a contrasting color to the background.

(f) The county animal control unit may supply, at cost, to the owner of a registered dangerous dog or vicious dog, signs as required by O.C.G.A. § 4-8-27 and subsection (e) of this section.”

Section 6. 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 VI “Responsible Dog Ownership Law” by deleting Section 14-141 “Confiscation” and substituting in lieu thereof a new Section 14-141 “Confiscation” which shall read as follows:

“Sec. 14-141. - Confiscation.

(a) Dangerous dogs and vicious dogs are subject to immediate confiscation pursuant to the grounds for confiscation in O.C.G.A. § 4-8-30.

(b) Dangerous dogs and vicious dogs that have been confiscated shall be taken to such impound facility as designated from time to time by the board of commissioners.

(c) Dog owners shall pay a confiscation fee of \$200.00 and a daily boarding fee of \$25.00 for each day the dog remains at the impound facility. Nonpayment of either or both of these fees shall be an offense and shall be punishable under section 1-12

(d) Dangerous dogs and vicious dogs shall be returned to their owners upon payment of all fees, registration, and compliance with the provisions of the Responsible Dog Ownership Law and this Code.

(e) Any dog that has been confiscated under this section that has not been returned to its owner within fourteen days after the date it was confiscated shall be disposed of in the customary and humane manner. ”

Section 7. 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 VI “Responsible Dog Ownership Law” by deleting Section 14-143 “Exemption” and substituting in lieu thereof a new Section 14-143 “Exemption” which shall read as follows:

“Sec. 14-143. - Exemption.

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 and vicious dog within the meaning of this article. A dog shall not be a dangerous dog or a vicious 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.”

Section 8. 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 VI “Responsible Dog Ownership Law” by deleting Section 14-146 “Confinement and control of vicious dog” and substituting in lieu thereof a new Section 14-146 “Confinement and control of vicious dog” which shall read as follows:

“Sec. 14-146. - Confinement and control of vicious dog.

(a) The owner of a vicious dog, or person in control of such a dog, or person into whose custody a vicious dog has been temporarily entrusted by the owner or person in control, shall confine it indoors within a secure building or out of doors in a fenced enclosure of sufficient height and construction to prevent the dog from escaping by jumping, digging or any other manner.

(b) Tethering with a wire, rope, leash, chain or any other type of leader as the sole means of confinement of a vicious dog is not permitted.

(c) When off the premises of the owner or other person having custody of the dog, the dog shall be muzzled and on a collar and leash of sufficient strength to restrain the vicious dog and such leash shall not exceed four feet in length. The vicious dog also shall be controlled at all times by a person of at least 18 years of age who is of sufficient size and strength to maintain control of the dog so that it does not harm any other person, domestic animal, livestock or property.

(d) In addition, the owner of any such vicious dog that is also a “Classified Dog” pursuant to O.C.G.A. § 4-8-21, shall comply with the provisions of Georgia’s Responsible Dog Ownership Law regarding the confinement of a classified dog on the owner's premises.

(e) Within three calendar days of the judicial determination that the dog is a vicious dog, the owner or person in custody of such vicious dog shall post the property where the dog is maintained with signs to warn the public that a vicious

dog is maintained therein. The signs must have contrasting lettering at least six (6) inches in height that says "Vicious Dog" and be displayed on all sides of the property to give sufficient warning to the public that a vicious dog is contained on the property. A sign must be plainly visible and readable to anyone approaching the premises from a sidewalk, driveway, walkway or other byway upon which a person would normally approach the premises.

(f) Any vicious dog not under control as provided in this section is declared a public nuisance and it may be impounded by the county's animal control unit. Any dog so impounded shall be retained by the county's animal unit until there is a hearing by the magistrate court to determine if the dog is a nuisance, as provided in section 14-147."

Section 9. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 10. 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 11. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this the 7th day of August, 2012.

[Signatures on Next Page]

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