

Chapter 8 - ANIMALS⁽¹⁾

Footnotes:

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State Law reference— 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; Responsible Dog Ownership 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; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-7.

ARTICLE I. - GENERAL

Sec. 8-1. - Short title.

This chapter may be cited as the "City of Mansfield Animal Control Regulations."

Sec. 8-2. - Purpose.

It is the purpose of this chapter to minimize health hazards of animals, and to provide a healthier atmosphere in which the citizens may enjoy their pursuits and rights in their individual properties.

Sec. 8-3. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning:

Abandoned animal means any domestic animal or livestock unattended or not cared for in excess of 36 hours.

Adequate food means sufficient quantity of non-contaminated and nutritionally healthy sustenance, appropriate to the animal, or at the direction of a licensed veterinarian, sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid or contaminated food is not adequate food.

Adequate shelter means protective cover appropriate for the species and adequate space to maintain the animal in good health and prevent pain, suffering or a significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with three to four sides with a door opening, a constructed floor, and a roof. Adequate shelter shall be clean, dry and compatible with current weather and age, size, species and condition of the animal. The structure shall be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. Adequate shelter must be compatible with the number of animals on the property.

- (1) Adequate shelter includes, but is not limited to:
 - a. Sufficient coverage and insulation to protect from extreme hot and cold temperatures;
 - b. Sufficient protection from the elements to keep the animal dry;
 - c. Sufficient shade and ventilation to prevent overheating and/or dehydrating; and
 - d. Adequate bedding or resting area suitable for the animal.
- (2) Materials not suitable for shelters include, but are not limited to:
 - a. Inadequately insulated containers;
 - b. Plastic kennels or airline-type animal shipping crates;
 - c. Metal drums;

- d. Abandoned or parked vehicles;
- e. Uncovered porches or decks;
- f. Lean-tos;
- g. Any other structure that fails to provide sufficient protection from the elements.

Adequate veterinary care means care from or under the direction of a veterinarian and necessary to maintain health, or to prevent suffering from:

- (1) Infections;
- (2) Parasites;
- (3) Disease; or
- (4) Any other condition/injury where withholding or neglecting to provide such care would:
 - a. Endanger the health or welfare of the animal; or
 - b. Promote the spread of diseases.

Adequate water means potable water in adequate supply.

Adult means a person at least 18 years of age.

Animal means any vertebrate, domestic and wild, male and female, singular or plural.

Animal control means the county animal control department, a department of the county government.

Animal control board means a board consisting of six members who are residents of the county, are duly appointed by the county board of commissioners, who carry out the duties and responsibilities of an animal control board as described in O.C.G.A. § 4-8-20, et seq., and who serve in such capacity at the pleasure of the county board of commissioners.

Animal control officer means an individual authorized by animal control to aid in the administration and enforcement of this chapter. Each such individual shall be deemed a dog control officer pursuant to O.C.G.A. § 4-8-22.

Animal establishment means an animal facility and services location, including, but not limited to, pet dealer, kennel, grooming shop, auction, or performing animal exhibition; any facility operated, owned or maintained by a humane society, animal welfare society or other nonprofit for the welfare, protection and humane treatment of animals; or other facility engaged in handling animals, excluding licensed vets and veterinary clinics and hospitals.

Animal shelter means a facility operated by a government for impounding or caring for animals.

Animal under restraint means:

- (1) Any animal controlled within the property of its owner;
- (2) Any animal secured by a leash with a collar, or enclosed by way of a fence or other enclosure;
- (3) Any animal at heel or beside a competent person and obedient to the person's commands; or
- (4) Any animal inside a vehicle driven or parked on the streets.

At-large means any animal not under control as provided in this chapter.

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

Classified dog means a dog classified as a dangerous or vicious dog per this chapter.

Certificate means a certificate issued at time of vaccination, by a licensed veterinarian, with the license number, name and address of the dog or cat's owner and date of vaccination.

Cruelty means act, omission or neglect whereby pain, suffering, maiming or death may be caused or permitted.

Dangerous dog means any dog that:

- (1) Causes a substantial puncture of a person's skin by teeth without causing serious injury; a nip, scratch, or abrasion shall not be sufficient to classify as dangerous under this subsection;
- (2) Aggressively attacks in a manner that causes a person to reasonably believe the dog posed an imminent threat of serious injury to such person or another person although no injury occurs; barking, growling, or showing of teeth shall not be sufficient to classify a dog dangerous; or
- (3) While off the owner's property, kills a pet; provided, however, this shall not apply where death is caused by a dog working or training as a hunting, herding, or predator control dog.

Dangerous Dog Control Law is O.C.G.A. 4-8-20 et seq., incorporated herein and made a part by reference.

Dog means any domesticated species of the canine genus.

Domestic animals means:

- (1) Cats and dogs;
- (2) Domesticated species of fowl and livestock; and
- (3) Ferrets, rabbits, guinea pigs, or other animals commonly kept as pets and not classified by the State of Georgia as a wild or exotic animal.

EAID means an electronic animal identification device: microchip or similar device.

Feral means wild or untamed state due to birth or reversion to wild state from domestication.

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

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 potable water at all times, consistent with normal requirements and feeding habits of the animal's size, species and breed.

Impoundment means taking physical control of an animal by animal control officers or others empowered to act by law or ordinance and subsequent transportation of such animal to the animal control facility.

Kennel means any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation.

Livestock means hooved animals such as bovines, swine, equines, sheep, goats, mules, other grazing animals, ratites, and non-traditional livestock not limited to, farmed deer.

Neutered means rendered permanently incapable of sexual reproduction, sterilized.

Nuisance means animal which:

- (1) Damages property other than the property of the owner;
- (2) Soils, defiles or defecates on property other than the owner of the animal; however, if the owner immediately removes any feces, the animal shall not constitute a nuisance;
- (3) Disturbs trash or other refuse, causes unsanitary, dangerous or offensive conditions;
- (4) Causes a disturbance by excessive barking or other noise making, habitually or continually yowling, crying or screaming or as further described hereinafter;
- (5) Molests, attacks or interferes with persons on public or private property; or
- (6) Chases vehicles or attacks other animals.

Obstruction of officer means obstruction, interference, or hindrance of an animal control officer or law enforcement officer in the discharge of official duties.

Owner means any person who owns, harbors, keeps and maintains, has possession of, or causes or permits an animal to be harbored or kept, who has an animal in their care, who shelters or provides food seven consecutive days or longer, or permits an animal to remain on or around their premises. The term "owner" also includes any person hired or acting as custodian of the animal for its owner.

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

Pet means any domestic animal legally kept by an owner for the primary purpose of pleasure as opposed to for commercial or agricultural purposes.

Pet dealer means any person/entity who sells, offers to sell, exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other customary pets. However, a person who sells only animals that he/she/they has/have produced and raised, not to exceed 30 animals a year, shall not be considered a pet dealer unless such person is licensed for a business by a local government or has a state sales tax number.

Private kennel means entity or person, excluding commercial kennels, pet dealers and vet clinics or hospitals, who keeps, harbors, or knowingly permits to remain on or about their premises, more than six dogs and six cats over four months of age on a property consisting of three acres or less.

Proper enclosure means enclosure for keeping a dangerous or vicious dog on owner's property, securely confined indoors or outdoors in a securely enclosed and locked pen, fence, or structure suitable to prevent entry of young children and designed to prevent the animal from escaping. Any pen or structure shall have secure sides and a secure top, and if the animal is enclosed in a fence, all sides of the fence shall be of sufficient height, and the bottom of the fence shall prevent the animal's escape from either over, under, or through the fence. Any such enclosure shall also provide protection from the elements, fresh food, and water.

Running at-large means on public property and not under the control of a responsible person, or on property other than its owner's without the consent of such other owner.

Sanitary means in clean, healthy condition; hygienic; consistent with normal requirements of the animal's living area, size, species, and breed.

Secure enclosure means locked pen or structure sufficient to prevent an animal from escaping and preventing other animals entering.

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 function of any bodily organ.

Tethered means attached to a stationary object or pulley system by chain, rope, cable, or similar.

Under control means an animal, secured on the property of the owner or another with consent, which is:

- (1) Confined by fence, pen, cage, or secure enclosure to the premises of its owner; or a vehicle.
- (2) Secured by leash, chain or lead of sufficient strength to prevent escaping from premises of owner or vehicle.
- (3) Under immediate physical control of owner; if a dog immediately heeds owner's verbal commands, it need not be leashed if within sight of owner and responds to verbal commands.

Vaccination means inoculation by authorized person of specified dose of rabies vaccine which has the U.S. government license number approval stamp on the label of the vaccine container.

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

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

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 or exotic animals means any wild animal, wildlife, vertebrate or invertebrate recognized by the state as wild animal, wildlife, exotic or hybrid or regulated in O.C.G.A. § 27-5-5 irrespective of actual or asserted state of docility, domesticity, tameness or intended use. Also included in the term "wild or exotic animals" are any animal capable of causing severe injury by means of venoms, poisons, toxins, constriction or bite, and includes, without limitation, any primate, raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, 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 animal control. Specifically excluded from the term "wild or exotic animals" are psittaciformes, ferrets, miniature pigs, hamsters, guinea pigs, gerbils, chinchilla, dogs, cats, llamas, and non-venomous snakes (boa, python, etc.) less than eight feet.

Secs. 8-4—8-24. - Reserved.

ARTICLE II. - ENFORCEMENT AND PENALTIES

Sec. 8-25. - Enforcement responsibility.

This article shall be enforced by county animal control and sheriff's departments. Animal control is authorized to employ any equipment it deems necessary to enforce this chapter, including, without limit, wire box traps. Animal control may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at-large.

Sec. 8-26. - Interference, obstruction of an officer.

No person shall interfere with, hinder or prevent an animal control or sheriff's department employee in the performance of duty or seek to release any animal in the custody of animal control or the sheriff's department. Obstruction of an officer includes, but is not limited to:

- (1) Relocating, interfering with, or altering a device, equipment, item, or property used for animal control.
- (2) Placing one's animal in or removing any animal confined in a cage used for animal control.
- (3) Giving a false name, address, or date of birth to any officer, employee, or agent of the county.
- (4) Giving information with intent to mislead an officer, employee, or agent of animal control or the sheriff's department.
- (5) Refusing to show proper identification where required by an officer of animal control or the sheriff's department.

Sec. 8-27. - Right of entry, animal control authority.

- (a) Animal control and sheriff's department officers have authority to go on public or private property to investigate and seize and impound animals therein/thereon.
- (b) Animal control and sheriff's department offices may use force to remove an animal from a closed vehicle for enforcement purposes. The operator of the vehicle may be charged with cruelty. No legal action for property damage or trespass may be had for such use of force.

Sec. 8-28. - Penalties for violations.

Any person in violation of this chapter may be punished by a fine and/or imprisonment, as provided in section 1-12. Each day a violation exists shall be a separate offense. Except where inconsistent with

mandatory minimum sentences specified in this chapter, the court with jurisdiction over violations of this chapter may suspend the sentence on terms and conditions as it may prescribe for payment of a fine, for community service in lieu of fine or incarceration, for the payment of restitution, or other condition. Where allowed by law, the court may prohibit the offender from owning, possessing, or having on offender's premises, any animal during the term of the sentence, may order the violator to pay boarding fees and restitution for medical treatment and expenses incurred by the county during investigation, and impose other sanctions allowed by law.

Secs. 8-29—8-59. - Reserved.

ARTICLE III. - WILD AND EXOTIC ANIMALS

Sec. 8-60. - Prerequisites for keeping.

- (a) No one may own a wild or exotic animal without a certificate of registration by the county.
- (b) Animal control shall issue a certificate of registration only if the owner presents sufficient evidence of proper licensing by state or federal agencies with an inspection report demonstrating compliance with the housing requirements of O.C.G.A. § 27-5-6.
- (c) The owner shall notify animal control if the wild or exotic animal is moving out of the county.
- (d) The owner shall register a wild or exotic animal within ten days of moving into the county or the purchase or birth of a new wild or exotic animal.
- (e) The owner shall not allow it at-large and must immediately notify animal control of escape.
- (f) The owner of a wild or exotic animal that attacks a human must notify animal control immediately.
- (g) The owner must notify animal control within 24 hours of transfer of ownership and provide name, address and telephone number of the new owner.

Secs. 8-61—8-78. - Reserved.

ARTICLE IV. - DOMESTIC ANIMALS

Sec. 8-79. - Manner of keeping, total number domestic animals.

Domestic animals are allowed only to the extent permitted in this article and applicable county zoning regulations.

Sec. 8-80. - Number of cats and dogs; acreage restrictions.

- (a) The maximum number of cats and dogs that may be kept shall be as follows: Over three acres: six dogs and six cats. One and one half to three acres: five dogs and five cats. 0.75 to 1.49 acres: four dogs and four cats. Less than 0.75 acres: three dogs and three cats. However, for any dwelling unit in a multifamily development (e.g., apartment, condominium, townhome, mobile home park, duplex, or similar) it shall be unlawful to possess or keep more than two dogs and two cats.
- (b) References to dogs and cats only refer to dogs and cats older than 12 weeks. A new litter shall be exempt from the provisions herein for 12 weeks from the date of birth.
- (c) If it is determined that a person is in violation of this section, such person shall be allowed 30 days from notice of violation to cure same.
- (d) Animal establishments (as defined in this article) and licensed veterinarians and veterinary clinics shall not be subject to this section but shall be subject to zoning requirements applicable to the term "kennels," as defined in the county zoning code.

Sec. 8-81. - Number of livestock, chickens and small mammals; acreage restrictions, setbacks.

- (a) Livestock and chickens. Livestock and chickens shall be limited to the number and type permitted according to applicable county zoning regulations.
- (b) Small mammals. Small mammals housed outside such as rabbits, guinea pigs and other small mammals kept for personal, non-commercial, purposes may be permitted provided the following requirements are met: One small mammal per 1,000 square feet of high ground will be permitted; provided, however, the maximum number of mammals permitted is five per acre. The minimum setback of small mammal habitat from any occupied building except the dwelling unit of the owner is 50 feet.
- (c) The provisions of this section notwithstanding, all properties shall remain subject to and compliant with all applicable county zoning requirements.

Secs. 8-82—8-105. - Reserved.

ARTICLE V. - VACCINATION

Sec. 8-106. - Required generally.

No person shall have any dog or cat in the county unless the dog or cat is vaccinated against rabies.

Sec. 8-107. - Rabies vaccination.

- (a) All dogs and cats over four months of age shall be vaccinated against rabies. Dogs and cats will be revaccinated one year later. When dogs or cats one year of age or older are vaccinated with vaccines accepted by the state, county or department for providing a three-year duration of immunity, boosters will be required every three years. Otherwise, boosters shall be required annually.
- (b) A dog or cat less than four months of age shall not be required to be vaccinated, but the dog or cat shall be confined to its owner's premises.
- (c) All dogs are required to wear a collar containing owner information at all times. Owner information contained in a microchip shall be acceptable to comply with the owner information requirement; but shall not be a replacement for a visible collar. Dogs age four months or older are required to wear a collar and a current rabies tag at all times.
- (d) Animal control may adopt other rabies regulations it deems necessary for protection of the public.

Sec. 8-108. - Vaccination procedure generally.

Licensed vets may vaccinate dogs or cats against rabies. A metal tag, approved by the state, bearing the official serial number shall be provided by the vet to be attached to a suitable collar or harness of a dog. However, consistent with section 8-107, cats shall not be required to wear a collar and a current rabies tag. The vet shall furnish a certificate verifying the vaccination.

Sec. 8-109. - Health regulations incorporated.

All current rules and regulations of state department of public health are incorporated in this chapter by reference as though fully set forth herein.

Sec. 8-110. - Misuse of tag.

It shall be unlawful for any person to attach a vaccination tag to any dog or cat for which it is not issued, or to remove a tag or collar without the consent of its owner.

Secs. 8-111—8-133. - Reserved.

ARTICLE VI. - OWNER RESPONSIBILITIES; NUISANCE AND RESTRAINT

Sec. 8-134. - Animal created nuisance.

It shall be unlawful for an owner to knowingly keep, own, harbor, or have custody or control of, or act as custodian of an animal that constitutes a nuisance or create a nuisance as provided herein. In addition to the county's available enforcement penalties for violation of this chapter, if an animal constitutes a nuisance, a proceeding to abate may be brought by the party aggrieved or by the county. An animal found by the court to constitute a nuisance may be impounded by the county if the owner, after reasonable opportunity to do so, fails to abate the nuisance as ordered.

- (1) *Nuisance, generally.* An animal which habitually barks, whines, howls, or causes other noise, which constitutes a continual repetitive noise for a half hour or more which a person in a residence can hear and distinguish from background ambient noise and can be identified as to its nature and source or causes serious annoyance to a neighboring residence or interferes with the reasonable use or enjoyment of a neighbor's property, or is otherwise offensive is a nuisance.
- (2) *Nuisance, excrement.* Failure to immediately remove excrement deposited by the animal on property other than owner's own property is a nuisance. The owner, while not on their own property, shall have a means of pickup and removal of excrement. This section shall not apply to any animal aiding the handicapped (e.g., guide dog) or to an animal in police or rescue activities.
- (3) *Nuisance, dead animals.* The owner shall remove a dead animal without delay to a place where it shall not be a nuisance or source of annoyance to any person.
- (4) *Nuisance, other.* If an animal molests, attacks or interferes with persons on property other than owner's property, or chases vehicles or attacks other animals, it is a nuisance; any animal off premises which attacks or attempts to attack a human or domestic animal without provocation is a public nuisance.
- (5) *A dog in heat may not be allowed to roam free.* If outdoors, a dog in heat must either be under control of a responsible person or confined in a secure enclosure.
- (6) *A cat in heat may not be allowed to roam.* If outdoors, it must be confined in a secure enclosure.

Sec. 8-135. - Maintenance of areas.

The owner shall maintain in a clean and sanitary condition, and free from unreasonably objectionable odor, all structures, pens, yards, and areas adjacent, wherein any animal is kept.

Sec. 8-136. - Adequate housing.

It shall be unlawful to keep any domestic animal except as follows:

- (1) Any housing or enclosure shall be well drained, free from accumulations of excrement and objectionable odors and otherwise clean and sanitary.
- (2) Excrement shall be disposed of in compliance with law.
- (3) An enclosure for a dangerous or vicious dog shall comply with the section pertaining to such.
- (4) It shall be unlawful for any owner to chain, tie, fasten or otherwise tether the animal to dog houses, trees, fences, vehicles or other stationary objects as a means of confinement except that the animal may be temporarily confined by a tether while directly attended by its owner. The requirements of this subsection shall become effective on September 1, 2018. From September 1, 2018, until December 31, 2018, enforcement officers shall give a warning for violations of this subsection rather than initiate any further enforcement action, unless dealing with a repeat or recalcitrant violator of this subsection.

Sec. 8-137. - Confinement.

- (a) Owners shall confine animals within an adequate fence or enclosure or in a house, garage or other building, adequate to prevent the animal from running at-large.
- (b) When a dog is off the premises, it must be controlled by leash, however, it need not be leashed if it is within sight of its owner and immediately heeds its owner's verbal commands. A dog in a moving vehicle must be confined in the vehicle or securely tethered/kenneled in the back.
- (c) An owner shall prevent his/her/their animals from becoming a danger to persons or property at any location, or trespassing upon another person's property without permission.
- (d) Every dog or cat in heat shall be kept confined in a building or secure enclosure or a vet clinic or hospital or a kennel to prevent contact with another dog or cat, except in the case of intentional breeding.
- (e) It shall be unlawful to allow dogs, horses or any other type of animal, livestock or other fowl to run at-large or be a menace or nuisance to neighbors or the public.
- (f) Any animal in violation is subject to impoundment.
- (g) It is unlawful to allow a dog or cat in any food store, restaurant or place where food is for sale except animals trained for the handicapped and law enforcement.

Sec. 8-138. - Rabid animals or animals suspected of having rabies.

- (a) Every veterinarian shall report promptly to animal control all cases of rabies in animals treated by such vet, giving name and address of owner of any animals bitten by such rabid animal, if known.
- (b) Any person who knows an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knows an animal has been bitten by a rabid animal, shall promptly report such to animal control.
- (c) It shall be the duty of the owner, health department, physicians, hospitals or other persons or agencies gaining information that an animal or person has been bitten or is probably infected with rabies to notify animal control, which will impound the animal for observation for such time as reasonably necessary to determine if the animal has rabies. If it reasonably appears to animal control that the animal is not domesticated and does not have an owner, it may be destroyed in lieu of live capture.
- (d) The heads of all animals having had rabies or which were suspected of having had rabies at the time of their deaths shall be submitted to animal control for examination.

Secs. 8-139—8-159. - Reserved.

ARTICLE VII. - DANGEROUS AND VICIOUS DOG CONTROL

Sec. 8-160. - Dangerous and vicious dog control.

- (a) *Animal control.* Animal control may administer and enforce this article.
 - (1) Upon receiving a report of a dog believed to be dangerous or vicious, animal control shall make such investigations as necessary to determine if it is a dangerous or vicious dog, and is authorized to make such investigations and inquiries necessary to identify dangerous and vicious dogs and their owners. Law enforcement or animal control shall immediately impound a dog if believed the dog poses a threat to safety.
 - (2) When animal control classifies a dog as dangerous or vicious, animal control shall notify the dog's owner in writing by certified mail or statutory overnight delivery to the owner's last known address. Such notice shall be dated and deemed complete upon its mailing.
- (b) *Procedures.*

- (1) When a dangerous or a vicious dog is classified as such, animal control shall notify the owner in writing mailed within 72 hours of classification.
- (2) The notice shall:
 - a. Be in writing and mailed by certified mail to owner's last known address;
 - b. Include a summary of the findings that formed the basis for the classification;
 - c. Dated and state that the owner, within 15 days after the date on the notice, has a right to request a hearing on the determination of dangerous or vicious dog;
 - d. State that the hearing, if requested, shall be before the animal control board;
 - e. State if a hearing is not requested, the determination will become effective on a date specified in the notice, after the last day to request a hearing; and
 - f. Include a form to request a hearing before the animal control board and provide instructions on mailing or delivering such request. If an owner cannot be located within ten days of a determination of dangerous or vicious dog, such dog may be released to an animal shelter or euthanized, as determined by animal control.
- (3) When the animal control board receives a request for a hearing, it shall schedule such within 30 days after the request was received; provided, however, that such hearing may be continued by the animal control board for good cause shown. At least ten days prior to the hearing, the animal control board shall, by certified mail, notify the owner in writing of the date, time and place of the hearing. At the hearing, the owner may testify and present evidence and the animal control board shall receive such evidence and testimony it may find necessary to sustain, modify or overrule the determination.
- (4) Within ten days after the hearing, the animal control board shall notify the owner in writing by certified mail of its determination, and if classification as a dangerous or vicious dog is made, the notice shall specify the effective date of such classification. Review of the decision shall be in accordance with O.C.G.A. § 15-9-30.9.
- (5) A dog found, after opportunity for hearing as above, to have caused serious injury to a human more than once, shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this subsection.

(c) *Requirements.*

- (1) It is unlawful to have a dangerous or vicious dog without a registered dog certificate. Animal control may set a reasonable fee for issuance of such registration certificate. Certificates of registration shall be nontransferable and only be issued to a person 18 or older. No more than one certificate of registration shall be issued per domicile. No owner may keep a dangerous or vicious dog within 200 yards of any aquatic center, church, convenience store, daycare, grocery store, hospital, human society, library, nursing home, park, playground, restaurant, school, skilled nursing unit, or walking trail, due in part to these being frequented by children and senior citizens, and in some cases, food present. No certificate shall be issued to any person who has been convicted of two or more violations of this article. No person shall own more than one vicious dog. No certificate for a vicious dog shall be issued to any person who has been convicted of: a serious violent felony defined in O.C.G.A. § 17-10-6.1 or a felony of dog fighting in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals in O.C.G.A. § 16-12-4; or a felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy in O.C.G.A. §§ 16-13-31 and 16-13-31.1, from time of conviction until two years after completion of sentence, nor any person residing with such person.
- (2) Animal control shall issue a registered dog certification to a qualified owner of a dangerous or vicious dog if the owner presents or animal control otherwise finds sufficient evidence on the property of:
 - a. An enclosure that securely confines the dog on the owner's property, indoors or in a securely locked and enclosed pen, fence, or structure that prevents the dog from leaving;

- b. Posting of all entrances with clearly visible signs warning of dangerous or vicious dog with a symbol designed to inform small children of a dangerous or vicious dog;
 - c. In addition, that the dog has been surgically sterilized and microchipped.
- (3) The owner of a vicious dog shall present a policy of liability insurance of at least \$50,000.00 by an insurer authorized to transact business in this state insuring against liability for any bodily injury or property damage inflicted by the dog.
- (4) The owner of a dangerous or vicious dog shall notify animal control within 24 hours if the dog is missing, attacks a human, or dies. If a dangerous or vicious dog has been sold or donated, the owner shall provide animal control with the name, address and phone number of the new owner. A vicious dog shall not be transferred, sold, or donated unless to a governmental facility or vet to be euthanized. An owner of a dog that has been classified as dangerous or vicious by the county who moves within or outside the county shall notify animal control immediately, then re-register the dog in the applicable jurisdiction within ten days. An owner of a dog that has been classified as dangerous or vicious by a governmental entity outside the county who moves into the county shall register the dog with the county within 30 days.
- (5) Animal control may make any inquiry deemed necessary to ensure compliance herewith.
- (6) Certificates shall be renewed annually, after animal control verifies the owner is continuing to comply. Failure to renew within ten days of the anniversary date of issuance is a violation of this article. Owners may be required to pay an additional annual fee for re-registration.
- (d) *Restraint.*
- (1) It is unlawful for a dangerous dog to be unattended with minors or outside a proper enclosure unless the dog is restrained by a substantial chain or leash not longer than six feet, and is under the restraint of a responsible person capable of preventing the dog from engaging any other human or animal, or the dog is contained in a closed and locked cage or crate, or the dog is working or training as a hunting dog, herding dog, or predator control dog, subject to the limitations below.
- (2) It is unlawful for a vicious dog to be unattended with minors or outside a proper enclosure unless the dog is in a closed and locked cage or crate or is muzzled and is restrained by a substantial chain or leash not longer than six feet, and is under the restraint of a responsible person capable of preventing the dog from engaging any other human or animal. The muzzle shall prevent biting, but not cause injury to the dog or interfere with vision or respiration.
- (3) A proper enclosure must keep a dog securely confined indoors or in a securely enclosed and locked pen, fence or structure that prevents the dog from escaping and prevents the entry of young children. It shall have secure sides and top, and, if the dog is within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured to prevent escape. It shall be at least 25 feet from the front door and any utility meter point to protect utility employees and the public. It shall provide protection from the elements.
- (4) Training hunting, herding ("working") exemption from dangerous dog restraint/leash requirement: the person working the dog must be the owner, and doing so per all state department of natural resources requirements including without limitation a valid hunting license. Working cannot take place off the property of the owner, unless with written permission and acknowledgement of the danger of the dog by the landowner, and only with a dog that will instantly respond to verbal commands of the owner, including without limitation to immediately return to the owner.
- (e) *Confiscation.*
- (1) If any violation of this article occurs, the dog shall be immediately confiscated by animal control or law enforcement. A refusal to surrender a dog shall be a separate violation.
- (2) A confiscated dog shall be returned upon owner's demonstration of future compliance with the rules that were violated, and payment of confiscation costs. If the owner has not complied within

20 days of confiscation or demonstrated a satisfactory plan to promptly comply, said dog shall be destroyed humanely. Criminal prosecution shall not be stayed due to return or euthanasia.

(f) *Violations.*

- (1) The owner of a vicious dog who violates this article shall be sentenced in accordance with section 1-12. For a second conviction, a fine not less than \$500.00 shall be imposed, and for a subsequent conviction, a fine not less than \$750.00.
 - (2) The owner of a dangerous dog who violates this article shall be sentenced in accordance with section 1-12. For a second conviction, a fine not less than \$250.00 shall be imposed, and for a subsequent conviction, a fine not less than \$400.00.
 - (3) If an owner who has a previous judicial finding of a violation of this article knowingly or willfully fails to comply with this article and the dog attacks or bites a human being under circumstances constituting another violation of this article, the owner shall be punished by a fine not less than \$1,000.00 or imprisonment up to the limits permitted by state law, or a combination of both fine and imprisonment.
 - (4) If an owner knowingly or willfully fails to comply with this article and the dog aggressively attacks and causes severe injury or death of a human being under circumstances constituting a violation of this article, they shall be punished by a fine not less than \$1,000.00 or imprisonment up to the limits permitted by state law, or a combination of both fine and imprisonment.
 - (5) If a dog attacks or bites a human being under circumstances constituting a violation of this article, in addition to the penalties, the dog shall be immediately confiscated and placed in quarantine for the proper length of time as determined by the board of health, then destroyed humanely.
- (g) *Exceptions.* A dog that inflicts injury when used by law enforcement to carry out official duties shall not be a dangerous or vicious dog. Nor if injury was sustained by a person who was committing a willful criminal trespass, or was tormenting, abusing or assaulting the dog, or had in the past tormented, abused or assaulted the dog, or was committing or attempting a crime.
- (h) *Previously classified.* Any dog classified prior to June 1, 2018, as potentially dangerous shall after that date be classified as dangerous. Any dog classified prior to June 1, 2018, as dangerous or vicious shall on and after that date be classified as vicious. The owner of any dog referred to in subsection (a) of this section shall comply with all current provisions of this article by June 1, 2013.

(Res. No. R-050118, § 30-231, 5-15-2018)

Secs. 8-161—8-188. - Reserved.

ARTICLE VIII. - CRUELTY, WELFARE AND MANNER OF KEEPING

Sec. 8-189. - Prohibited treatment.

It shall be unlawful, by commission or omission, to:

- (1) Overload, overwork, torture, beat, mutilate, kill needlessly, confine in a vehicle in an inhumane manner or otherwise mistreat, any animal.
- (2) Fail to provide an animal with proper food and veterinary care.
- (3) Fail to provide access to a hard floor shelter of not less than three walls and a roof adequate to protect from all types of weather, 24-hours daily.
- (4) Fail to provide potable water at all times.
- (5) Abandon any animal.
- (6) Poison any animal.

- (7) Allow or promote any fight between animals.
- (8) Allow an animal to be kept in unsanitary conditions.
- (9) Keep or confine an animal in other than a humane manner.

(Res. No. R-050118, § 30-261, 5-15-2018)

Sec. 8-190. - Abandonment.

It is unlawful to abandon any domestic animal or livestock, willingly permit such, or aid in the same. Such shall be punished with a fine up to the maximum allowable as well as restitution.

(Res. No. R-050118, § 30-262, 5-15-2018)

Sec. 8-191. - Adequate and sanitary housing.

Animals permitted must be provided with adequate and sanitary housing: a solid floor, roof and at least three walls, and approved by the appropriate health officer. Adequate floor space must be provided.

- (1) As to livestock, each animal enclosure no less than 150 square feet per animal.
- (2) Whoever fails to maintain in a clean and sanitary condition, free from objectionable odor, all housing and adjacent areas where an animal is kept, shall be in violation of this article. The condition shall also be considered a nuisance likely to endanger the public health, and subject to an action for abatement.

(Res. No. R-050118, § 30-263, 5-15-2018)

Sec. 8-192. - Adequate drainage, etc.

All places where animals are kept shall have adequate drainage to prevent standing water, and be regularly covered with lime or other suitable agents, approved by the health officer, to prevent odors.

(Res. No. R-050118, § 30-265, 5-15-2018)

Sec. 8-193. - Exemption.

This article does not apply to killing animals raised to be hunted in compliance with state law. The killing of an animal for humane purpose or legitimate medical or scientific research is justifiable.

(Res. No. R-050118, § 30-266, 5-15-2018)

Secs. 8-194—8-224. - Reserved.

ARTICLE IX. - ANIMAL ESTABLISHMENTS

Sec. 8-225. - License and permit generally.

- (a) No one shall operate an animal establishment without first obtaining an occupational tax permit from the county plus a license from the state. Both must be provided to animal control by 30 days. Animal control may inspect all premises where animals are kept.
- (b) Renewals and new businesses must be per the county and state regulations.

(c) Each facility location regulated by this article is a separate enterprise requiring a separate permit.

(Res. No. R-050118, § 30-291, 5-15-2018)

Sec. 8-226. - Revocation of permits.

- (a) Animal control may report any violations to the state, which may revoke any permit if the holder fails to comply with this chapter or any other applicable regulation.
- (b) If a permit is revoked for cause animal control shall notify the owner of the reasons and time allowed for removal of animals.

(Res. No. R-050118, § 30-293, 5-15-2018)

Sec. 8-227. - Compliance with code.

- (a) An animal establishment shall not sell, trade or give away any dog or cat over four months of age unless vaccinated.
- (b) Animal control may inspect all animals and the premises to ensure legal compliance.

(Res. No. R-050118, § 30-294, 5-15-2018)

Sec. 8-228. - Private kennel structures.

It is unlawful for a private kennel structure to be nearer than 100 feet to the nearest property line.

(Res. No. R-050118, § 30-298, 5-15-2018)

Secs. 8-229—8-249. - Reserved.

ARTICLE X. - ANIMAL DRAWN VEHICLES

Sec. 8-250. - Health of animal.

No animal shall pull a carriage unless in good health and meets the following:

- (1) The animal is of adequate size and weight to pull the size and weight of the carriage and passengers.
- (2) No open sores or wounds or be lame or any other ailment, unless a veterinarian states in writing the animal shall not be harmed by the work.
- (3) Hooves must be properly shod and trimmed.
- (4) Groomed daily and no fungus, dandruff nor poor or dirty coat.
- (5) Adequate flesh and muscle tone.

(Res. No. R-050118, § 30-321, 5-15-2018)

Sec. 8-251. - Working conditions.

- (a) No animal shall be worked under any of the following:

- (1) No carriage with ball bearing wheels with more than 12 people (including driver) or a carriage with bushing wheels with more than nine people (including driver).
 - (2) Total hours worked may not exceed eight in a 24-hour period, nor less than 15-minute rest between each trip.
 - (3) Between June 1 and August 31, total hours worked not to exceed six in a 24-hour period, nor less than a 15-minute rest every hour worked.
 - (4) Not move at a speed faster than a slow trot.
 - (5) No impairment of vision, other than normal blinders.
 - (6) No conditions that will impair the good health or physical condition.
- (b) Animal control may order temporary suspension of operation upon a determination that special circumstances exist which jeopardize the animal.

(Res. No. R-050118, § 30-322, 5-15-2018)

Sec. 8-252. - Equipment and facilities.

Equipment and facilities must meet the following:

- (1) Harness and bit of standard construction, appropriate for the animal, properly fitted, padded, maintained, free of makeshift wire, rope and/or chain, oiled and cleaned to be soft at all times.
- (2) Carriage properly lubricated and wheels spin freely.
- (3) No driver may whip any animal with more than a light touch by a light whip.
- (4) Adequate potable water in the working area and stables.
- (5) Drivers shall keep stands sanitary.
- (6) Stalls and stables must comply with the following:
 - a. Ceilings at least ten feet high from bedding, and bedding at least six inches deep and dry enough not to show wetness under pressure of animal's hoofs. Sharp surfaces shall not be permitted anywhere they may come in contact with animals.
 - b. Roofs free of leaks.
 - c. Each animal must have a stall large enough to turn around.
 - d. Food free of contamination.
 - e. Animal areas treated to exterminate and repel insects.
 - f. Ventilation provided.

(Res. No. R-050118, § 30-323, 5-15-2018)

Sec. 8-253. - Inspections.

Animal control may inspect all animals, carriages, stalls and stables to ensure compliance.

(Res. No. R-050118, § 30-324, 5-15-2018)

Secs. 8-254—8-284. - Reserved.

ARTICLE XI. - IMPOUNDMENT AND ADOPTION

Sec. 8-285. - Impoundment authorized.

- (a) Any animal at-large or in violation of this chapter may be impounded in a humane manner. The owner must claim the animal within three business days (which shall not include Sundays or holidays observed by the county), and is liable for all costs during impoundment, plus all other expenses of the county including, but not limited to, veterinarian fees. All costs shall be paid prior to the owner retrieving said animal, or upon disposal of such animal.
- (b) The following may be impounded, but are not limited solely to these:
 - (1) Animals running at-large;
 - (2) Animals, the ownership of which is unknown;
 - (3) Female dogs/cats in heat and off the premises of their owners;
 - (4) Animals which have bitten a person or animal, or been bitten by animal suspected of rabies;
 - (5) Dogs/cats not vaccinated for rabies;
 - (6) Dogs/cats which have strayed from the premises of their owners;
 - (7) Dogs/cats suspected of having rabies; and
 - (8) Unconfined dogs/cats in quarantine areas.
- (c) If an animal has not been reclaimed within three business days (as defined above), it shall become the property of animal control, which may convey ownership to any responsible person on conditions animal control may prescribe, or may humanely destroy such animal.

(Res. No. R-050118, § 30-346, 5-15-2018)

Sec. 8-286. - Entry on private property.

Animal control may follow an animal at-large onto private property. No injunction, action or claim for damages may be brought against animal control, its agents or the county with respect to action herein contemplated.

(Res. No. R-050118, § 30-347, 5-15-2018)

Sec. 8-287. - Notice to owner.

Animal control shall make a reasonable effort to notify the owner the animal has been impounded, how the animal may be reclaimed, and that the animal shall become property of animal control and may be adopted out or destroyed.

(Res. No. R-050118, § 30-348, 5-15-2018)

Sec. 8-288. - Holding animals due to quarantine or evidence.

Animal control may refuse to release any animal impounded for rabies or contagious disease quarantine or for use as evidence for such reasonable time period as the animal control may determine.

(Res. No. R-050118, § 30-350, 5-15-2018)

Sec. 8-289. - Destruction.

Animal control may humanely destroy any animal when it reasonably believes destruction is necessary due to an injury or disease which will likely result in maiming, prolonged and/or severe suffering or death, or to prevent disease or injury to animal or humans, due to overcrowding, the presence or threatened presence of contagious disease, the likelihood of danger or injury to humans or animals, or any other condition.

(Res. No. R-050118, § 30-351, 5-15-2018)

Sec. 8-290. - Liability for fees and costs of impoundment and care.

The previous owner of an animal shall be liable for the fees and costs of impoundment notwithstanding subsequent destruction of the animal or adoption of the animal by a third party.

(Res. No. R-050118, § 30-352, 5-15-2018)

Sec. 8-291. - Reclaiming.

- (a) Unless the owner failed to provide proper care, committed cruelty, or engaged in dog fighting, upon the owner presenting evidence satisfactory to animal control of compliance with all requirements, and upon payment of all costs, the animal may be returned to the owner. Such costs shall not be in lieu of any fine or penalty provided by law. Animal control may condition the return to the owner by requiring execution by owner of a contract stating this chapter will be complied with and that the animal will receive proper care.
- (b) Fees for reclaiming shall be as established in the schedule of fees.
- (c) No animal shall be returned unless the animal has been implanted with an EAID and the owner has paid the county for the implantation of such EAID.

(Res. No. R-050118, § 30-353, 5-15-2018)

Sec. 8-292. - Adoption.

Animal control may convey ownership of any animal which has become the property of animal control, except dogs which have been designated dangerous or vicious, to a responsible person subject to conditions as may be prescribed by animal control, including, but without limitation:

- (1) Approval of an adoption application.
- (2) Payment of an adoption fee and any vaccination, licensing or veterinary costs.
- (3) The animal has been implanted with an EAID.

(Res. No. R-050118, § 30-354, 5-15-2018)

Sec. 8-293. - Records required to be kept.

Animal control should keep accurate records of impoundment and disposition.

(Res. No. R-050118, § 30-355, 5-15-2018)

Secs. 8-294—8-319. - Reserved.

ARTICLE XII. - QUARANTINE

Sec. 8-320. - Desegregation of quarantine area; confinement of animals.

Where rabies has been found or is suspected, the county may designate an area for quarantine and animals within the area shall be immediately confined to the premises designated.

(Res. No. R-050118, § 30-376, 5-15-2018)

Sec. 8-321. - Movement into or out of quarantine.

No animal shall be removed from or brought into a quarantine area without written county approval.

(Res. No. R-050118, § 30-377, 5-15-2018)

Sec. 8-322. - Duration.

A quarantine shall be maintained for such a period of time as the county reasonably deems necessary.

(Res. No. R-050118, § 30-378, 5-15-2018)

Sec. 8-323. - Notice to be given by signs.

Quarantine areas and areas where rabid animals or animals suspected of rabies remain at-large, may be posted with signs which read: "Rabies suspected," or "Rabies—keep away from animals," conspicuously displayed in a place designated, and shall not be defaced or removed.

(Res. No. R-050118, § 30-379, 5-15-2018)

Secs. 8-324—8-349. - Reserved.

ARTICLE XIII. - PUBLIC THREAT ANIMALS

Sec. 8-350. - Public threat.

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:

Public threat means nuisance and similar behavior by dogs or other animals that does not rise to the level of dangerous dog or vicious dog. Examples include chasing cars, people or pets, injuring or killing pets, regular wandering at-large, damage to or interference with property such as getting in trash cans, trespassing on neighbor property and urinating or defecating on car tires, bushes and yards, attempting to mount other animals, and similar behaviors that pose a threat to the public health, safety and welfare, including, without limitation, behavior defined as nuisance hereinabove.

(Res. No. R-050118, § 30-386, 5-15-2018)

Sec. 8-351. - Investigation and classification.

Animal control shall investigate any complaint filed against an animal alleged to be a public threat, notify the owner of the complaint, determine if there were any mitigating circumstances, and then report the results to the owner via certified mail. If animal control classifies the animal as a public threat, and the

owner disputes that the animal is a public threat, the owner may appeal to the animal control director within 15 days. The animal control director's written determination shall be final unless review is sought from magistrate court within 30 days of said determination.

(Res. No. R-050118, § 30-387, 5-15-2018)

Sec. 8-352. - Requirements for an animal classified as a public threat.

- (a) The owner must provide a proper enclosure to confine the animal on the owner's property.
- (b) When off the owner's property, the animal must be on a leash of no more than six feet and under the control of a responsible person.
- (c) The owner must file photos of the animal with animal control.
- (d) Unless an EAID is present, animal control will implant an EAID for identification and the owner must pay the county for the implantation of such EAID.
- (e) The owner must register the animal and pay a yearly fee according to the county's fee schedule.

(Res. No. R-050118, § 30-388, 5-15-2018)

Sec. 8-353. - Declassification/removal of public threat classification.

If for 18 months a public threat animal commits no further actions that would justify classification as a public threat and the owner can provide proof of obedience training at a reputable club or business or a "canine good citizen" certificate or the equivalent from a reputable kennel club, the owner may request in writing to animal control for removal of the classification.

(Res. No. R-050118, § 30-389, 5-15-2018)

THEREFORE, BE IT RESOLVED. That the Mansfield City Council does hereby ordain, resolve and enact foregoing Ordinance for the City.

Adopted after first reading on June 12, 2023, second reading on March 11, 2024 and a third reading on this 15th day of April, 2024, effective this date.

MANSFIELD CITY COUNCIL

BY:



Mayor

ATTEST:



(CITY CLERK)

