

CHAPTER 30: ANIMALS

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ARTICLE I. IN GENERAL

Section 30-101 Definitions

For the purposes of this Chapter the following words shall have the meanings indicated; unless the context clearly indicates a contrary meaning:

- 1. Animal.** Any living creature, domestic or wild.
- 2. Animal, Dangerous.** Any wild mammal, reptile, or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters; and any domestic mammal, reptile, or fowl which, because of its size, vicious propensity, or other characteristic, would constitute a danger to human life or property, if not kept or maintained in a safe manner or in secure quarters.
- 3. At Large.** Off the premises of the owner and not under the control of the owner, a member of his immediate family, or some other person, either by leash, cord, chain, or other holding device.
- 4. Livestock.** 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 Chapter 5 of Title 27 dealing with wild animals.
- 5. Running at Large or Straying.** Any livestock which is not under manual control of a person and which is on any public road of this Town or on any property not belonging to the owner of the livestock, except by permission of the owner of such property.

Section 30-102 Dangerous Animals

It shall be unlawful for any person to permit any dangerous or vicious animal of any kind to run at large in the Town. If the animal causes injury to another person who does not provoke the injury, then the owner shall be liable in damages to the person so injured.

The police officers of the Town shall be authorized to use such force as is necessary to prevent any such dangerous or vicious animal from causing harm to any person or property.

Section 30-103 Strays

It shall be unlawful for any person to permit any cattle, horses, swine, sheep, goats, poultry, dogs, or cats to run at large in the Town. If any such animal is found to be running at large in any public place in the Town, it shall be impounded in the manner provided in this Chapter.

Section 30-104 Reserved

Section 30-105 Violations

Any animal control officer of the Town is authorized to issue and serve citations for appearance before the Municipal Court for violations of any provisions of the animal control sections of the Town and/or the "Georgia Animal Protection Act" located in Chapter 11, Title 4 of the Official Code of Georgia Annotated.

Section 30-106 Cruelty

It shall be unlawful for anyone to violate the Animal Protection Act as adopted or as amended.

Section 30-107 Dead Animal Disposal Act

It shall be unlawful for any person within the Town who owns or is caring for an animal which has died or has been killed to abandon the dead animal. Such person should dispose of the carcass in the manner outlined in Chapter 5, Title 4 of the O.C.G.A.

Section 30-108 General Regulations for Animals and Fowl

- 1. Public Health.** To ensure the maintenance of public health and sanitation, the following standards must be met:
 - A.** All animals or fowl will be kept in clean, sanitary conditions, ensuring the general health of the animals and all humans who may be impacted.
 - B.** All wastes resulting from kept animals or fowl must be properly disposed in compliance with community, county, state, or federal environmental and health regulations.
 - C.** The health of all kept animals or fowl must be maintained through regular inoculations or other means as required or recommended by current veterinary medical practices and laws.
 - D.** Animals or fowl with diseases or infections must be treated according to veterinary medical practices and laws, and, if necessary, humanely destroyed with proper disposal of the remains.
 - E.** Any animal or fowl determined to have an infection or disease transmittable to humans must be immediately isolated and treated by a veterinarian until cured, or, if necessary, humanely terminated with proper disposal of the remains.
- 2. Public Safety.** To ensure the safety of all citizens and visitors in Maxeys, the following standards must be met:
 - A.** Any animal or fowl which may pose a potential threat of bodily harm to any human, another domesticated animal, or other personal property must be properly restrained and controlled.
 - B.** In general, all domesticated animals or fowl taken into public areas must be under control and supervision at all times. If it is allowed to run freely, it must be capable of being controlled by voice

commands of a responsible human companion. If it is not, then it must be restrained by leash or other means of absolute control.

- C. Any animal or fowl in public or private areas which exhibits threatening behaviors toward humans or another domesticated animal must be immediately restrained and/or removed.
3. **Public Nuisance.** Any animal or fowl in public or private areas which endangers the health and safety of any human or another domesticated animal is hereby declared a public nuisance, and its abatement is provided for by this Ordinance. Specific abatement procedures will be determined by the Council, and for all other animals and fowl, generally follow those provided for in the following dog control regulations.

ARTICLE II. DOGS

Section 30-201 License and Registration Required

The Town Council is empowered to establish dog licensing policies and procedures as needed.

Section 30-202 Control of Rabies

The governing authority of each municipality is authorized and required, in the control of rabies, to require regulation and/or licensing of animals. No dog shall be kept, harbored or maintained within the Town, unless such dog has been inoculated against rabies by the administration of antirabies vaccine, approved by the state Department of Human Resources, and administered by a licensed veterinarian and shall have attached by collar a numbered tag showing such inoculation, in accordance with the regulations of the state Department of Human Resources and in accordance with Title 31, Chapter 19 of the O.C.G.A.

Note: Pursuant to O.C.G.A. § 31-19-5, felines shall also be inoculated for rabies.

Section 30-203 Dogs Running at Large

No dog shall be permitted to run at large within the Town. Running at large means off the premises of the owner and not under the immediate control of the owner, or a member of his immediate family, either by leash, cord, chain or otherwise. Any dog found abandoned or running at large and violating this provision shall be taken into custody and impounded in the Town pound or other suitable place. (See also O.C.G.A. § 27-1-7)

Section 30-204 Filing and Handling of Complaints

- 1. **Filing of Complaints.** Any person having a complaint against any dog considered to violate health and safety standards may formally file such complaint in writing with the Town Clerk.
- 2. **Handling of Complaints.** Complaints filed against any dog considered to be a public nuisance will be handled in the following manner:
 - A. Upon the filing of a complaint against any dog, the Town Clerk shall issue a Notification of Complaint to the owner of such dog, informing the owner of the complaint, providing a copy of this Ordinance and any other relevant policies, and requesting owner compliance with all provisions.
 - B. The Town Council, or its Executive Committee, shall determine in a timely manner the actions to be taken. A hearing to allow the dog's owner to reply to the complaint may be held.

Section 30-205 Dog Removal and Confinement

- 1. **Dog Removal and Confinement.** In the event that any dog is deemed by formal action of the Town Council to require removal and confinement, the following procedures will apply:
 - A. The Council will enter into a special arrangement with a duly authorized servicing municipal dog pound. This agreement will provide for the services of dog catcher to remove the dog, and for the confinement space, care, and supervision to maintain the dog for the legally required period of time, or until the dog is claimed and retrieved by its owner.
 - B. The Town Clerk will be directed to notify the servicing dog catcher by virtue of a warrant or such governing authority as the Town may designate and provide, to have said dog removed and placed in the servicing dog pound.

- C. When said dog has been removed and confined in the servicing dog pound, the Town Clerk will notify the owner of said dog of its removal and confinement, specifying the date whereafter the dog, unless retrieved, will be legally and humanely destroyed.
- D. Owner of said dog may, upon appearing at the servicing dog pound and paying all fees set by the servicing dog pound, plus any fines or fees set by the Town Council, retrieve said dog from the servicing dog pound.

Section 30-206 Cruelty to Dogs

No person shall perform a cruel act on any dog; nor shall any person harm, maim or kill any dog, or attempt to do so except to defend his person or property, or the person or property of another from injury or damage being caused by a dog.

Section 30-207 Dangerous Dog Control Law

Each municipality shall comply with the "Dangerous Dog Control Law" pursuant to O.C.G.A. § 4-8-20 through 4-8-30.

Section 30-208 Rabies

If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two (2) weeks. The owner shall notify the health department of the fact that his dog has been exposed to rabies, and at his discretion the poundkeeper is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two (2) weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting a dog to have rabies to allow such dog to be taken off his premises or beyond the limits of the Town without the written permission of the health department.

Whenever a dog is ascertained to be rabid, notification of same shall be made to the health department, who shall cause such dog to be removed to the Town pound or summarily destroyed.

Section 30-209 Dog Bites

Whenever any dog bites a person, the owner of such dog shall immediately notify the Town Clerk who shall order the dog held on the owner's premises or shall have it impounded at the owner's expense for a period of two (2) weeks. The dog shall be examined immediately after it has bitten anyone and again at the end of the two (2) week period. If at the end of two (2) weeks a veterinarian is convinced that the dog is then free from rabies, the dog shall be released from quarantine or from the pound as the case may be. If the dog should die in the interim, its body shall be sent to the Oglethorpe County Health Department for examination for rabies.

Section 30-210 Muzzling

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded in the manner provided in Section 30-204, unless such dog shall be noticeably infected with rabies, in which case it shall be summarily disposed of.

Section 30-211 Penalty

- 1. **Violations.** Any owner of animals or fowl found to be in violation of the conditions set forth in this Ordinance, may be fined for disorderly conduct pursuant to the authority provided in the Maxeys Town Charter and the laws of the State of Georgia.