

## **Sec. 4.5-3 – Dangerous Dog Control**

### (a) Definitions

- (1) Animal Control Board means a board that was created by the governing authority of a local government to hold hearings provided for in Sec. 4.5-3c.
- (2) Dangerous dog means any dog that, according to the records of an appropriate authority:
  - (a) Inflicts a severe injury on a human being without provocation on public or private property an any time, or
  - (b) Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.
- (3) Dog control officer means an individual selected by a local government pursuant to the provisions of Sec. 4.5-3b to aid in the administration and enforcement of the provisions of this article.
- (4) Owner means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of a dangerous dog or potentially dangerous dog.
- (5) Potentially dangerous dog means any dog that without provocation bites a human being on public or private property at any time.
- (6) Proper enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the dog is enclosed within a fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

- (7) Severe injury means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.
- (8) A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's duties shall not be a dangerous dog or potentially dangerous dog within the meaning of this article.
- (9) A dog shall not be a dangerous dog or a potentially dangerous dog within the meaning of this article if the injury inflicted by the dog was sustained by a person who, at the time, 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 the dog or was committing or attempting to commit a crime.

(b) Dog Control Officer (O.C.G.A. 4-8-22)

The animal control director shall be designated, with the approval of the board of commissioners, as the dog control officer of the county. Upon receiving a report of a dangerous dog or potentially dangerous dog within the unincorporated areas of Liberty County from a law enforcement agency, animal control agency, rabies control officer, or county board of health, the dog control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this chapter.

(c) Classifying dangerous dogs and potentially dangerous dogs (O.C.G.A. 4-8-24):

(1) When a dog control officer classifies a dog as a dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the dog control officer shall notify the dog's owner in writing by certified mail to the owner's last known address of such classification or reclassification. Such notice shall be complete upon its mailing.

(2) *Notice:* When a dangerous dog or a potentially dangerous dog is classified as such, the dog control officer shall notify the dog's owner of such classification. The notice to the owner shall meet the following requirements:

- a. The notice shall be in writing and mailed by certified mail to the owner's last known address within 72 hours of the determination.

b. The notice shall include a summary of the dog control officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog.

c. The notice shall be dated and shall state that the owner, within fifteen (15) days after the date shown on the notice, has a right to request a hearing on the dog control officer's determination that the dog is a dangerous dog or a potentially dangerous.

d. The notice shall state that the hearing, if requested, shall be before the Liberty County Animal Control Board or such board so designated by the Liberty County Board of Commissioners.

e. The notice shall state that if a hearing is not requested, the dog control officer's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes under the law on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing.

f. 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 request to the animal control board.

(3) *Hearing:*

a. When the animal control board receives a request for a hearing as provided hereinabove, it shall schedule such hearing within thirty (30) days after receiving the request. The animal control board shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing; and such notice shall be mailed to the dog owner at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence; and in addition thereto, the animal control board shall receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination either to sustain, modify, or overrule the dog control officer's classification of the dog.

b. Within ten (10) days after the date of the hearing, the animal control board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous 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 this

chapter and O.C.G.A. 4-8-26, the notice shall specify the date by which the euthanasia shall occur.

(d) Registration of dangerous dogs or potentially dangerous dogs (O.C.G.A. 4-8-25):

(1) It is unlawful and a violation of this chapter for an owner to have or possess within the unincorporated areas of Spalding County a dangerous dog or potentially dangerous dog without a certificate of registration issued by the dog control officer.

(2) Unless doing so would violate another provision of this chapter, the dog control officer shall issue a non-transferrable certificate of registration to the owner of a dangerous dog or a potentially dangerous dog if the owner presents to the dog control officer or the dog control officer otherwise finds sufficient evidence of:

a. A proper enclosure designed to confine securely the dangerous dog or potentially dangerous dog on the owner's property, indoors, in a securely locked and enclosed pen, fence or structure to prevent the dog from leaving the property.

b.

1. The posting of the premises where the dangerous dog or potentially dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the property. Said sign shall be maintained continuously on the premises.

2. The dangerous dog warning sign shall conform to design provided by the Georgia Department of Natural Resources, and shall be furnished by the county to the owner or possessor of a dangerous dog or potentially dangerous dog, with the initial cost of such sign to be included in the registration fee as required herein.

3. Should the original dangerous dog warning sign issued to the owner or possessor of a dangerous dog or potentially dangerous dog be lost, stolen, destroyed, or damaged, said owner or possessor shall report same immediately to the dog control officer and shall secure a replacement sign from the animal control department. The owner or possessor shall be required to pay the then-current full cost for such replacement sign.

c. A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog.

d. A policy of insurance in the amount of at least fifteen thousand dollars (\$15,000.00) issued by an insurer authorized to transact business in the State of Georgia insuring the owner of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog; or

e. A surety bond in the amount of fifteen thousand dollars (\$15,000.00) or more issued by a surety company authorized to transact business in the State of Georgia payable to any person or persons injured by the dangerous dog.

(e) Additional requirements:

(1) A certificate of registration may only be issued to an individual 18 years of age or older

(2) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer within twenty-four (24) hours if the dog is on the loose, is unconfined, has attacked a human or has died.

(3) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer if the owner is moving from the unincorporated areas of Liberty County. The owner of a dangerous dog or potentially dangerous dog who is a new resident of the unincorporated areas of Liberty County shall register the dog as required herein within thirty (30) calendar days after becoming a resident. The owner of a dangerous or potentially dangerous dog who moves from one address to another within the unincorporated areas of Liberty County shall notify the dog control officer of the new address within ten (10) calendar days after moving to the new address.

(4) Issuance of a certificate of registration or the renewal of a certificate of registration by the dog control officer does not warrant or guarantee that the requirements for obtaining a certificate of registration, as specified hereinabove, are maintained by the owner of a dangerous dog or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

(5) The dog control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.

(6) Only one certificate of registration is permitted per household.

(7) No person shall be the owner of more than one vicious dog.

(8) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of the following crimes; from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person:

(a) A serious violent felony as defined in O.C.G.A. 17-10-6.1;

(b) The felony of dog fighting as provided for in O.C.G.A. 16-12-37, or the felony of aggravated cruelty to animals as provided for in O.C.G.A. 16-13-4; or

(c) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. 16-13-31 and 16-13-31.1

(9) A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.

(10) Under no circumstances shall an employee or official of Liberty County 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 Chapter.

(f) Registration fee:

(1) In addition to regular licensing and tag fees, an annual fee as may from time to time be prescribed by the board of commissioners, payable at the time of registration and on or before April 1 of each succeeding year, shall be paid by the owner of a dangerous dog or a potentially dangerous dog.

(2) Certificates of registration shall be renewed on an annual basis, not later than April 1 of each year. At the time of the annual renewal of a certificate of registration, the dog control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dog owner is continuing to comply with the provisions of this chapter. 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.

(g) Confinement of dangerous dogs and potentially dangerous dogs (O.C.G.A. 4-8-26):

(1) It is unlawful and a violation of this chapter for an owner of a dangerous dog to permit the dog to be outside of the owner's property unless:

(a) the dog is muzzled and restrained by a chain or leash not to exceed six feet in length and is under the physical restraint of a responsible person capable of preventing the dog from engaging any other human or animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person;

(b) the dog is contained in a closed and locked cage or crate;

(c) the dog is working or training as a hunting dog, herding dog, or predator control dog.

(2) It shall be unlawful for an owner of a vicious dog to permit the dog to be outside an enclosure designed to securely confine the vicious dog while on the owner's property, unless:

(a) the dog is muzzled and restrained by a chain or leash not to exceed six feet in length and is under the physical restraint of a responsible person capable of preventing the dog from engaging any other human or animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person; or

(b) the dog is contained in a closed and locked cage or crate.

(3) It shall be unlawful for an owner of a vicious dog to permit the dog to be unattended with minors.

(h) Confiscation of dangerous dogs or potentially dangerous dogs (O.C.G.A. 4-8-27):

(1) A dangerous dog shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer if the:

A. Owner of the dog does not secure the liability insurance or bond required herein;

B. Dog is not validly registered as required herein;

C. Dog is not maintained in a proper enclosure;

D. Dog is outside a proper enclosure in violation of this section; or

E. The officer believes that the dog poses a threat to public safety.

(2) A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

A. Not validly registered as required herein;

B. Not maintained in a proper enclosure; or

C. Outside a proper enclosure in violation of this article.

(3) *Disposition of confiscated dogs:* Any dangerous dog or potentially dangerous dog that has been confiscated under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this section and upon the payment of reclaim and boarding fees as set out in this chapter. In the event the owner has not complied with the provisions of this section within twenty (20) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.

(4) A refusal to surrender a dog subject to confiscation shall be a violation of this Chapter.

(i) Euthanasia

(1) A Liberty County Superior Court Judge may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided under this chapter and O.C.G.A. 4-8-23, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this chapter, and

A. 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;

B. Any local governmental authority of Liberty County has filed with the court a civil action requesting the euthanasia of the dog.

(2) A dog that is found, after notice and opportunity for hearing as provided under this chapter and 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 01, 2012, shall count for purposes of this subsection.



(j) Civil Liability

- (1) The owner or, if no owner can be found, the custodian exercising care and control over any dog which while off the owner's or custodian's property causes injury, death, or damage directly or indirectly to any livestock, poultry, or pet animal shall be civilly liable to the owner of the livestock, poultry, or pet animal for the injury, death, or damage caused by the dog. The owner or, if no owner can be found, the custodian exercising care and control over any dog shall be liable for any damage caused by such dog to public or private property. The liability of the owner or custodian of the dog shall include consequential damages.
- (2) This Code section is considered cumulative of other remedies provided by law. There is no intent to eliminate or limit other causes of action which might inure to the owner of any livestock, poultry or pet animal.

(k) Criminal Liability

- (1) Except as otherwise specified in this chapter, any person who violates any provision of this article shall be guilty of a misdemeanor;
- (2) A person who violates paragraphs g(2) or g(3) of this Section shall be guilty of a misdemeanor of a high and aggravated nature.
- (3) An owner with a previous conviction for a violation of this Chapter whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than \$5,000.00 nor more than \$10,000.00, or both. In addition, the classified dog shall be euthanized at the cost of the owner.
- (4) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.

**Request for Hearing Before  
The  
Animal Control Board**

On \_\_\_\_\_ you were issued a notice of violation of County Ordinance 4-5-3  
“Dangerous Dog”.

You have fifteen (15) days to decide whether or not to request a hearing to determine if your dog is to be classified as a Dangerous Dog. If you do not request a hearing within the time frame allowed in Liberty County Ordinance 4-5-3 (c) your dog will be classified as a Dangerous Dog and you will be required to meet all requirements under Georgia Code 4-8-22 and Liberty County Ordinance 4-5-3.

I \_\_\_\_\_ do hereby request a hearing before the  
(Printed Name)

Animal Control Board in accordance to Georgia Code 4-8-22 (d). The Hearing will be scheduled in accordance with Liberty County ordinance 4-5-3 (c) within 30 days of receipt of the request for a hearing.

\_\_\_\_\_  
Signature of Requesting Person

\_\_\_\_\_  
Date