

## Chapter 6

### ANIMALS\*

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## ARTICLE I. IN GENERAL

**Sec. 6-1. 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 control officer* means a code enforcement officer or his designee or other individual selected by the city to aid in the administration and enforcement of this chapter.

*At large* means an animal that is not confined or contained in an enclosure, structure, housing, pen and/or fenced area.

*Classified dog* means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this chapter. 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 chapter. 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 chapter.

*Confined* means in an enclosure or secured by a leash which shall have a length not more than four times the length of the animal, and which shall be free from obstructions. All domestic animals shall be provided with sanitary shelter from the elements and with water at all times.

*Dangerous dog* means any dog that:

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

*Dog control officer* means a code enforcement officer or his designee or other individual selected by the city to aid in the administration and enforcement of this chapter.

*Domestic animal* means any dog, cat, or other legally owned animal not defined as wildlife, livestock, or nontraditional livestock.

*Enclosure* means in a building, pen or fenced area or other structure built to prevent intrusion or escape by any dog or other animal.



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

*Livestock* means cattle, swine, equines, poultry, sheep, goats, ratites, nontraditional livestock and ruminants.

*Nontraditional livestock* means the species of Artiodactyla (even-toed ungulates) listed as bison, water buffalo, farmed deer, llamas and alpacas that are held and possessed legally and in a manner which is not in conflict with the provisions of O.C.G.A. title 27, ch. 5 relating to wild animals.

*Owner* means any person who owns, keeps, harbors, possesses, or has custody or control of any domestic, nontraditional livestock or livestock animal, or any person who knowingly permits any domestic, nontraditional livestock or livestock animal to be kept, harbored, possessed, or otherwise kept upon his premises, or who has any animal under his care or responsibility, either temporarily or permanently, at any time, within the city. Without limiting the generality of the foregoing, any adult at whose residence an animal is kept or found shall be presumed to be an owner of such animal and shall have the burden of rebutting such presumption. If an animal has more than one owner, any one of such owners may be prosecuted for violations of this chapter whether or not any other owners are also prosecuted. In relation to dangerous or vicious dogs, the term "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 a dog. In the case of a dog owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.

*Person* means any individual, firm, partnership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate or other group or combination acting as a unit.

*Proper enclosure* means an enclosure for keeping a dog while on the owner's property 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, or, 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. The structure shall further provide appropriate protection from the elements for the dog.

*Serious injury* means 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.

*Under control* means any animal that is controlled by a leash when off the property of the owner, or is within the passenger area of a vehicle driven or parked on the streets, or is within the property limits of its owner and is confined or attended by its owner, or confined within the property limits of another with the permission of the person in control of the property.

*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.

*Wildlife* means any vertebrate or invertebrate animal life indigenous to the state or any species introduced or specified by the department of natural resources, including, but not limited to, fish (except domestic fish produced by an aquaculturist registered under O.C.G.A. § 27-4-255), mammals, birds, amphibians, reptiles, crustaceans and mollusks.  
(Code 2002, § 9-4-1; Ord. No. 001-009-2004, § 1(9-4-1), 9-14-2004)

#### **Sec. 6-2. Bird sanctuary.**

The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary. It shall be unlawful for any person to trap, hunt, kill, shoot or attempt to shoot, or molest in any manner any wild bird or fowl or remove eggs from a bird's nest or fowl's nest; provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality so as to constitute a nuisance or a menace to health or property in the opinion of the proper health authorities of the county, such birds may be destroyed as humanely as possible in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the animal control officer.

(Code 2002, § 9-4-2; Ord. No. 001-009-2004, § 1(9-4-2), 9-14-2004)

#### **Sec. 6-3. Abuse of animals.**

The animal control officer shall be authorized to enforce the provisions of O.C.G.A. § 4-11-1 et seq., entitled "the Georgia Animal Protection Act."

(Code 2002, § 9-4-14; Ord. No. 001-009-2004, § 1(9-4-14), 9-14-2004)

#### **Sec. 6-4. Prohibited conduct.**

It shall be unlawful for any person to trap, hunt, kill, shoot or attempt to shoot, or molest in any manner any wildlife in the corporate limits of the city except by order of the chief of police.

(Code 2002, § 9-4-3; Ord. No. 001-009-2004, § 1(9-4-3), 9-14-2004)

#### **Sec. 6-5. Fowl and livestock running at large.**

It shall be unlawful for the owner or keeper of any hog, cattle, mule, sheep, goat, fowl or any other livestock or nontraditional livestock to permit said animal to run at large in the corporate limits of the city or to stray from the property of the owner or keeper or to go upon the premises of any other person.

(Code 2002, § 9-4-4; Ord. No. 001-009-2004, § 1(9-4-4), 9-14-2004)



**Sec. 6-6. Enclosures for animals and fowl.**

Any housing or enclosure used for the keeping of animals or fowl shall be properly drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary.

(Code 2002, § 9-4-5; Ord. No. 001-009-2004, § 1(9-4-5), 9-14-2004)

**Sec. 6-7. Leash law.**

(a) It shall be unlawful for any owner not to have his domestic animal under control, as defined in this chapter. All domestic animals shall be controlled by a leash unless:

- (1) The domestic animal is contained within a properly ventilated passenger area of a vehicle driven or parked on the streets;
- (2) The domestic animal is within the property limits of its owner and is confined or attended to by its owner;
- (3) The domestic animal is confined within the property limits of another with the permission of the person in control of the property.

(b) Any leash shall have a length not more than four times the length of the domestic animal.  
(Code 2002, § 9-4-6; Ord. No. 001-009-2004, § 1(9-4-6), 9-14-2004)

**Sec. 6-8. Animals in parks.**

It shall be unlawful for any person to bring a domestic animal into the confines of any park located in the city that is not on a leash and under the direct control of its owner or keeper, as the term "under control" is defined in this chapter.

(Code 2002, § 9-4-7; Ord. No. 001-009-2004, § 1(9-4-7), 9-14-2004)

**Sec. 6-9. Prohibitions for domestic animals.**

(a) It shall be unlawful for any person to permit a domestic animal under his ownership or possession to do the following:

- (1) Travel upon the property of any person other than its owner or keeper without the express consent of such other owner or occupant;
- (2) Attack or act so as to menace pedestrians or other persons using public ways or on the property of another;
- (3) Disturb the peace of any other person or neighbor by loud, persistent, habitual barking, howling, growling, yelping, or whining;
- (4) Defecate or urinate upon the property of another;
- (5) Be in heat and not be confined in an enclosure on the property of its owner or keeper.

(b) Any person convicted of violating subsection (a)(1) or (2) of this section, in addition to the penalties provided for within this chapter, shall be required to maintain the domestic animal in a proper enclosure, as defined in this chapter.

(c) No person shall be charged with violating subsection (a)(3) of this section unless written warning has previously been issued to the owner by the animal control officer within 60 days of the charged violation.

(d) No citation for violation of this section shall be issued unless there are at least two complaining witnesses who shall have signed a written statement stating the address of the animal owner, a description of the animal and of the offense and the date, time and location of the offense.

(Code 2002, § 9-4-8; Ord. No. 001-009-2004, § 1(9-4-8), 9-14-2004)

**Sec. 6-10. Removal of animal wastes.**

(a) It shall be unlawful for the owner or keeper of any animal to refuse or fail to immediately remove any feces deposited by such animal upon public sidewalks, public streets, public parks or other public property in the city.

(b) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on private property within the city any animal excrement.

(Code 2002, § 9-4-9; Ord. No. 001-009-2004, § 1(9-4-9), 9-14-2004)

**Sec. 6-11. Guard dogs.**

It shall be the duty of the owner or tenant of any commercial property on which a guard dog is kept for security purposes to post a notice in a prominent and conspicuous location on such property. Such notice shall comprise the words "Warning Guard Dog" and shall be in clearly contrasting color. Such letters shall be not less than one inch in width and not less than five inches in height. If a guard dog is confined within a fenced area, such notice shall be conspicuously posted upon such fence at every entrance and exit of the fenced area.

(Code 2002, § 9-4-10; Ord. No. 001-009-2004, § 1(9-4-10), 9-14-2004)

**Sec. 6-12. Identification and inoculation.**

It shall be unlawful for any person to own, possess or maintain any dog or cat that does not have a current rabies inoculation and any such dog or cat shall wear at all times a securely attached collar about its neck with vaccination identification (e.g., metal or plastic tags or microchips) to allow for verification of rabies vaccination status and a proper identification tag. The identification tag shall list the owner's name and address.

(Code 2002, § 9-4-11; Ord. No. 001-009-2004, § 1(9-4-11), 9-14-2004)



**Sec. 6-13. No animal giveaway.**

No person in the city shall give away any live domestic animal, fish, reptile or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement, or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(Code 2002, § 9-4-12; Ord. No. 001-009-2004, § 1(9-4-12), 9-14-2004)

**Sec. 6-14. Injured animals.**

The animal control officer shall have the authority to humanely dispose of impounded animals if, in the opinion of a licensed accredited veterinarian or a veterinarian employed by a state or federal government and approved by the commissioner of agriculture of the state, such animal has a temperament or condition such that euthanasia is the only reasonable course of action, and no determination as to the owner can be made with a reasonable inquiry or investigation.

(Code 2002, § 9-4-18; Ord. No. 001-009-2004, § 1(9-4-18), 9-14-2004)

**Sec. 6-15. Impoundment of animals.**

Except as otherwise provided for by the laws of the state, any domestic animal, nontraditional livestock or livestock that is in violation of this chapter, whether or not the animal is on public or private property, may be, but is not required to be, impounded by the animal control officer or officers of the city police department in accordance with the rules and regulations adopted pursuant to this chapter.

(Code 2002, § 9-4-19; Ord. No. 001-009-2004, § 1(9-4-19), 9-14-2004)

**Sec. 6-16. Disposition of impounded animals.**

(a) The animal control officer shall be authorized to dispose of any animal in as humane and painless a manner as possible if such animal has remained unclaimed for five days after impoundment and the animal has not been adopted after impoundment. If possible, the animal control officer may donate any unclaimed animal to a nonprofit institution or agency for the purpose of humane placement or rescue.

(b) No live animal in the possession of the animal control officer shall be released, sold or given to any individual, institution, or private firm for the purposes of medical and scientific research.

(Code 2002, § 9-4-20; Ord. No. 001-009-2004, § 1(9-4-20), 9-14-2004)

**Sec. 6-17. Redemption of impounded animals.**

It shall be the responsibility of the animal control officer to attempt to notify the owner, if known, or can be reasonably ascertained, of the animal impounded, by telephone if possible, or



by mail or by written notice at the residence of the owner within three business days of the impoundment. The owner of the animal may claim and take custody of the animal within five days of such impoundment by the payment of required fees and the cost of inoculations and veterinary services.

(Code 2002, § 9-4-22; Ord. No. 001-009-2004, § 1(9-4-22), 9-14-2004)

**Sec. 6-18. Escape, injury or theft.**

Employees of the city shall exercise reasonable care to prevent the injury, escape or theft of any animal which is in their custody or which they are attempting to bring into their custody under the provisions of this chapter, but they shall not be responsible for any such occurrence.

(Code 2002, § 9-4-23; Ord. No. 001-009-2004, § 1(9-4-23), 9-14-2004)

**Sec. 6-19. Records.**

It shall be the duty of the animal control officer to keep written records showing the final disposition of all animals impounded thereby, the date of impoundment, the description and other identifying data of the animal, the fees collected, the disposition of the animal and the date thereof.

(Code 2002, § 9-4-24; Ord. No. 001-009-2004, § 1(9-4-24), 9-14-2004)

**Sec. 6-20. Power to issue citations.**

Officers of the city police department and the animal control officer are hereby authorized to issue a summons relative to the enforcement of the chapter.

(Code 2002, § 9-4-17; Ord. No. 001-009-2004, § 1(9-4-17), 9-14-2004)

**Sec. 6-21. Obstruction of officer.**

(a) It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any officer of the city in the official performance of his duties as provided for in this chapter.

(b) It shall be unlawful for any person to relocate, interfere with, or alter the operation of any device, equipment, or item of the animal control officer.

(c) It shall be unlawful for any person to place their own animal into or remove any animal confined within a trap or cage operated by the animal control officer.

(d) It shall be unlawful for any person to give a false name, address or date of birth to any officer, employee or agent of the city in the lawful discharge of his official duties with the intent to mislead such officer, employee or agent in any way.

(Code 2002, § 9-4-13; Ord. No. 001-009-2004, § 1(9-4-13), 9-14-2004)

**Sec. 6-22. Fees.**

(a) Except as provided by section 6-77, any person reclaiming a neutered male dog, spayed female dog, or any other animal shall pay a \$25.00 impoundment fee for the first impoundment, \$30.00 for the second impoundment and \$35.00 for each subsequent impoundment. In addition to the above, \$10.00 per day will be charged for boarding plus the cost of inoculations and/or veterinary services.

(b) Except as provided by section 6-77, any person reclaiming an unneutered male or unsplayed female dog shall pay \$50.00 for the first impoundment, \$75.00 for the second impoundment and \$100.00 for each subsequent impoundment. In addition to the above, \$10.00 per day will be charged for boarding plus the cost of inoculations and/or veterinary services.

(c) There shall be a registration fee of \$100.00 for all dangerous dogs and vicious dogs in the city. Such registration is to be renewed on an annual basis.

(Code 2002, § 9-4-15; Ord. No. 001-009-2004, § 1(9-4-15), 9-14-2004)

**Secs. 6-23—6-47. Reserved.**

**ARTICLE II. DANGEROUS ANIMALS**

**DIVISION 1. GENERALLY**

**Sec. 6-48. Confinement of biting animals.**

(a) Any animal that is known to have bitten or scratched a person shall be confined for the purpose of rabies observation to an animal control facility, a veterinary facility or to such other facility as may be directed by the animal control officer for a period of ten days after the date of the bite or scratch. All expenses incurred for such confinement and observation shall be paid by the owner of such animal.

(b) The animal control officer shall be authorized to order the owner of any dog that is known to have bitten a person to submit the dog for rabies observation to an animal control facility, a veterinary facility or to such other facility as may be approved by the animal control officer.

(Code 2002, § 9-4-21; Ord. No. 001-009-2004, § 1(9-4-21), 9-14-2004)

**Secs. 6-49—6-69. Reserved.**



## DIVISION 2. DANGEROUS AND VICIOUS DOGS

**Sec. 6-70. Title and purpose; dangerous dog control.**

The purpose of this division shall be to implement the provisions of O.C.G.A. § 4-8-20 et seq., the "Responsible Dog Ownership Law."  
(Code 2002, § 9-4-25; Ord. No. 001-009-2004, § 1(9-4-25), 9-14-2004)

**Sec. 6-71. Exceptions.**

No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. title 16, ch. 5.  
(Code 2002, § 9-4-26; Ord. No. 001-009-2004, § 1(9-4-26), 9-14-2004)

**Sec. 6-72. Classification as dangerous dog or vicious dog; notice to owner.**

(a) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction, the dog 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 a dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing from the mayor and city council on the dog control officer's determination within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the dog control officer's determination shall become effective for all purposes under this article. If an owner cannot be located within ten days of a dog control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the dog control officer.

(c) When a hearing is requested by a dog owner in accordance with this section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the mayor and city council for good cause shown. At least ten days prior to the hearing, the city clerk shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify



and present evidence and the mayor and city council conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination.

(d) Within ten days after the hearing, the city clerk 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 pursuant to O.C.G.A. § 4-8-26, the notice shall specify the date by which the euthanasia shall occur. The findings of the mayor and city council shall be final.

(Code 2002, § 9-4-27; Ord. No. 001-009-2004, § 1(9-4-27), 9-14-2004)

**Sec. 6-73. Requirements for possession of dangerous or vicious dog.**

(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 section. Certificates of registration shall be nontransferable 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 by this section, a certificate of registration for a dangerous dog shall be issued if the dog 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.

(c) Except as provided in subsections (e) and (f) of this section, a certificate of registration for a vicious dog shall be issued if the dog control officer determines that the following requirements have been met:

- (1) The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property;
- (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
- (3) 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

- (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in this state insuring the owner 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 article.
- (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 dogfighting 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 16-13-31.1 from the time of conviction until two years after completion of his 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, a dog control officer shall verify that the owner is continuing to comply with provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

(Code 2002, § 9-4-28; Ord. No. 001-009-2004, § 1(9-4-28), 9-14-2004)

**Sec. 6-74. Transfer of ownership or possession.**

Upon the transfer of ownership or possession of any dangerous dog or vicious dog, the transferor shall provide the dog control officer with the name, address, and telephone numbers of the new owner of the dog and of the effective date of the transfer. Any transferee of a dangerous dog or vicious dog shall be presumed to have notice of the dog's classification as such.

(Code 2002, § 9-4-30; Ord. No. 001-009-2004, § 1(9-4-30), 9-14-2004)

**Sec. 6-75. Notice to dog control officer.**

(a) The owner of a classified dog shall notify the dog control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the dog control officer within 24 hours if the dog has died or has been euthanized.

(b) A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.



(c) The owner of a classified dog who moves from one jurisdiction to another within the state shall register the classified dog in the new jurisdiction within ten days of becoming a resident and notify the dog control officer of the jurisdiction from which he moved. The owner of a similarly classified dog who moves into this state shall register the dog as required in O.C.G.A. § 4-8-27 within 30 days of becoming a resident.

(Code 2002, § 9-4-31; Ord. No. 001-009-2004, § 1(9-4-31), 9-14-2004)

**Sec. 6-76. Restraints when outside proper enclosure.**

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

(b) 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 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; or

(2) Unattended with minors.

(Code 2002, § 9-4-32; Ord. No. 001-009-2004, § 1(9-4-32), 9-14-2004)

**Sec. 6-77. Confiscation and disposition of dangerous or potentially dangerous dogs.**

(a) A dangerous dog or vicious dog shall be immediately confiscated by any dog control officer or by a law enforcement officer in the case of any violation of sections 6-73 through 6-77. A refusal to surrender a dog subject to confiscation shall be a violation of this section.

(b) The owner of any dog that has been confiscated pursuant to this section may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this chapter, unless such confiscation is deemed to be in error by a dog control officer, or the mayor and city council. All fines and all charges for services performed by a law enforcement or dog control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.



(c) In the event the owner has not complied with the provisions of this section within 14 days of the date the dog was confiscated, such dog shall be released to an animal shelter, as such term is defined in O.C.G.A. § 4-14-2, or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

(Code 2002, § 9-4-33; Ord. No. 001-009-2004, § 1(9-4-33), 9-14-2004)