

## Senolia, Georgia: Chapter 10 - ANIMALS

### Article 1. Definitions

#### Section 10.1

(A) As used in this Article, the term:

(1) “Animal care facility” means an animal control center or animal shelter, maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes or rescue organization.

(2) “Animal rescue organization” means any not for profit organization which has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

(3) “Cat” means a member of the species of domestic cat, *Felis catus*.

(4) “Dogs” means a member of the species of domestic dog, *Canis familiaris*.

(5) “Pet Shop” means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

(6) “Breeder” shall mean a person who maintains dogs or cats for the purpose of breeding and selling offspring.

(7) “Broker” shall mean a person who transfers dogs or cats at wholesale for resale by another.

(8) “Tethering” shall mean the act of fastening or restraining a dog outside of the presence of its owner or caregiver by a mechanism appropriate to the circumstances and set forth in this chapter.

(9) “Kennel” Any location where boarding, caring for and keeping of more than a total of five dogs or cats or other small animals or combination thereof (except litter of animals of not more than six months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats or other small animals for commercial purposes; provided, however, nothing herein shall apply to structures designed and used for the containment of pigeons.

### ARTICLE II. - IN GENERAL

#### Sec. 10-2. - Fowl or livestock running at large.

It shall be unlawful for any owner or person in control of any domestic fowl or livestock to allow that domestic fowl or livestock to run at large within the city.

(Code 1980, § 9-3-2)

Sec. 10-3. - Sanitation of housing, enclosures.

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

(Code 1980, § 9-3-3)

Sec. 10-4. - Humane treatment required.

(a) No person having an animal in his possession or control shall fail to provide the animal with sufficient food, water, shelter and adequate protection from the elements. Veterinary care shall be provided when needed to prevent suffering to the animal, and the animal shall be treated with humane care at all times.

(b) No person shall beat, ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit combat between animals.

(c) No person shall expose any known poisonous substance, whether mixed with food or not, so that such substance shall be liable to be eaten by any domesticated animal. It shall not be unlawful for a person to expose on his own property common rat and insect poisons.

(d) Any animal control officer, or other officer empowered to act by law, may impound any animal found to be cruelly treated.

(Code 1980, § 3-3-7)

Sec. 10-5. - Abandonment.

It shall be unlawful for any person to knowingly or willingly abandon any domestic animal within the limits of the city. Any person who does abandon, or knowingly or willingly permits such abandonment or aids in the abandonment of any domestic animal within the limits of the city shall be in violation of this section and punished as provided in section 1-5.

(Ord. of 10-15-97)

Secs. 10-6—10-25. - Reserved

(Code 1980, § 3-3-6)

Sec. 10-26. - Interference with government property.

No person shall remove, tamper with, damage, or destroy any cage or device, nor release any animal that is trapped in any trap that is placed to trap any animal that is running at large in

violation of the city ordinance. Said person that violates this Code shall be guilty of a misdemeanor.

#### Sec 10.27. Restrictions on the Sale of Animals

(1) A pet shop may not sell, exchange, barter, offer for sale, auction, or otherwise deliver or transfer a dog or cat. Nothing in this section shall prevent a pet shop from providing space and appropriate care for cats and dogs owned by an animal care facility or animal rescue organization, and maintained at the pet shop for purpose of adopting those animals to the public.

(2) A pet shop shall not offer for adoption a dog or cat that is younger than eight weeks old.

#### Sec 10.28 Record keeping and Disclosures.

A pet shop that offers space the adoption of dogs or cats shall post, in a conspicuous location on the cage or enclosure of each such animal, a sign listing the name of the animal care facility or animal rescue organization which the pet shop acquired each dog or cat.

#### Sec 10.29. Penalties

Each dog or cat sold, exchanged, bartered, offered for sale, auctioned, delivered, or transferred in violation of this section shall constitute a separate offense of up to \$500.00 per violation.

### ARTICLE III. - DOGS

#### Sec. 10-30. - Running at large and Restrictions on Tethering.

(a) Every person owning or having charge, care, custody or control of a dog shall keep the dog exclusively upon his own premises except that the dog may be off the premises if it is under the effective control of a person. The dog shall be construed to be under the effective control of a person if the dog is:

(1) Confined within a vehicle, fencing or other adequate enclosure where the dog has no access to passerbys; or

(2) Is attached to a leash not over six feet in length and held by a person of sufficient strength to restrain the dog.

(b) Notwithstanding the provisions of subsection (a) of this section, a dog shall be deemed not to be under effective control of a person in the following situations:

(1) When a female dog in pre-estrees, estrees, or post-estrees (in heat or in season) comes into contact with a male dog except for planned breeding; or

(2) The dog inflicts injury to a person or inflicts damage to the property of someone other than its owner, custodian or possessor.

(c) An owner, keeper, or harbinger of a dog shall not tether the dog unless the following conditions are met:

1. Proper Length. The length of the tether shall allow access to the maximum available exercise area and allow the animal free access to food, water, and shelter. No tether shall be less than ten feet in length. The length of tether shall not allow the dog to cross the property line on which it is tethered.

2. Proper Weight. The weight of the tether shall not unreasonably inhibit the free movement of the dog within the area allowed by the length of the tether. A tether should not weigh more than one-eighth (1/8) of a dog's body weight.

3. Proper Material. The dog shall not be tethered by choke, chain, pinch, slip, halter, or prong type collar, or by any means other than with a properly fitted buckle-type collar or harness that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing.

4. Proper Fit. The tether shall be properly fitted to the collar or harness. The tether shall not be attached to the dog in an area reasonably likely to cause injury or pain to the dog because of the entanglement or in an area likely to cause injury or pain to the dog because of surrounding structures or objections. The dog shall not be tethered in a manner that results, or could reasonably result, in the dog becoming frequently entangled on the restraint or another object. The tether shall allow the dog to sit, lie down, and stand comfortably without the restraint becoming taut and allow the dog a reasonable range of movement.

5. Free from Injury, Pain and Interference. A tether shall not cause injury or pain to the dog because of the material of which it is made or because of the size or weight of the tether. If there are multiple dogs tethered, each dog shall be on a separate tether and not secured to the same fixed point. A dog shall not be tethered if it is ill, suffering from a debilitating disease, injured, in distress, in the advanced stages of pregnancy, or under six months of age.

6. Reasonable Duration. A dog that is restrained outside by a tether may not be restrained for an unreasonable duration-of-time. Factors used to determine the reasonableness of the duration of time shall include, compliance with all other tethering restrictions pursuant to this section, physical condition of the dog, behavior exhibited by the dog and weather conditions.

7. Proper Sanitation, Adequate Water and Shelter. A dog shall not be restrained outside by tether in the case of extreme weather conditions, including conditions in which: the actual or effective outdoor temperature is below 32 degrees Fahrenheit; a heat advisory has been issued by a local or state authority or jurisdiction; or a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service. The shelter shall provide adequate protection from all elements such as rain, wind, heat and cold. A dog shall not be tethered in a manner that results in the dog being left in unsafe or unsanitary conditions or that forces the dog to stand, sit, or lie down in its own excrement or urine or in an otherwise unsafe or unsanitary space. A tethered dog shall have access to clean water and necessary shelter that is safe and protective while tethered. The shelter and water vessel shall be constructed or attached in such a way that the dog cannot knock over the shelter or water vessel.

8. Limited Exemptions to Tethering Restrictions. Tethering restrictions do not apply to a dog that is (a) Tethered while it is receiving medical care or treatment under the supervision of a licensed veterinarian or is being groomed; (b) Participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or examined; (c) Being cared for temporarily after having been picked up as a stray or as part of a rescue operation; (d) Being transported inside the main cabin of a motor vehicle or temporarily restrained or tied after being unloaded from inside the main cabin of a motor vehicle; or (e) Being trained or used by a federal, state, or local law enforcement agency or military or national guard unit.

9. Penalty for first offense. A first offense in violation of Section 10-30 (c) shall result in a correction warning being issued requiring the offense to be corrected by the person who owns, keeps, or controls the dog within five business days after the date of the warning being issued in lieu of a fine or punishment provided by law unless the offense poses an imminent risk to the health or safety of the dog or the public or the dog has been injured or is suffering as a result of the offense, or the dog is likely to incur injury or suffer if the offense is not corrected.

(Ord. of 6-6-94, § 1)

Sec. 10-31. - Excessive barking.

It shall constitute a public nuisance and be unlawful for any owner or keeper of a dog to permit a dog, by loud persistent or habitual barking, to disturb any person.

(Ord. of 6-6-94, § 2)

Sec. 10-32. - Wearing of collars and tags required; impoundment of dogs at large.

(a) Every dog in the city will be required to wear a collar or harness, made of durable material, at all times. Attached to this collar must be a tag indicating the following:

(1) The name and address of the owner.

(2) The date the dog was inoculated against rabies.

(b) If a dog is found running at large not wearing the above-described identification it will be presumed to be a stray dog and shall be transported to the county pound after three (3) days.

(c) A dog wearing identification and found running at large will be confined at a place deemed appropriate by the police department or animal control officer, a citation will be issued to the owner, and a fee will be charged to the dog owner for care of the dog. The fee shall be set from time to time by the mayor and council and shall be kept current and maintained in the office of the city clerk. If the dog is not claimed by the owner within 24 hours of documented and verifiable notice of confinement, the dog will be transported to the county pound. Dogs confined under this section will be held no longer than three days in the city before being transported to the county pound.

(Ord. of 6-6-94, § 3)

Sec. 10-33. - Duty of animal control officer, police.

It shall be the duty of every police officer and the animal control officer to apprehend, take into custody and confine any dog running at large, or deemed to not be under the effective control of a person. These dogs shall be confined as described in section 10-28.

(Ord. of 6-6-94, § 6)

Sec. 10-34. - Inoculation against rabies required.

It shall be the duty of every person who owns or harbors any dog in the city to have the dog inoculated against rabies by a licensed veterinarian and to obtain a certificate from the veterinarian setting out the fact of vaccination, the date administered and the date of expiration. This certificate shall be retained by the owner or harbinger of the inoculated dog and made available for inspection upon verbal request by any officer of the police department or the animal control officer at any time.

(Ord. of 6-6-94, § 4)

Sec. 10-35. - Rabies quarantine.

(a) Any dog which has bitten or injured any person so as to cause an abrasion or puncture of the skin, or a dog which, in the opinion of a police officer, animal control officer or veterinarian, appears to be afflicted with rabies, shall be confined by the police department or animal control officer for a period of not fewer than ten days or until such time that a determination is made that

the dog does or does not have rabies. The owner of the dog shall be responsible for the dog's boarding at a rate set from time to time by the mayor and council and kept current and maintained in the office of the city clerk.

(b) It is unlawful for any person knowing or suspecting that his dog has rabies to fail to immediately inform the police department or animal control officer. Upon such notification, the police department or animal control officer shall immediately take possession of the dog according to subsection (a) of this section. If the dog is determined to be suffering from rabies, it shall be destroyed forthwith and handled according to the regulations of the state department of human resources.

(Ord. of 6-6-94, § 5)

Sec. 10-36. - Vicious or diseased dogs.

(a) Any dog that has attacked and bitten a person or other animal without provocation or has attempted to bite a person or other animal without provocation shall be deemed a vicious dog.

(b) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious or diseased dog on the streets or public places of the city or allow the dog to run on the premises of another, at any time; unless and in addition to the other requirements of this article the dog shall be securely muzzled to effectively prevent it from biting any person or other animal.

(Code 1980, § 9-3-11)

Sec. 10-37. - Issuance of summons.

A city officer, at his discretion, may elect not to impound a dog or other animal found in violation of any section of this article, but to issue or cause to be issued a summons directed to the owner or possessor of the dog to appear before the municipal court on a certain day to stand trial for the violation of this article.

Sec. 10-38. Severability.

If any Section, sub-section, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide for separable and divisible parts and does hereby adopt any and all parts hereof as may not be held invalid for any reason.