

**Gwinnett County Animal Control Ordinance
Ordinance Number AC-2015-001**

Chapter 10 – ANIMALS

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ARTICLE I: ANIMAL CONTROL, GENERALLY

Secs. 10-1 – 10-25. - Reserved

- **Sec. 10-26. - 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:

Abandon means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter, for a period in excess of 36 hours, regardless of where such animal may be found or kept.

Adequate food means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian, which is 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 a protective covering for an animal that is of adequate size and provides

adequate protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four sides with a door opening, a constructed floor, and a roof. It should also be clean, dry and compatible with current weather conditions, in addition to age, size, species and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below freezing. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of November through March. From April through October, the structure shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Adequate space means a sufficient safe space for adequate exercise suitable to the age, size, species and breed of animal. For dogs, adequate space will be based on the size of the dog. The determination of size will be a visual estimation; an exact weight using a scale is not required.

Adequate space for dogs shall be as follows:

Weight Of Dog In Pounds	Minimum Total Square Footage Of Enclosure
Up to 30 pounds	120 square feet
31 – 60 pounds	150 square feet
Over 60 pounds	250 square feet

Adequate water means clear, drinkable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice and rancid/contaminated water.

Animal control board means the county board of health or any board constituted and appointed by the board of commissioners to perform the duties of the animal control board under this article.

Animal control facility means and includes any vehicle, building, structure, pasture, paddock, pond, impoundment area or premises where any animal is kept or housed by the animal control unit for the purpose of impounding or harboring stray, homeless, abandoned, unwanted, neglected or abused animals.

Animal control officer means an employee of the animal control unit duly sworn under the legal authority of the county to enforce the rules and regulations of this article.

Animal control unit means the division of animal control within the department of police services responsible for the enforcement of this article.

Cruelty means causing death or unjustifiable pain or suffering to an animal by an act, an omission, or neglect.

Dangerous dog means any dog that:

- (A) 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 subparagraph; or
- (B) 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 section;
- (C) While off the owner's property or not under control, kills or injures a pet animal; provided, however this subparagraph 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 and the owner has upon him a valid hunting license and proof of vaccinations.

Dog control officer means the county police chief or his designee.

Dogs running at-large means any dog not under immediate control, not on a leash, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of his owner. Hunting and tracking dogs are under the control of the owner when hunting with the landowner's permission.

Domestic animal means an animal that, through long association with humans, has been adapted to human living conditions.

Eligible Litters means a group of two or more animals born at the same time, from the same mother, that are under six months of age and their ownership is not known.

Guard or protection dog means any dog trained for the purpose of protecting individuals from assault and/or preventing property loss or damage.

Impoundment means the act of taking physical possession and control of an animal by an animal control officer or other officer empowered to act by law and transporting it to the animal control facility.

Livestock means and includes horses, cows, goats, pigs or any other hooved animal used for pleasure or profit. Fowl and rabbits are expressly included within this definition.

Necessary veterinary care means veterinary medical attention appropriate to the circumstances, whenever an animal is known or suspected to have suffered an injury, accidental or deliberate, or exhibits signs of disease process such as shock, temperature fluctuation, tremors, swelling, broken bones, open wounds, inability to eat or drink, blistering, irregular or abnormal breathing,

partial or total paralysis, abnormal discharge or bleeding, mange, or other signs of health problems.

Owner means any person, firm, corporation, partnership, association, and/or other legal entity, who or which owns, possesses, harbors, keeps, feeds, maintains, or knowingly causes or knowingly permits an animal to be harbored or kept, or has an animal in his care, or who permits an animal to remain on or about his premises. In the case of an animal owned by a minor, the term “owner” includes the parents or person in loco parentis with custody of the minor. Without limiting the generality of the foregoing, any adult at whose residence a dangerous dog or potentially dangerous dog is kept or found shall be presumed to be an owner of such dog 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 whether or not any other owners are also prosecuted.

Police officer means any law enforcement officer empowered to make arrests or cause to be issued summonses in unincorporated areas of this county.

Proper enclosure means an enclosure that meets all of the following criteria:

- (1) A structure which is suitable to prevent the entry of young children and to prevent the dog from escaping;
- (2) A structure with secure sides and a secure top attached to all sides.;
- (3) A structure whose sides are so constructed at the bottom so as to prevent the dog's escape by digging under the sides. The sides must either be buried two feet into the ground or sunken into a concrete pad;
- (4) A structure which provides appropriate protection from the elements for the dog. The structure must contain adequate shelter inside it;
- (5) A structure which is inside a perimeter or area fence;
- (6) The gate to the structure shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

Provocation means committing a willful trespass or other tort upon the premises occupied by the owner or possessor of the animal, or teasing, tormenting, or abusing the animal or committing or attempting to commit a crime against a person.

Sanitary conditions means an animal living space, shelter, or exercise area that is not contaminated by health hazards, irritants, pollutants, items, or conditions that endanger or pose a risk to an animal's health.

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.

Tethered means an animal attached to a stationary object or pulley system by a chain, rope,

cable or similar device. This shall not include using a leash for walking purposes.

Vicious dog means any dog that:

- (A) Inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.
- (B) Has been confirmed by prior records to have bitten a person on at least one previous occasion or has previously been classified as dangerous.
- (C) Bites multiple humans in one attack.
- (D) While traveling in a pack of dogs owned by the same individual, an attack occurs causing multiple puncture bites on the victim, each dog would be deemed vicious.
- (E)

(Ord. of 1-16-07, § 1; Res. of 8-18-09)

Cross reference— Definitions generally, § 1-2.

- **Sec. 10-27. - Penalties for violation of article.**

Unless otherwise specified in this article, the following penalties shall apply: any person violating this article may be deemed guilty of violating a county ordinance and may be punished by a fine not to exceed \$1,000.00 and by imprisonment in the common jail of the county not to exceed six months, or both fine and imprisonment. Each act or omission in violation of this article shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. In addition to any other penalties allowed by law, the court, as part of the sentence may prohibit the offender from owning, possessing, or having on the offender's premises in Gwinnett County any animal during the term of the sentence, may order for the animal to be removed from the county or humanely euthanized, and may order restitution.

(Ord. of 1-16-07, § 1; Res. of 8-18-09)

- **Sec. 10-28. - Adoption of article by municipalities within county boundaries.**

In accordance with state law, Gwinnett County may enter into agreements with the municipalities located within territorial limits of Gwinnett County to provide animal control services with the corporate limits of such municipality. Pursuant to such agreement, any municipality in the county may adopt this article. Any municipality adopting this ordinance must authorize the enforcement of the municipal ordinance by the Gwinnett County Animal Control Unit. Municipal ordinances must provide that the incorporated areas shall be subject to the fees charged by the animal control unit and that all fees charged by the Gwinnett County Animal Control Unit shall be retained by the county to defray the cost of operation of the animal

control unit.

(Ord. of 1-16-07, § 1)

• **Sec. 10-29. - Restraint.**

- (a) It shall be unlawful for any owner or possessor of any dog to fail to keep the dog under restraint or control as provided for in this section.
- (b) A dog is considered not under restraint or control when it is running at large, whether wearing a collar and tag or not. Reasonable care and precautions shall be taken to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and to ensure that:
 - (1) It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition, and that such enclosure is securely locked at any time the animal is left unattended; or
 - (2) It is securely and humanely restrained by an invisible containment system. If using an invisible containment system, a sign must be posted on the property indicating that the system is in place; or
 - (3) It is on a leash and under the control of a competent person, or it is off leash and obedient to and under voice command of a competent person who is in the immediate proximity of the dog any time it is not restrained as provided for in subsection (1) or (2) above while on the owner's property.
- (c) It shall be unlawful to tether an animal outdoors, except when all of the following conditions are met:
 - (1) The owner or adult custodian of the animal must be outside with the animal at all times and the animal must be visible to the owner.
 - (2) Single point tethering is prohibited
 - (3) Tethering an animal by a trolley system is the only approved form of tether.
 - (4) Only one animal may be attached to each trolley system;
 - (5) Any cable attached to the trolley system and attached to an animal must be at least ten feet in length and shall not allow the animal to come within five feet of the edge of the property line of the property upon which such animal is tethered;
 - (6) Tethers must be made of a substance which cannot be chewed by the animal, shall not weigh more than five percent of the body weight of the animal, and shall have a swivel on each end;
 - (7) The trolley system must be at least ten feet in length and mounted no more than seven feet above the ground level;

- (8) The length of the tether from the trolley system to the animal's collar should allow access to the maximum available exercise area and allow the animal free access to food, water, and shelter;
 - (9) The animal must be attached to the tether by a properly fitted harness or collar with enough room between the collar and the animal's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal;
 - (10) The trolley system must be a sufficient distance from any other objects or animals to prohibit the tangling of the cable, to prohibit the cable from extending over an object or an edge that could result in injury or strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal from having access to the fence;
 - (11) The animal is not outside during extreme weather, including, but not limited to extreme heat or near freezing temperatures, or storms;
 - (12) The animal is at least six months of age; and
 - (13) The animal is not sick or injured.
 - (14) When an animal is found tethered unattended but in compliance with the remaining provisions of this subsection and the owner has received no prior warnings, or citations concerning tethering, an officer may provide information or a warning about proper tethering methods.
- (d) The following additional precautions shall be taken by the owners, possessors, or custodians of vicious animals:
- (1) In addition to the requirements in subsection (b)(1) herein, owners of vicious dogs who maintain their dogs out-of-doors shall fence a portion of their property with a second perimeter or area fence. Within this perimeter or area fence, the vicious animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground or sunken into a concrete pad. The gate to the kennel shall be inward-opening and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.
 - (2) Whenever the dog is outside of its enclosure as provided for in this subsection, but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.
 - (3) Maintain at all times either a policy of insurance or surety bond in a minimum amount of \$1,000,000.00 to cover claims for any personal injuries inflicted by the dog, which policy or surety bond shall be issued by an insurer or surety, as the case may be, authorized to transact business in this state.
 - (4) Except when being transported to a licensed veterinary facility, dangerous and vicious

dogs shall not be allowed off the property of the owner. Should transport to veterinary care be needed, the animal shall be securely and humanely confined within a vehicle. Movement of the animal from the residence of owner to and from the transporting vehicle and to and from the veterinary facility shall be conducted with the animal securely restrained by a leash no longer than six feet in length and muzzled by a muzzle or device constructed so as to prevent the animal from biting.

- (e) Guard or protection dogs:
- (1) Owners or custodians of any guard or protection dog must confine all such dogs within a perimeter fence and meet the following conditions, unless the dog is otherwise restrained as provided for in subsection 10-29(e)(3):
- a. The fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times.
 - b. A "beware of dog" sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 feet of enclosure, minimum of two, as well as a sign on each ingress or egress point to the enclosure. Signs shall be a minimum of ten inches high and 14 inches long.
 - c. The owner or custodian shall, prior to placing dogs on property, have the dog(s) microchip registered, at his/her own expense, and provide the registration number to the animal control unit. There shall be a fee for each guard or protection dog for the first year or any part thereof that the dog is in Gwinnett County and a renewal fee for each dog every year thereafter as set forth in the schedule of fees and charges. The renewal fee shall be paid by January 30 of each year.
 - d. The owner or custodian shall report to the department of police services within 24 hours of any of the following:
 1. Escape of the dog;
 2. An attack on a human or animal by the dog;
 3. Transfer of ownership of the dog;
 4. Death of the dog;
- (2) Any enforcement officer of the department of police services shall have the authority to enter onto private or public property for the purpose of ensuring compliance with the provisions of this subsection (d).
- (3) A guard or protection dog shall be deemed under control only when restrained by the collar provided for in this section and a secure leash not to exceed six feet in length. The leash shall be of sufficient strength to prevent escape.
- (f) Dogs found running at-large or in violation of this section may be immediately impounded by officers of the animal control unit or any police officer. The officers may pursue the dog onto private property to effect capture of such dog.

- **Sec. 10-30. - Abandoned animals.**

It shall be unlawful for anyone to knowingly abandon or to aid in the abandonment of any animal. An animal relinquished through written agreement with animal control, licensed rescue group, licensed shelter, licensed veterinarians, individual, or other entity shall not be deemed abandoned but shall be considered relinquished to the entity.

(Ord. of 1-16-07, § 1)

- **Sec. 10-31. - Transient dogs and cats.**

Any dog or cat shipped or transported through the county or entering the county only for the purpose of a temporary stay, when such stay shall not exceed 15 days, shall be exempt from collar and tag sections of this article. However, all other provisions of this article are applicable to such transient animals.

(Ord. of 1-16-07, § 1)

- **Sec. 10-32. - Reserved**

- **Sec. 10-33. - Public nuisance animal.**

(a)

A public nuisance animal shall mean and include any animal that:

(1)

Is repeatedly found at-large; or

(2)

Damages the property of anyone other than the owner; or

(3)

Is vicious; or

(4)

Attacks without provocation; or

(5)

Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept; or

(6)

An animal which is not being kept in conformity with county zoning resolutions; or

(7)

Is in heat and not confined within a secure enclosure to prevent unintentional breeding;
or

(8)

Chases vehicles, bicycles, or people.

(b)

Any such public nuisance animal may be impounded and the owner or possessor charged for a violation of this article.

(Ord. of 1-16-07, § 1; Res. of 8-18-09)

• **Sec. 10-34. - Adoption.**

(a)

The animal control unit or its designee may offer for adoption any animal of unknown ownership after three (3) days that the shelter is open to the public. If an owner is known, the animal will be held for a period of ten (10) calendar days, as provided for in section 10-35(a). If the animal is voluntarily surrendered to the animal control unit by the owner of the animal, the animal may be offered for adoption or rescue immediately. Any eligible litters of multiple animals that are taken into custody by any means, may be offered for adoption or rescue immediately.

(b)

All persons adopting animals shall be over 18 years of age and shall provide adequate and humane care, feeding, shelter and protection from the weather and veterinary treatment as required. Any person adopting an animal shall not use the animal for breeding, fighting or profit and shall not engage in any research involving the use of the animal or supply the animal to any individual or institution which may use the animal in research. The frequency with which animals may be adopted and placed in any household may be restricted.

(c)

Any person adopting an animal from the Gwinnett County Animal Control Unit shall pay an adoption fee in an amount stated in the Gwinnett County Animal Control schedule of fees, charges may also include all or part of the costs of an examination and rabies inoculation and all or part of the costs associated with neutering or spaying dogs and cats.

(d)

Any person adopting an intact animal shall cause to have the animal spayed or neutered (sterilized) within a period specified as follows, within 30 days from the date of adoption for animals over the age of six months or within the first six months of age for sexually immature animals. Any adopted animal not sterilized within the time specified may be reclaimed by animal control. If an animal becomes pregnant after the time specified for the animal to be spayed, the owner may receive a citation for violating this article.

(Ord. of 1-16-07, § 1)

- **Sec. 10-35. - Reclaim of impounded animals.**

(a)

Any animal, seized or impounded by an animal control officer, or any officer empowered to act by law shall be detained at the animal control facility. If an owner contacts the facility by phone, mail or electronic mail to notify that their animal has been detained at the shelter, the animal will become unavailable for adoption or rescue for a period of ten (10) calendar days from the time of the owner's first contact with the animal shelter. If Animal Control Officers learn of an owner, they will make notification in person by posting a notice on the owner's door if the owner lives within Gwinnett County or notification by mail to the owner of such animal, if an address is known or can be reasonably ascertained. The same ten (10) calendar day hold period will apply from the date of the door posting or mailing. The owner of any animal impounded may reclaim the animal by the payment of an impoundment fee plus a boarding fee for each day the animal was impounded; and the cost of rabies vaccination if the animal has not been vaccinated within the prescribed time period. For dogs or cats only, these fees will also include a mandatory microchip to be inserted into the animal by qualified personnel at the facility. If qualified personnel are not available, it will be the owner's responsibility to have the animal microchipped and proof returned to the facility within 30 days that the microchip has been inserted. These fees, as applicable, shall also apply to biting animals held for rabies observation at the animal control facility.

(b)

If any animal seized or impounded by the animal control division evidences advanced symptoms of contagious, infectious or fatal diseases, is seriously ill or severely injured, the animal control unit shall seek the services of a licensed veterinarian who will determine whether to treat the animal or humanely euthanize the animal; or in the absence of an available veterinarian, the animal control officer may concur with a superior on duty, in addition to writing a complete report on the reason for euthanization. This action may be taken to control the spread of disease or to eliminate any further pain and suffering of an animal. Every attempt will be made to stabilize an owned animal to afford the owner the opportunity to pick up the animal.

(c)

For any animal that is impounded for law enforcement purposes, at the owner's request and expense, such impoundment may be at a veterinary or licensed kennel of the owner's choosing provided that the owner cannot cause the animal to be released from the boarding facility without the approval of the prosecuting officer or agent.

(Ord. of 1-16-07, § 1)

- **Sec. 10-36. - Humane disposition.**

(a)

If an animal is not claimed by the known owner within ten days of notice to the owner as described in 10-35(a) or an animal of unknown ownership is not adopted or rescued within six calendar days of impoundment, then it shall be the duty of the animal control department to euthanize the animal in as humane and painless a manner as possible. An animal deemed to be highly desirable for adoption may be kept beyond the six-day limitation, provided that the animal does not evidence any apparent signs of illness, injury, contagious or infectious diseases and that space is available to house the animal, at the discretion of the director of the division of animal control. Animals may be released to approved rescue groups or to approved foster homes authorized to accept animals if not claimed or adopted as provided. Animals shall not be provided to any public or private institution, animal dealer or other individual who may use or supply the animal for research purposes.

(b)

Any animal which is suffering excessively or any animal which represents a real danger to persons or other animals, without regard to the period of confinement as provided for in subsection (a) of this section, shall be euthanized by officers of the animal control unit in as humane a manner as possible.

(c)

If any animal seized or impounded by the Animal Control Division evidences advanced symptoms of contagious, infections or fatal diseases, is seriously ill or severely injured, the Animal Control Division shall seek the services of a licensed veterinarian, if possible, who will determine whether to treat the animal or humanely euthanize the animal. In the absence of an available veterinarian, the Animal Control Officer may consult with a superior on duty. If both agree that the animal should be euthanized, the animal may be euthanized and then a complete report on the reason for euthanization will be completed. This action may be taken to control the spread of disease or to eliminate any further pain and/or suffering of an animal.

(Ord. of 1-16-07, § 1)

- **Sec. 10-37. – Reserved**

- **Sec. 10-38. - Biting animals and quarantine.**

(a)

In accordance with rules and regulations promulgated by the Gwinnett County Board of Health, all dogs and cats known to have bitten or scratched a person shall be confined to the animal control facility, veterinarian's hospital, or at a boarding facility approved by the animal control manager or under home supervision with the approval of the animal control manager for a period of ten days. All expenses incurred for boarding the animal during this period of time shall be paid by the owner or possessor of the biting animal.

(b)

In accordance with the rules and regulations promulgated by the state department of public health, all pets or wild animals, other than a dog or cat, known to have bitten a person, or any animal which cannot be held for a rabies observation period, shall be euthanized and a lab specimen of brain tissue sent to the state department of epidemiology for testing and control of rabies.

(c)

Unvaccinated or unwanted animals bitten or scratched by a known potentially rabid animal shall be euthanized immediately. If the owner of the unvaccinated animal is unwilling to have the animal euthanized, upon approval of the animal control unit, the exposed animal shall be placed in quarantine for six months and vaccinated one month prior to being released. The owner or possessor is responsible for quarantining the exposed unvaccinated animal in strict compliance with the policies and procedures of the animal control unit and county board of health.

(d)

Dogs and cats that are bitten or scratched by a known or potentially rabid animal that are current on their vaccinations shall be re-vaccinated immediately, confined, and observed for 45 days. Confinement must be coordinated with and approved by the animal control unit.

(e)

For purposes of subsections (c) and (d), any animal bitten or scratched by a bat or wild carnivorous mammal including, but not limited to, bobcats, raccoons, foxes, skunks, or coyotes, which are not available for testing, should be considered exposed to rabies.

(f)

Failure to comply with the quarantine and/or confinement requirements of this section, the animal control unit, or the county board of health constitutes a violation of this chapter and may result in the impoundment of the animal. In that event, the owner or possessor remains responsible for all veterinary, boarding, and other expenses incurred on behalf of the quarantined animal.

(Ord. of 1-16-07, § 1)

- **Sec. 10-39. - Livestock.**

(a)

All livestock shall be properly housed with adequate food and adequate water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. Owners of such livestock shall be liable for any damage, accidents or injuries. Such maintenance shall include, but not be limited to, repair or replacement of anchor post assemblies whenever they show signs of weakness, refastening loose wires to posts, splicing broken wires when necessary, and keeping the fence wires properly stretched. Those who provide boarding/pasturing space and/or services for hire shall have the responsibility for enclosure maintenance as described in this paragraph.

(b)

No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.

(c)

Owners or possessors of livestock impounded for violation of this article or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.

(d)

Impounded livestock shall be held for a period of 21 days. If such impounded animals are not claimed by the owner during that period of time, the animals may be given to persons willing to accept them, in the discretion of the department of police services. Section 10-34(a) pertaining to profit shall not apply to any person(s) accepting livestock from the county. Person(s) accepting livestock from the county are allowed to sell the animal or slaughter the animal for consumption. Any livestock that was captured by the use of tranquilizers or darting drugs are not allowed to be slaughtered for consumption.

(Ord. of 1-16-07, § 1)

- **Sec. 10-40. - Wildlife.**

All complaints and matters concerning wild animals not of a domestic nature and complaints involving game animals or protected species and/or hunting, shall be forwarded to the Georgia

Department of Natural Resources, Game and Fish Division or the U.S. Department of Agriculture, Law Enforcement Division for proper disposition, i.e., compliance, apprehension, control and/or enforcement as may be necessary as provided by state and federal rules and regulations.

(Ord. of 1-16-07, § 1)

- **Sec. 10-41. - Dead animals.**

(a)

Officers of the animal control unit are authorized to remove dead animals from public property including public schools, parks and roadways. Carcasses on private property must be disposed of by the property owner or possessor in accordance with state laws and regulations. It shall be unlawful for any person to dispose of a dead animal, its parts, or blood on the land of another without the permission of the owner of the land. It shall be unlawful for any person to dispose of a dead animal in a well or open pit of any kind, on private or public land. Any dog, cat or small animal carcass to be picked up for disposal by the animal control unit from a private residence must first be contained in a plastic bag and delivered to the right-of-way of the road or street for disposal. All dead livestock, including horses, cattle and any other large animal must be disposed of by the animal owner or property owner/possessor in accordance with state and local regulations.

(b)

This subsection shall not prohibit the county from contracting with a private waste disposal company for the disposal of dead animals within the county.

(Ord. of 1-16-07, § 1)

- **Sec. 10-42. - Rabies Vaccination Certificates**

The owner, possessor or harbinger of each dog or cat residing in the unincorporated area of the county must obtain and possess a current rabies vaccination certificate from a licensed veterinarian showing that the animal has been vaccinated against rabies. Upon vaccination, county veterinarians shall be responsible for issuing a metal tag with a vaccination and identification number. Tags must be renewed within 30 days of the expiration date of the vaccination.

(Ord. of 1-16-07, § 1)

- **Sec. 10-43. - Collar and rabies vaccination tag.**

(a)

It shall be the duty of each dog and cat owner or possessor to provide a collar and tag for each dog and cat, and the tag and collar shall be on the animal at all times when the animal is not under the immediate control of the owner or possessor of the animal. Animals participating in organized or controlled competitions are exempt from this subsection only for the duration of the competition.

(b)

It shall be unlawful for any person to attach a vaccination tag to the collar of any animal for which it was not issued, or to remove such tags from any animal without the consent of its owner or possessor.

(Ord. of 1-16-07, § 1)

- **Sec. 10-44. - Vaccination of dogs and cats.**

No person who is not licensed to practice veterinary medicine in the state shall vaccinate dogs and cats against rabies.

(Ord. of 1-16-07, § 1)

- **Sec. 10-45. - Vaccines used and time of vaccination.**

(a)

All dogs, cats and ferrets owned, possessed, harbored or residing within the limits of the county shall be inoculated for the prevention of rabies by a veterinarian licensed to practice veterinary medicine in the state, using only those vaccines prescribed and/or approved by the state department of human resources.

(b)

It shall be unlawful for any person to own, possess or maintain any dog, cat or ferret that does not have a current rabies inoculation. All dogs, cats and ferrets shall be vaccinated against rabies before and no later than four months of age. Any dog, cat or ferret found not vaccinated by four months of age must have the consent of a licensed veterinarian stating the reasons.

(c)

Any person keeping, owning, harboring or having any type of animal in his possession, excluding dogs, cats and ferrets, is not required to have the animal vaccinated against rabies but does so at his own risk and assumes all liabilities for adverse actions of the animal.

(Ord. of 1-16-07, § 1)

- **Sec. 10-46. - Certificate of vaccination.**

(a)

Upon administering anti-rabies vaccines, a certificate of vaccination must be issued and signed by the veterinarian administering the vaccine, to provide evidence of vaccination.

(b)

Any veterinarian is authorized and required in connection with his practice to issue certificates of vaccination, provided he furnishes one copy to the animal owner, one copy to the animal control unit upon request by animal control, and one copy is retained by the veterinarian.

(Ord. of 1-16-07, § 1)

- **Sec. 10-47. - Summons.**

(a)

The animal control officer or police officer at his discretion may not impound the animal or livestock found in violation of any section of this chapter, but may return the animal to its owner or possessor and issue or cause to be issued a summons directing the owner or possessor of the animal or livestock to appear before the recorder's court on a certain day to stand trial for the violation of this article.

(b)

If a violation of this article has not been personally witnessed by the animal control supervisor or his authorized representative or other employee of the county, a subpoena may be issued to the person complaining to appear on the day and time set for trial to testify on behalf of the county.

(Ord. of 1-16-07, § 1)

- **Sec. 10-48. - Liability of the county, animal control unit, officers and employees.**

The county, the animal control unit and its officers and employees shall not be held responsible or liable for any accidents, diseases, injuries, or deaths to any animal while being impounded or boarded at the animal control facility or any facility designated by the animal control unit to house such animal.

(Ord. of 1-16-07, § 1)

- **Sec. 10-49. - Interference with animal control officers.**

It shall be unlawful to interfere with any animal control officer or other officer empowered to act by law, or to take or attempt to take any animal from the county vehicle used to transport the animal, or to take or attempt to take any animal from the animal control facility, or by any other method which would block or hinder any officer referred to in this section from performing his duties.

(Ord. of 1-16-07, § 1)

- **Sec. 10-50. – Cruelty to Animals.**

(a) It shall be unlawful for any person to commit an act of cruelty towards any animal. Any person who abuses an animal, or aids another person in abusing an animal or causes or permits an animal to abuse another animal, by acting or failing to act, shall be in violation of this section. Cruelty to animals includes but is not limited to:

(1) Neglecting to provide adequate drink, adequate food, adequate space, adequate shelter, adequate ventilation and/or sanitary conditions;

(2) Failure to provide reasonable remedy or relief for any injured or diseased animal;

(3) Failure to provide necessary veterinary care;

(4) Causing unnecessary suffering of any animal;

(5) Beating, torturing, tormenting or mutilating;

(6) Otherwise treating any animal in a cruel or inhumane manner;

(7) Any of the above while the animal is tethered.

(b) It shall be unlawful for a person to intentionally train, breed, possess, harbor, keep, have custody or control of any animal for the purpose of animal fighting. It shall be unlawful

to be a spectator at or bet on an animal fighting activity. The intentional fighting of dogs, dog and hog, and cocks is expressly prohibited.

(c) It shall be unlawful to leave animals unattended in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from heat exhaustion.

(d) Exceptions:

(1) A person shall not be guilty of animal cruelty when the person is protecting his/her life, or the life of another person or animal that is being attacked by an animal that is attempting to severely harm or kill him/her or another person or animal provided that the person being attacked is not committing a crime or is not aggravating or inciting the animal to attack.

(2) Licensed veterinarians who perform surgery or euthanasia and animal control officers who euthanize animals under the direction of animal control per the guidelines of the Georgia Veterinary Medical Association, Georgia Department of Agriculture, and this article shall not be guilty of animal cruelty.

(e) Any animal control officer or other officer empowered to act by law may impound any animal found to be abused in any manner set forth in this section.

• **Sec. 10-51. - Duty of animal owners to be responsible owners.**

(a)

It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animal's behavior. If the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure compliance with all provisions of this article.

(b)

It shall be a violation of this article for an owner or an individual in possession of the property upon which the animal or animals are located at the time of the offense to allow

the animal or animals to make any vocalizations which are plainly audible to a person of ordinary hearing ability not located on the same property as the animal or animals making such vocalizations for more than 15 minutes without interruption or more than 30 minutes if the vocalization is intermittent.

(1)

These time limits do not apply if the vocalizations are given as a warning to the presence of a person trespassing, threatening to trespass or unambiguously taunting the animal.

(2)

Officers enforcing this subsection are not required to measure the vocalizations with the use of a sound level meter.

(3)

Upon notification of a complaint concerning such vocalizations, the owner or individual in possession of the property upon which the animal or animals are located shall be given a written notice from the animal control unit indicating that such animal or animals are creating a disturbance and advising the owner or individual in possession of the property of some possible solutions to rectify the nuisance. The complainant must provide the officer the address where the animal or animals were located at the time of the offense before any written notice shall be sent. The owner or individual in possession of the property shall then have ten days to resolve the disturbance.

(4)

If the disturbance is not resolved within ten days and the animal control unit receives a second complaint from the original complainant, he or she will be asked to provide a sworn statement documenting the violations. Upon receipt of the complainant's sworn statement, the animal control unit may, if satisfied that the sufficient evidence is shown, issue a citation in accordance with the requirements of this article. Sufficient evidence can include but is not limited to any of the following:

- i. A second sworn statement regarding the vocalizations from another individual residing at a different address located near the animal(s) creating the disturbance.
- ii. Video or other similar visual and audio recordings of the animal or animals while the disturbance is ongoing as provided for above.
- iii. Other sufficient evidence regarding the vocalizations.

(5)

If the disturbance is not resolved within ten days and the animal control unit receives another complaint from another individual residing at a different address located near the animal or animals creating the disturbance, both complainants will be asked to

provide a sworn statement. Upon receipt of the sworn statements, the animal control unit may issue a citation in accordance with the requirements of this article

(6)

The original complaint will remain on file and active for a period of 30 days following the ten-day resolution period. If no further complaints are made during the 30-day period, the complaint shall expire and the process begins again.

(7)

Any person violating any provision of subsection 10-51(b) may upon conviction be punished by a fine not to exceed \$1,000.00.

(Ord. of 1-16-07, § 1; Res. of 8-18-09)

- **Sec. 10-52. - Hoarders.**

It shall be unlawful for any person to collect animals and fail to provide them with humane/adequate care, collect dead animals that are not properly disposed of as required by this article, or collect, house, or harbor animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

(Ord. of 1-16-07, § 1)

- **Sec. 10-53. - Right of entry.**

A law enforcement officer may use any force necessary to remove any animal locked in a closed vehicle when the ambient temperature is 80 degrees Fahrenheit or above outside the vehicle. If the vehicle is damaged during such removal, the law enforcement officer shall not be liable for any damage to the vehicle.

(Ord. of 1-16-07, § 1)

- **Sec. 10-54. - Animals transported in vehicles.**

No animal shall be transported on a public road in an open vehicle including an open top vehicle or open truck bed unless the animal is humanely secured so as to prevent the animal from escaping out of the vehicle, getting tangled, or having the ability to extend over the edge of the vehicle that could result in an injury or strangulation of the animal while the vehicle is in motion. No animal shall be transported in the trunk of a vehicle or under a pick up truck's tonneau cover.

(Ord. of 1-16-07, § 1)

- **Sec. 10-55. - Training guard or protection dogs.**

It is unlawful to train a guard or protection dog, unless the trainer holds a state kennel license, a county business license, and maintains at all times either a policy of insurance or a surety bond in a minimum amount of \$1,000,000.00 to cover claims for any personal injuries inflicted by the dog or dogs being trained, which policy or surety bond shall be issued by an insurer or surety, as the case may be, authorized to transact business in this state. It is unlawful to train a guard or protection dog on public property, including but not limited to, public parks.

(Ord. of 1-16-07, § 1)

- **Sec. 10-56. – Selling/giving away of animals; Use of animals as prizes.**

- (a) Selling or giving away animal(s) in front of or on private property or public property, other than the animal owner's property, without the property owner's written permission is prohibited. A licensed animal shelter, licensed veterinarian, licensed pet dealer or licensed humane society which has all required governmental licenses, registrations and has obtained permission from the owner of the business or property, may sell, adopt or give away animals on private or public property. Dogs, cats, puppies or kittens offered for sale or given away must be at least eight (8) weeks old. Any individual selling an animal for profit must also comply with other ordinances involving permitting

- (b) It is unlawful to offer as a prize or give away any animal, amphibian, fish, reptile, or fowl in any contest, raffle or lottery or as an enticement for fund raising or for entry into any place of business.

(Ord. of 1-16-07, § 1)

- **Sec. 10-57. - Dying or coloring certain animals or fowl for display, sale, gift prohibited.**

It is unlawful to sell, offer for sale, give away, or display living baby chicks, ducklings, or other fowl, amphibians, reptiles or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

(Ord. of 1-16-07, § 1)

- **Sec. 10-58. - Limitation on ownership.**

- (a)

- Any person who has been convicted of cruelty, neglect, abandonment or hoarding of an animal as provided in this Code or has been required to or voluntarily relinquished ownership of such animal, may not own, possess, or have on his premises in Gwinnett County any animal for one year from the date of conviction. A nolo contendere plea is

considered a conviction for the purpose of this section. Nothing in this section shall prohibit the court from imposing a greater length of time.

(b)

Any person who has been convicted of failure to keep an animal under restraint while on the owner's property as provided in this Code and has been required to provide additional confinement requirements and has not complied with the court's order, may not be allowed to own a pet in their Gwinnett County household for one year from the date of conviction.

(Ord. of 1-16-07, § 1)

- **Sec. 10-59. - Backyard breeders.**

It is unlawful for any person who does not hold a license from the Georgia Department of Agriculture to breed an animal if they are required by the Georgia Department of Agriculture to be licensed.

(Ord. of 1-16-07, § 1)

- **Secs. 10-60 – 10-70. – Reserved**

ARTICLE II. - RESPONSIBLE DOG OWNERSHIP

Sec. 10-71. - Title and purpose.

The purpose of this article shall be to implement the provisions of O.C.G.A. § 4-8-20 et seq., The Responsible Dog Ownership Law (the “Act”), relating to dangerous or vicious dog control. Nothing contained in this article shall be deemed to amend or supersede any other ordinances relating to animal control. Violations of this article shall be punishable as provided in the Act.

Sec. 10-72. - Classification as dangerous dog or a vicious dog; notice to owner.

- (a) Upon receiving a report of a dog believed to be subject to classification as a dangerous or vicious dog, the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous or vicious dog.
- (b) If the dog poses an immediate threat to public safety, the dog shall be immediately confiscated and kept at the animal control facility until an appropriate hearing to determine where the dog will be kept.
- (c) If impounding of the dog is not possible and/or the dog owner has taken immediate action to ensure the dog cannot pose a public threat and has proven he/she can properly contain the dog, the dog control officer may allow the dog to remain with the dog owner with specific directions to contain the dog. This section does not

exempt any requirements set forth reference to rabies quarantine in the case of an animal to human bite.

- (d) When the dog control officer determines that any dog is subject to classification as dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's owner within 72 hours. The notice to the owner shall meet the following requirements:

- (1) The notice shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address. If a dog has more than one owner, notice to one owner shall be sufficient for purposes of this article. If there is a question as to the dog's ownership, notice shall be deemed sufficient if sent to the last person who received a citation for the dog.

- (2) The notice shall include a summary of the dog control officer's determination that the dog is subject to classification as a dangerous or vicious dog.

- (3) The notice shall be dated and shall state that the owner has a right to request a hearing on the dog control officer's determination within 7 days after the date shown on the notice.

- (4) The notice shall state that if the owner does not request such a hearing within 7 days from the date shown on the notice, the dog control officer's determination shall become effective for all purposes under this article.

- (5) The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such a request.

- (e) When a hearing is requested by a dog owner in accordance with subsection (b) of 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 animal control board for good cause shown. At least ten days prior to the hearing, the animal control board shall notify the dog owner in writing by certified mail or statutory overnight delivery of the date, time and place of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence and the animal control board shall receive such other evidence and hear such other testimony as may be reasonably necessary to sustain, modify or overrule the classification of the dog by the dog control officer.
- (f) Within ten days after the hearing, the animal control board shall notify the owner in writing by certified mail or statutory overnight delivery of its determination on the matter. If the determination is made that the dog is a dangerous dog or a vicious dog, the notice shall specify the date upon which that determination is 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.
- (g) Judicial review of the animal control board's final decision may be had in accordance with O.C.G.A. § 50-13-19.
- (h) 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 article. 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 article. The owner of any dog referred to in this

subsection shall come into compliance with all current provisions of this article by January 1, 2013.

. Sec. 10-73. - 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 officer 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 Chapter 5 of Title 16.

. Sec. 10-74. - Requirements for possession of dangerous or a vicious dog.

- (a) It shall be unlawful for an owner to have or possess within Gwinnett County 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 Code 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 a proper 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;
 - (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 the owner provides the registration number to the animal welfare and enforcement unit. The owner shall keep the registration information updated; and
 - (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$100,000.00 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.
- (c) Except as provided in subsections (e) and (f) of this Code 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 a proper 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 the owner provides the registration number to the animal welfare and enforcement unit. The owner shall keep the registration information updated; and
- (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$1,000,000.00 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. Section 17-10-6.1;
 - (2) The felony of dogfighting as provided for in O.C.G.A. Section 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. Section 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. Sections 16-13-31 and 16-13-31.1 from the time of conviction until two years after completion of his or her 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, the dog control officer or his designee 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.
- (h) (a) Any owner of a dangerous or a vicious dog shall be jointly and severally responsible with all other owners of such dog for compliance with the requirements of this section.
- (i) The dog control officer or his designee shall have the right to inspect randomly and without notice a dangerous dog or a vicious dog which is required to be confined pursuant to this section. Permission of the owner or person in custody of the dangerous or vicious dog shall not be unreasonably withheld.

Sec. 10-75. - Proper Enclosure

Proper enclosure means an enclosure that meets all of the following criteria:

- (1) A structure which is suitable to prevent the entry of young children and to prevent the dog from escaping;

- (2) A structure with secure sides and a secure top attached to all sides.;
- (3) A structure whose sides are so constructed at the bottom so as to prevent the dog's escape by digging under the sides. The sides must either be buried two feet into the ground or sunken into a concrete pad;
- (4) A structure which provides appropriate protection from the elements for the dog. The structure must contain adequate shelter inside it;
- (5) A structure which is inside a perimeter or area fence;
- (6) The gate to the structure shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

Sec. 10-76. - Transfer of ownership or possession.

Upon the transfer of ownership or possession of any dangerous 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 shall be presumed to have notice of the dog's classification as such. A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to the Animal Welfare and Enforcement Unit or a veterinarian to be euthanized.

Sec. 10-77. - Notice to dog control officer.

- (a) The owner of a classified dog shall notify the dog control officer in person or by telephone within 24 hours of the occurrence of any one of the following events:
 - (1) The dog has escaped, is on the loose or has otherwise ceased to be in the custody of the owner for any reason.
 - (2) Such dog has attacked a human being or other animal.
 - (3) A dangerous dog has been sold, given, or otherwise transferred to the ownership or possession of another person. A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to the Animal Welfare and Enforcement Unit or a veterinarian to be euthanized.
 - (4) The dog has died or been euthanized.
 - (5) The dog is leaving Gwinnett County.
- (b) The owner of a dog which has been classified by another jurisdiction as a dangerous or vicious dog or other similar classification shall notify the dog control officer and register the classified dog within ten days of becoming a resident of Gwinnett County.

Sec. 10-78. - 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 and the leash is controlled by a competent person over the age of 18; or
 - (2) The dog is contained in a closed and locked cage or crate.
 - (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 over the age of 18 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.

Sec. 10-79. - Confiscation and disposition of dogs.

- (a) An animal control officer or law enforcement office shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.
- (b) A dangerous or vicious dog shall be immediately confiscated by any animal control officer or by a law enforcement officer in the case of any violation of this article.
- (c) Any dog which has been confiscated pursuant to this article may recover such dog upon proof of the owner's compliance with the provisions of this article and upon the payment of actual boarding expenses plus reasonable confiscation costs, which shall be \$50.00 upon the first confiscation of any dog, \$100.00 upon the second, and \$200.00 upon the third or subsequent confiscation. All fines and all charges for services performed by an animal control officer or law enforcement officer shall be paid prior to owner recovery of the dog.
- (d) If the owner has not complied with the provisions of this article within 14 days of the date of confiscation, the dog shall be destroyed in an expeditious and humane manner

and the owner requires to pay the costs of housing and euthanasia.

- (e) If the identity of the owner of a dog which the dog control officer has classified as a dangerous dog or a vicious dog cannot be determined, the dog shall be immediately confiscated. If the dog's owner claims such a dog, the dog shall be released to its owner, together with a copy of the notice specified in Section 10-72. If the dog remains unclaimed for seven days, the dog shall be destroyed in an expeditious and humane manner. Under no circumstances shall such dog be placed for adoption.
- (f) A dog that is found, after notice and opportunity for hearing as provided in Section 10-72, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this subsection.
- (g) A judge of the superior court may order the euthanasia of a dog if the court finds, after notice and opportunity for a hearing as provided in Section 10-72, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:
 - a. The owner or custodian of the dog has been convicted of a violation any state criminal law and the crime was related to such dog; or
 - b. Any local governmental authority has filed with the court a civil action requesting the euthanasia of the dog.

Sec. 10-80. - Report to district attorney and solicitor.

The dog control officer shall report to the district attorney the conduct of any owner which the dog control officer believes may constitute a felony under the act. The dog control officer shall report to the solicitor the conduct of any owner which the animal control officer reasonably believes may constitute a misdemeanor under the act.

Sec. 10-81. – Liability

Under no circumstances shall a local government or any employee or official of a local government be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.