Chapter 2-4

ANIMALS AND FOWL

Art. I. In General, §§ 2-4-1—2-4-30
Art. II. Dangerous Dog Control, §§ 2-4-31—2-4-60
Div. 1. Generally, §§ 2-4-31—2-4-40
Div. 2. Impoundment, §§ 2-4-51—2-4-60
Art. III. Animal Control, §§ 2-4-61—2-4-74

2008
ARTICLE I. IN GENERAL

Sec. 2-4-1. Dead livestock.

The road department [shall] bury dead livestock for health reasons, but only in an open area. The dead livestock must be in an open area when obtained.
(Mo. of 5-7-91)

Secs. 2-4-2—2-4-30. Reserved.

ARTICLE II. DANGEROUS DOG CONTROL*

DIVISION I. GENERALLY

Sec. 2-4-31. Definitions.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

Animal control officer means the person designated by the board of commissioners to enforce the provisions of this article.

Dangerous dog means a dog which either:

1. Without provocation, has inflicted severe injury on a human being on public or private property;

2. Is one which aggressively bites, attacks or endangers the safety of a human being after having been classified as a potentially dangerous dog and after the owner of such dog has been notified of such classification.

Impoundment or impound means the taking into custody of a dog by a fully authorized employee of the office of animal control or any other duly authorized employee or agent of the county, and the placing of the animal in an impoundment facility.

Impoundment facility means that physical area, structure or facility, designated by the board of commissioners, wherein animals are placed and maintained after impoundment under the provisions of this article.

Owner of a dog means any person having a right of property in a dog, who keeps or harbors the dog, or who has it within his care, who acts as a dog's custodian, or who permits the dog to remain in or about any premises occupied by him.

Potentially dangerous dog means a dog which either:

1. Has a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise threaten the safety of human beings and/or livestock;

2. Without provocation, inflicts bites on a human being on either public or private property; or

3. Without provocation, chases or approaches a human being upon any public street or grounds in a vicious or terrorizing manner in an apparent attitude of attack.
(Ord. of 12-6-88, § 2)

Sec. 2-4-32. Office of animal control.

(a) Created. The office of animal control of the county is hereby created. This office shall operate under the general supervision of the animal control officer subject to the oversight and control of the board of commissioners.

(b) Responsibility and compensation of animal control officer. The animal control officer shall be charged with the primary responsibility of enforcing this article, and his compensation shall be fixed by the board of commissioners.
(Ord. of 12-6-88, § 1)

Sec. 2-4-33. Enforcement; jurisdiction.

Enforcement of the provisions of this article by the animal control officer shall be within the unincorporated areas of the county only. Such animal control officer shall have no authority, jurisdiction or duty to enforce such provisions within any municipality in the county.
(Ord. of 12-6-88, § 5)
Sec. 2-4-34. Duties of animal control officer—Potentially dangerous dogs.

(a) Complaints. The animal control officer shall receive and investigate all complaints regarding potentially dangerous dogs. Such complaints shall be made in writing and in person, and they shall state facts and circumstances regarding the incidents in question from the firsthand knowledge of the complaining party.

(b) Written notification. Should the animal control officer determine from his investigation that the animal complained of is a potentially dangerous dog, then he shall cause to be mailed to the owner of such dog notification sufficient to comply with the provisions of the dangerous dog control law of this state.

(c) Fees. The owner of a dog which has been classified as a potentially dangerous dog shall be assessed a fee of seventy-five dollars ($75.00), to be paid into the county treasury within ten (10) days after the owner’s receipt of the notice hereinbefore described, to defray the expense of the investigation by the animal control officer.

In addition, such owner shall be assessed an additional annual fee of twenty-five dollars ($25.00), which fee shall be payable on the first business day of each calendar year thereafter during which the owner maintains ownership of the dog within this county. Such annual fee shall be used to defray the expense of maintaining office records regarding the dog in question.

(d) Transfer of ownership; change of residence. If, at any time, the owner of a potentially dangerous dog transfers ownership of such dog or removes his residence outside the county, then he shall notify the animal control officer, within forty-eight (48) hours, of this fact and of the name and address of the new owner of the dog or of his new address, as the case may be.

(e) Violations. Failure to pay any of the fees provided for herein, or to furnish the information required, shall be a violation of law and shall be punishable as hereinafter provided.
(Ord. of 12-6-88, § 3)

Sec. 2-4-35. Same—Dangerous dogs.

(a) Compliance with state law. It shall be unlawful for any person to keep or harbor a dangerous dog, or to permit such dog to remain in or about any premises occupied by such owner, within the unincorporated limits of the county, unless such owner has complied with all requirements of the dangerous dog control law of this state.

(b) Registration of dog. The animal control officer shall register dangerous dogs within the unincorporated limits of this county and shall issue to the owners thereof a certificate of registration required by the laws of this state. The animal control officer shall maintain records of such registrations and receive and investigate complaints regarding dangerous dogs.

(c) Fees. The owner of a dangerous dog shall be assessed a fee of seventy-five dollars ($75.00), to be paid into the county treasury, at the time such dog is registered with the animal control officer, and an additional fee of fifty dollars ($50.00), payable on the first business day of each year thereafter in which the owner maintains ownership of the animal within this county.
(Ord. of 12-6-88, § 4)

Sec. 2-4-36. Exceptions to article.

The provisions of this article shall not apply to dogs which are being used by a law enforcement officer in carrying out his official duties. Furthermore, no dog shall be declared or classified as dangerous or potentially dangerous within the meaning of this article if it inflicts injury upon a human being who, at the time of such injury, was committing a willful trespass or other tort, or was tormenting, abusing or assaulting the dog, or had, in the past, been observed or reported to have tormented, abused or assaulted such dog, or was committing or attempting to commit a crime.
(Ord. of 12-6-88, § 6)

Sec. 2-4-37. Hearing; appeal.

(a) All animal owners who are aggrieved by actions of the animal control officer or his duly authorized agents, or any duly authorized employee or agent of the county, taken pursuant to
the provisions of the animal control ordinance, may request a hearing concerning the actions before the board of commissioners.

(b) Any person so aggrieved shall notify the board of commissioners within five (5) days after his receipt of any notice required to be given by the animal control ordinance. The notice shall be in writing, signed by the aggrieved party and shall state his correct mailing address and telephone number, if any.

(c) Upon receipt of such notice, the board of commissioners shall designate a time and place for such hearing within a reasonable time, not to exceed thirty (30) days from the receipt of the request.

(d) On the scheduled date for hearing, the board of commissioners shall hear all facts and testimony relevant to the matter, liberally applying rules of evidence so as not to be overly restricted by the technical application of same, and they shall render a decision upon the merits of the matter before them.

(Ord. of 12-6-88, § 11)

Sec. 2-4-38. Penalties for violation.

Any person violating the terms and provisions of this article, or any rules and regulations promulgated pursuant thereto, shall be subject to punishment in the magistrate court of this county by a fine not to exceed five hundred dollars ($500.00) or imprisonment for a period of sixty (60) days, or both, in the discretion of the presiding judge of such court. Furthermore, each day that a violation of the terms and provisions of this article continues shall be considered a separate offense.

(Ord. of 12-6-88, § 12)

Secs. 2-4-39—2-4-60. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 2-4-51. Generally.

The animal control officer, or his authorized agents, may summarily impound all dangerous dogs and potentially dangerous dogs in instances where the owners thereof have not complied with the provisions of the dangerous dog control law of this state and with the provisions of this article.

(Ord. of 12-6-88, § 7)

Sec. 2-4-52. Notice.

(a) Required. After the impoundment of any dog under the provisions of this article, the animal control office shall give notice thereof to the owner of such dog by letter or other communication directed to such owner at the address indicated on the vaccination records or other county records and, if no such address is available, then to such address that the animal control officer can determine, after reasonable inquiry, as would be reasonably expected to reach the owner.

(b) Contents. The notice provided for above shall be sent by certified mail with return receipt requested, and it shall contain the following:

1. A general description of the animal impounded, the kind of animal, the breed of same, if readily ascertainable, the color and sex of the dog, together with any other information which may be furnished by any identification tag found on or affixed to the animal.

2. That the owner of the animal may redeem same within five (5) days from the giving of the notice, upon the payment of reasonable impoundment fee and such other fees as are necessary to bring the owner and his animal into compliance with the laws of this state and the provisions of this article.

(Ord. of 12-6-88, § 8)

Sec. 2-4-53. Redemption of animals.

At any time within five (5) days from the date of the giving of the notice required above, the owner of an animal may claim the same and such animal may be redeemed by the owner, upon the following conditions:

1. The submission of proof of ownership.

2. The payment to the office of animal control, for the use and benefit of the county, of such impoundment fee as is prescribed by the board of commissioners of the county.
§ 2-4-58

LAMAR COUNTY CODE

(3) The payment to the officer of animal control for the use and benefit of the county of the costs of feeding the animal during the period of confinement, as prescribed by the board of commissioners of the county.

(4) The payment to the office of animal control for the use and benefit of the county of the costs of inoculation or vaccination of the animal, if necessary.

(Ord. of 12-6-88, § 9)

Sec. 2-4-54. Methods of disposal of unclaimed or unredeemed dogs.

(a) The animal control officer or his employees or agents may dispose of any dogs not claimed or redeemed by the owner, as provided in this article, on the first day following the required impoundment period as herein provided, unless the owner of the animal has requested a hearing under this article. In which event the animal shall not be disposed of until a decision has been rendered by the board of commissioners pursuant to this article. Disposition after the hearing shall be made in accordance with the decision of the board of commissioners, unless superseded by appeal or otherwise.

(b) The following methods of disposal may be used by the animal control officer, or any of his agents, or any duly authorized officer or agent of the county:

1. The dog may be placed in an adoptive home;
2. The dog may be sold;
3. The dog may be destroyed in such a humane method as the animal control officer may deem appropriate;
4. The dog may be donated or given to any legally constituted medical research facility.

(c) In the case of the sale or adoption of any such animal, the animal control officer or his duly authorized agents are hereby authorized to execute a bill of sale to any such person so requesting same, which shall be sufficient to vest title to the animal in such purchaser.

(Ord. of 12-6-88, § 10)

ARTICLE III. ANIMAL CONTROL

Sec. 2-4-61. Definitions.

Animal means any dog, cat, horse, mule, cow, bull, goat, sheep, swine, cattle or any domestic fowl.

Animal control officer means any person designated by the county to enforce the provisions of this division.

Impoundment or impound means the physical area, structure or facility designated by the county and the board of commissioners, wherein animals are placed and maintained after impoundment under the provisions of this division.

Owner of an animal means any person having a right of property in an animal, who keeps or harbors the animal, or who has it within their care, who acts as an animal's custodian, or who permits the animal to remain in or about any premises occupied by him.

Animal under control means an animal is under control if it is controlled by a leash, at heel, or is beside a competent person and obedient to that person's commands, or is within a vehicle being driven or parked on the streets, roads, etc. and is either supervised or confined, or is within the property limits of its owner or custodian.

Animals running at large. Any animal is considered running at large and not under immediate control if it is not on a leash, not at heel, not beside a competent person and obedient to that person's commands, or when it is not in a vehicle driven or parked and either supervised or confined, or not confined within the property limits of its owner or custodian.

Abandoned animals. Any domesticated animal shall be considered abandoned, for the purpose of this division, which shall have been placed upon public property or within a public building unattended or uncared for, or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property, and is unattended or uncared for.

(Ord. of 7-3-01)
Sec. 2-4-62. Office of animal control—Creation; administration and enforcement by the animal control officer.

The office of animal control of the unincorporated area of Lamar County is hereby created. This office shall operate under the supervision of the public works director, subject to oversight and control of the county administrator. The animal control officer shall be charged with the primary responsibility of enforcing this article.

(Ord. of 7-3-01)

Sec. 2-4-63. Duty of all animal owners to be responsible owners.

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, other animals and the animals under their supervision from injuries, illness or damages which might result from the animal's behavior. In the event that the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this article are complied with.

(Ord. of 7-3-01)

Sec. 2-4-64. Duty to keep animals under restraint.

It shall be the duty of every owner or custodian of any animal to ensure that the animal is kept under control and that reasonable care and precautions are taken to prevent the animal from leaving the real property limits of its owner, possessor, or custodian, and to ensure that animals determined to be vicious shall comply with the requirements of the "dangerous animal" ordinance of Lamar County (section 2-4-31 et seq.) and the State of Georgia.

(Ord. of 7-3-01)

Sec. 2-4-65. Compensation.

The owner or custodian of an animal running at large will be responsible for any injury to person(s), animal(s) or property caused by the animal running at large and if any damages is caused by an animal running at large it will be deemed to be a violation of this article charging the custodian of the animal.

(Ord. of 7-3-01)

Sec. 2-4-66. Public nuisance animal.

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

(a) Are repeatedly found at large;
(b) Damage the property of anyone;
(c) Are vicious;
(d) Attack without provocation;
(e) Excessively make disturbing noises including, but not limited to, continued and repeated howling, barking, whining, or other utterances to such a degree as to cause loss of sleep, discomfort, anxiety of any citizen who commonly dwells within audible distance of the property or common place of abode of the animal;
(f) Create unsanitary conditions of offensive and objectionable odors in enclosures or surroundings and thereby create unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept;
(g) Or if outside the property limits then owner or custodian will be held responsible for any actions done by the animal(s).

Any such animal(s) may be impounded and the owner(s) or possessor(s) charged for a violation of this article.

(Ord. of 7-3-01)

Sec. 2-4-67. Limit on number of dogs/cats allowed.

The keeping of dogs/cats shall be allowed as an accessory use on any lot, provided such dogs/cats are for personal use and enjoyment and not for commercial purposes unless the lot is properly zoned for the service and the proper license has been issued. Exceptions to this may include specially trained law enforcement dogs under the supervision of trained managers.

(Ord. of 7-3-01)
Sec. 2-4-68. Unlawful presence.

It shall be unlawful for any animal to be upon the property of any person if the person owning the property or in the lawful possession of said property objects to the presence of the animal.
(Ord. of 7-3-01)

Sec. 2-4-69. Vaccination tags required.

(a) Any person who shall own, keep, or have control of a dog or cat within the unincorporated area of the county is required to have such animal inoculated in an approved manner for the control of rabies by a licensed veterinarian and such dog or cat shall wear a collar to which is attached thereto a valid vaccination tag as required by the laws of the State of Georgia.

(b) No person shall attach a vaccination tag to any dog or cat for which it was not issued or intended, nor shall any person remove a vaccination tag from any dog or cat for which it was issued or intended.

(c) Any unvaccinated dog which bites any person may be confined for a period of not over ten (10) days at the expense of the owner for observation, or may be disposed of as directed by the board of commissioners for examination and report by the state health department.
(Ord. of 7-3-01)

Sec. 2-4-70. Running at large while in heat.

Every female dog or cat in heat shall be confined in a building or other enclosure in such manner that such female dog or cat cannot come into contact with a male dog or cat except for planned breeding.
(Ord. of 7-3-01)

Sec. 2-4-71. Enforcement.

(a) In the event that a determination can be made of the identity of a person harboring an animal in violation of this article, any authorized personnel is authorized to issue a citation to said person returnable to the county's magistrate court.

(b) In the event that a determination cannot be made of the identity of a person harboring an animal in violation of this article, any authorized personnel may impound said animal.

(c) Whether or not a determination can be made of the identity of a person harboring an animal in violation of this article, authorized personnel may impound said animal if by its behavior, actions or appearance it reasonably appears to pose a threat to the public health or welfare.
(Ord. of 7-3-01)

Sec. 2-4-72. Redemption.

At any time within five (5) days from the date of the pickup of the animal the owner of an animal may claim the animal, and such animal may be redeemed by the owner or placed in an adoptive home upon the following conditions:

(a) Payment is made to the City of Barnesville of any impoundment fee set by the county, which fee can be changed from time to time at the county's discretion.

(b) Payment is made to the City of Barnesville for the reasonable cost of feeding the animal during the period of confinement.

(c) Payment is made to the City of Barnesville or Lamar County for any medical cost reasonably incurred by the county to protect the animal from undue pain and/or to protect other animals at the place of confinement from exposure to disease carried by the animal.
(Ord. of 7-3-01)

Sec. 2-4-73. Disposition.

The animal control officer or his/her employees or agents may dispose of any animal not claimed or redeemed by the owner, as provided in this article, on the first day following the required impoundment period as provided in this article by the following methods:

(a) The animal may be placed in an adoptive home;

(b) The animal may be sold;
(c) The animal may be destroyed in such a humane method, as the animal control officer may deem appropriate.
(Ord. of 7-3-01)

Sec. 2-1-74. Penalties.

Any person who violates the provisions of this article shall be guilty of a misdemeanor and, in addition to any penalties imposed by state law, may be subject to a fine of up to fifty dollars ($50.00) or imprisonment for a period not to exceed five (5) days, or both. Each day’s continuing violation and each animal in violation constitutes a separate offense.
(Ord. of 7-3-01)