

ORDINANCE
(Ordinance No.:_____)

An Ordinance to amend, revise and adopt certain provisions of the Troup County Code relating to animal control within the unincorporated area of Troup County; to define certain terms; to amend and/or clarify certain provisions; to fix an effective date and for other purposes.

The Troup County Board of Commissioners do hereby ordain as follows:

SECTION I

Section 14-1 of Article I, Chapter 14, of the Troup County Code is hereby amended by the deletion of the definition of “*Dangerous dog or animal or vicious dog or animal*” and the adoption and insertion of the following new definition:

Aggressive dog or animal, vicious dog or animal, or potentially aggressive or vicious dog or animal means any dog or other animal that:

- (1) Has caused physical injury to humans or domestic animals without provocation, whether on public or private property;

- (2) Because of temperament, conditioning, or training, has the propensity, tendency or disposition to attack, bite, or injure humans or domestic animals without provocation;

(3) Aggressively bites, attacks, or endangers the safety of humans without provocation after it has been classified as a potentially dangerous animal and after the owner has been notified of such classification; or

(4) Causes reasonable fear of bodily injury to any person by attacking or threatening to attack such person.

(5) For purposes of this definition and article, an animal which is defending itself or its owner or keeper from attack shall be deemed to have been “provoked.”

SECTION II

Section 14-1 of Article I, Chapter 14, of the Troup County Code is hereby amended by the deletion of subpart (4) of the definition of “*Nuisance*” and the adoption and insertion of the following new subpart (4):

(4) Engages without provocation in incessant or untimely barking or other noise making in such a manner as to reasonably disturb any person or neighborhood. For purposes of this definition and article, an animal which barks as the result of the intentional and unauthorized actions of persons other than the owner or custodian of the animal shall be deemed to have been “provoked.”

SECTION III

Section 14-4(c) of Article I, Chapter 14, of the Troup County Code is hereby deleted and the following new subsection (c) adopted:

(c) The owner or custodian of any such dog shall also be responsible for obtaining a numbered vaccination tag furnished or approved by the state department of human resources at the time of such vaccination, which shall be affixed to a collar worn by the dog at all times the dog is off the premises of the owner. Cats, and dogs while the same are on the premises of the owner, are not required to wear a rabies tag, but the owner shall have written proof of current vaccination.

SECTION IV

Section 14-8 is hereby amended by deleting subpart (2) of said section and the following new subpart (2) is adopted:

(2) Fail to keep their dog from engaging in incessant or untimely barking or other noise making in such a manner as to reasonably disturb any person or neighborhood. It shall not be a violation of this subpart if the owner or custodian of the dog shows by clear and convincing evidence that the incessant or untimely barking complained of was caused or substantially contributed to by the intentional acts of third parties.

SECTION V

Section 14-9 is hereby deleted and the following new Section 14-9 is adopted:

Sec. 14-9. Aggressive, vicious, or potentially aggressive or vicious dogs.

(a) No person owning or having custody or control of any dog or other animal known by such person to be aggressive, vicious or potentially aggressive or vicious shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.

(b) It shall be the duty of every owner of any aggressive, vicious or potentially aggressive or vicious animal, or anyone having any such animal in his possession or custody, to ensure that such animal is kept under restraint, as prescribed in subsections (d), (e) and (f) of this section and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, custodian, or harbinger, and it is securely and humanely enclosed within a house, building, fence, locked pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition. Such enclosure must be securely locked at any time the animal is left unattended so that children are prevented from entry and to prevent the animal from escaping.

(c) For owners of an aggressive, vicious or potentially aggressive or vicious animal which lives out-of-doors, a portion of their property should be fenced with a perimeter or area fence. Within this perimeter fence, the animal must be humanely confined inside a locked pen or kennel of adequate size. The kennel or pen must have secure sides that set securely into the ground or onto a concrete pad. The gate to the kennel must be locked when the animal is unattended. This enclosure shall provide protection from the elements.

(d) An aggressive, vicious or potentially aggressive or vicious animal shall not be upon any street or public place except when securely restrained by a leash not more than six feet in length and humanely muzzled and in the charge of a competent person.

(e) Whenever outside of its enclosure, as provided for in subsections (b) and (c) of this section, but on the owner's property, an aggressive, vicious or potentially aggressive or vicious animal must be attended by the owner or custodian and restrained by a secure collar, muzzled when appropriate, as determined by the animal control officer, and on a leash of sufficient strength to prevent escape.

(f) No aggressive, vicious or potentially aggressive or vicious animal shall be chained, tethered, or otherwise tied while unattended by the owner or custodian to any inanimate object such as a tree, post, or building outside of its primary enclosure.

(g) A warning sign (e.g., beware of dog) shall be conspicuously posted denoting an aggressive, vicious or potentially aggressive animal on the premises.

(h) Failure to keep any aggressive, vicious or potentially aggressive or vicious animal confined or under restraint as provided for in this section shall be unlawful and shall be punishable as provided in this article.

(i) In the event any person is cited for and convicted of a violation of this section, the animal shall be registered with the Animal Control Department. The annual fee for the registration shall be \$500.00. The animal shall be registered annually so long as it is located in unincorporated Troup County. At the time of registration and annually thereafter when the registration is renewed, an animal control officer shall require evidence from the owner and make investigation as may be necessary to verify that the animal is confined as provided in this section and that the owner, keeper, responsible person or custodian is in compliance with the provisions of this section.

(j) In the event any person is cited for and convicted of a violation of this section and the animal is further determined by the Magistrate Court to be of a breed, size, predisposition, temperament or nature so as to be capable of causing serious and permanent physical injury, the Magistrate Court shall be authorized to order the person owning or controlling or in possession of the animal to maintain as an additional registration requirement either (1) a policy of insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in the state insuring the owner of the animal against liability for personal injuries inflicted by the animal; or (2) a surety bond in the amount of \$50,000.00 or more issued by a surety company authorized to transact business in this state and payable to any person injured by the animal.

(k) Violation of the registration requirements of this section shall be punishable as provided in Chapter 1, Section 1-19 of the Code of Troup County, Georgia, and each day any such violation shall continue shall constitute a separate offense. In addition, violation of the registration requirements of this section shall subject the unregistered animal(s) to seizure and impoundment by the Animal Control Department. Any animal so impounded shall be retained for ten days, during which time the owner may reclaim the animal upon proof of compliance with this section, proof

of vaccination requirements of this article, and payment of the redemption fee and/or cost of any required vaccinations as provided in section 14-6 (c) of this article. If the owner of the impounded animal is known, such owner shall be notified of the impoundment. Should the owner fail to reclaim the animal within ten days from impoundment, the animal shall be euthanized.

SECTION VI

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the County of Troup.

SECTION VII

(a) It is hereby declared to be the intention of the Troup County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Troup County Board of Commissioners to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Troup County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. It is hereby further declared to be the intention of the Troup County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this

Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

(c) In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Troup County Board of Commissioners that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION VIII

All resolutions or ordinances or parts of resolutions or ordinances in conflict herewith are hereby repealed.

SECTION IX

This Ordinance is adopted in the manner provided by law, by the Troup County Board of Commissioners at a meeting held this ____ day of April, 2011, and shall be effective immediately.

SO ORDAINED, this ____ day of April, 2011.

TROUP COUNTY BOARD OF COMMISSIONERS

By: _____
Richard C. Wolfe, Chairman

Attest: _____
Stewart Mills, Clerk