

Definitions

Animal control board means the governing authority or his designee, which may be an animal control board created in accordance with state law, or the Board of Health or the Probate Court, as determined by the governing authority.

Sterilized, sterilization means rendering a dog or cat or ferret unable to reproduce by the surgical removal of its reproductive organs or by rendering a dog unable to reproduce by intratesticular injection approved by the federal government pursuant to 21 U.S.C. Section 360 as of March 7, 2014.

Section 14-8 – Impoundment, rescue, surrender

(a) A law enforcement officer or dog control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety. A law enforcement officer or dog control officer shall be authorized, but not required, to impound animals that are at large or are determined by animal control to be the subject of a violation of this chapter. In the case of livestock and wild animals, whether dead or alive, animal control is also authorized move the animals off of roads and highways and public and private property, where they may have escaped or wandered from an owner's property. Outside contractors may be used as needed, and an owner shall be liable for any such costs incurred by animal control. The animal control officer may, in addition to or in lieu of impoundment or moving an animal, issue a citation for violation of any applicable section of this chapter.

Section 14-9. – Dangerous and vicious dogs- Identification and classification; notice; hearing, citation, impound.

Sec. 14-9. - Dangerous and vicious dogs—Identification and classification; notice; hearing, citation, impound.

(a) ***Identification and classification.*** Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.

(b) ***Notice to owner.***

When a dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall either mail (certified mail) or deliver by personal sheriff's service a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the dog control officer's determination and shall state that the owner shall be informed of the right to request a hearing from the board of health, or animal control board or the Probate Court, as designated by the governing authority to hear such cases, for such jurisdiction where the dog was found or confiscated

within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the dog control officer's determination shall become effective for all purposes under this article. If an owner cannot be located within ten days of a dog control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the dog control officer.

(c) ***Citation and impound***

Additionally, owners of dogs classified as dangerous and vicious should be expected to be issued citations for nuisance, failure to exercise reasonable care, or for violation of any other applicable section of this chapter. The animal control officer may, but is not required to immediately impound the dog pending compliance with this chapter.

Section 14-10- Procedure for hearings.

(a)

When a hearing is requested by a dog owner in accordance with Georgia law and this ordinance, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the board of health, or animal control board or the Probate court, as designated by the governing authority to hear such cases, for good cause shown. At least ten days prior to the hearing, the authority conducting the hearing (board of health, animal control board or the Probate court conducting the hearing shall mail (certified mail) or deliver by personal sheriff's service to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the board of health, or animal control board or the Probate court, as designated by the governing authority to hear such cases, conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination.

(b)

Within ten days after the hearing, the board of health, or animal control board or the Probate court, as designated by the governing authority to hear such cases, which conducted the hearing shall mail written notice (certified mail) or deliver by personal sheriff's service to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to O.C.G.A. 4-8-26 and this ordinance, the notice shall specify the date by which the euthanasia shall occur.

(c) Judicial review of the final decision may be had in accordance with O.C.G.A. 15-9-30.9. Judicial review of a final decision shall be in accordance with O.C.G.A 5-3-2 and costs shall be paid as provided in O.C.G.A 5-3-22.

Section 14-17- Required Euthanasia

(a)

A dog that is found, after notice and opportunity for hearing as provided herein and by O.C.G.A. 4-8-23, 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 Code section.

(b)

The judge of any superior court of competent jurisdiction within this state may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided by Code Section 4-8-23, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:

(1) The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or

(2) Any local governmental authority has filed with the court a civil action requesting the euthanasia of the dog.