

ARTIE GARDNER Ward 1
GEORGE E. WILSON Ward 2
CALVIN A. STEPHENS Ward 3

BARNEY PARNACOTT City Manager
TOMMY COLEMAN City Attorney



ROBERT L. ALBRITTEN
MAYOR

JOHN HARRIS Ward 4
CHARLIE SANDERS Ward 5
S. L. WARD Ward 6

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January 17, 2012

To: Owners of American Pitt Bull Terriers, American Staffordshire Terrier, Staffordshire Bull Terrier and any other animal displaying the majority of physical traits of any one or more of the above breeds.

New regulations are now in effect. You will have until **April 12, 2012** to be in compliance. Those who have not complied will face fines, animal will be confiscated at owners expense and owner will face possible court action.

Regulations are.

- 1- No person shall permanently harness or tether an animal.
- 2- Proof of proper enclosure to confine the animal. The enclosure must meet the following minimum.
 - A- The enclosure must have housing in order to protect the animal from the elements.
 - B- The enclosure must be at least 10 feet long and 10 feet wide.
 - C- The enclosure must be a minimum of 8 feet high.
 - D- The enclosure must be constructed of 14 gauge wire or larger.

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E- The enclosure must have a secured top to prevent escape.

F- The enclosure must have a secured bottom constructed of either concrete or wire which must cover the entire bottom of the enclosure. If wire is used it must be buried (3) inches to prevent tunneling and to protect the animals feet.

The enclosure must have a secured gate which is to remain locked in order to prevent unauthorized release.

G-The enclosure must be kept clean and sanitary at all times.

- 3- Liability insurance of at least 100,000.00.**
- 4- Proof that the animal has been micro-chipped at the expense of the owner. Micro-chipped shall mean Radio Frequency Identification placed under the skin.**
- 5- When dog is outside the enclosure it must be on a leash which is under the control of a competent adult.**
- 6- Animal is to be muzzled when outside the enclosure.**

Any questions please contact City Hall at 995-4444 or animal control at 995-4410.

Terrell County Ordinance

ARTICLE VII. DANGEROUS DOGS.

Section 4.76 Dangerous Dogs.

Article VII of the Animal Control Ordinance is passed under the authority of and in compliance with O.C.G.A. § 4-8-20, et seq. The purpose of this ordinance is to clearly define local government responsibility, as well as limit the administrative and liability burdens upon the Terrell County Board of Commissioners with regard to potentially dangerous and dangerous dogs.

For the purposes of this Article, *Dangerous dog* means any dog that:

- (1) Inflicts a severe injury on a human being without provocation on public or private property; or
- (2) 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.

For the purposes of this Article, *Potentially dangerous dog* means any dog that:

- (1) Bites a human being or other domesticated animal on public or private property;
- (2) Behaves in a threatening or an aggressive manner and attempts to cause severe injury to a human being or behaves in a manner that places a human being in reasonable apprehension of receiving severe injury; or
- (3) (i) is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds; and (ii) is not a "service dog" within the definition set forth in Part 25 of Title 28 of the Federal Code of Regulations.

For the purposes of this Article, *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.

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 official duty shall not be a dangerous dog or a potentially dangerous dog within the meaning of this article. A dog shall not be a dangerous 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 willfully 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.

Section 4.77 **Designation of a Dog Control Officer.**

The Animal Control Officer shall also be designated as the “Dog Control Officer” for purposes of Article VII of the Animal Control Ordinance. It shall be the Dog Control officer’s duty to investigate and classify as appropriate suspected dangerous or potentially dangerous dogs. However, the Dog Control Officer’s duty of investigation and classification arises only when a report of an occurrence warranting said classification occurs in the incorporated portions of the Terrell County Board of Commissioners from any law enforcement agency, rabies control office, County or State Board of Health, or a written report by a citizens of the Terrell County Board of Commissioners.

Section 4.78 **Responsibilities of Dog Control Officer.**

- a. Upon receiving a report that a dog has acted in a dangerous or potentially dangerous manner, or upon receiving a report which leads the dog control officer to believe that a dog may fall within sub-paragraph (3) of the definition of potentially dangerous dog set out above, the dog control officer shall investigate the allegations and make a determination as to the truthfulness of said allegations. After concluding the investigation, the dog control officer shall:
 1. Decide the classification of the dog as dangerous or potentially dangerous is not required.
 2. Classify the dog as potentially dangerous, or
 3. Classify the dog as dangerous.
- b. In the event that the Dog Control Officer classifies the dog under investigation as “dangerous” or “potentially dangerous,” the Dog Control Officer must notify the owner(s) by certified mail. The notice shall include a summary of the reason for which the animal has been classified and provide the owners with a form to request a hearing to contest the classification within 15 days of the notice date. If no hearing is requested, the dog’s classification goes into effect on the fifteenth day.
- c. An owner who requests a hearing shall be provided a hearing before the County Commission within 30 days. The owners must be notified of the hearing date, time, and location by certified mail. The hearing shall be conducted such that

owners have the opportunity to present their testimony, cross examine witnesses, and present evidence. The County Commission shall receive such other evidence and hear such other testimony as is reasonably necessary to make a determination to either sustain, modify, or overrule the Dog Control Officer's classification of the dog. Within 10 days after the hearing, the County Commission shall make a final determination as to the classification of the dog and provide notice of its determination by certified mail to the owners. In the event that the County Commission, after a hearing, classifies a dog as "dangerous" or "potentially dangerous," the effective date of such classification, which shall be the date the decision is made, must be given.

Section 4.79 **Animal Owner Responsibilities.**

- a. The owner of any dog which has been classified as "dangerous" or "potentially dangerous" must register said dog with the County on an annual basis. Failure to register a "dangerous" or "potentially dangerous" dog on an annual basis shall be grounds for confiscation of the dog or dogs by the Dog Control Officer. In order to obtain registration or re-registration of such an animal, owners must present or provide evidence to the Dog Control officer of the following requirements:
 1. Proof of proper enclosure adequate to confine the dog, i.e., a pen, fence, or structure that prevents the dog from escaping and children from coming into contact with the dog. The enclosure must meet the following minimum requirements:
 - i. The enclosure must protect the dog from the elements;
 - ii. The enclosure must be at least ten (10) feet long by (10) feet wide in size;
 - iii. The enclosure must be a minimum of eight (8) feet in height;
 - iv. The enclosure must be constructed of fourteen (14) gauge wire or larger;
 - v. The enclosure must have a secured top to prevent escape;
 - vi. The enclosure must have a secured bottom constructed of either concrete or wire which must cover the bottom of the enclosure. If wire is used, it must be buried at least three (3) inches to prevent tunneling and to protect the animal's feet;

- vii. The enclosure must have a secured gate which must remain locked in order to prevent unauthorized release;
 - viii. The enclosure must be kept clean and sanitary at all times;
2. Proof that uniform warning sign is present on the owner's premises. The warning sign may be obtained from the Department of Natural Resources and shall be available through the County. Dog owner signs must conform to the Department of Natural Resources Uniform Design.
 3. For dangerous and potentially dangerous dogs, liability insurance of at least \$100,000;
 4. For dangerous and potentially dangerous dogs, a surety bond in the amount of \$15,000.
 5. Proof that the animal has been micro-chipped at the expense of the owner. For the purposes of this sub-section the term "micro-chipped" shall mean that an identifying integrated RFID ("Radio Frequency Identification") circuit (hereinafter referred to as an "RFID tag") has been placed under the skin of the animal and that all appropriate requirements have been completed to ensure that the RFID tag is associated with the animal through registration with a microchip registry, database, or pet recovery service.
- b. A person applying for registration or re-registration of a dangerous or potentially dangerous dog shall pay an annual registration fee of \$100.
 - c. Owners of classified dogs must notify the Dog Control Officer within 24 hours if the dog is on the loose, unconfined, has attacked a person, has died, or been sold or donated. If the dog has been sold or donated, the owner shall also provide the Dog Control Officer with the name, address, and telephone number of the new owner of the dog. Failure to so notify the Dog Control Officer shall be grounds for confiscation of said dog.
 - d. An owner of a classified dog shall keep the dog in a proper enclosure unless restrained by a strong leash and accompanied by a responsible person. Potentially dangerous or dangerous dogs when not adequately enclosed must also be muzzled when outside the enclosure. 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. Violation of this provision, in addition to constituting a misdemeanor, shall be grounds for confiscation of the dog.

e. An owner of a classified dog shall notify the Dog Control Officer when moving from the jurisdiction of the Terrell County Board of Commissioners. Failure of the owner to comply with this provision, in addition to being a misdemeanor hereunder shall be grounds for confiscation of the dog.

f. Any owner of a dog which has been classified as a dangerous or potentially dangerous dog, or similarly classified, in another jurisdiction within this state must notify the Dog Control Officer of Terrell County within 10 days of residency. Violation of this provision, in addition to being a misdemeanor, shall be grounds for confiscation of the dog.

g. Any owner of a dog meeting the classification requirements hereunder moving into the Terrell County from outside the State of Georgia must notify the Dog Control Officer within 30 days of residency. Violation of this provision, in addition to being a misdemeanor, shall be grounds for confiscation of the dog.

h. The Dog Control Officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.

i. Issuance of a certificate of registration or the renewal of a certificate of registration by Terrell County does not warrant or guarantee that the requirements specified in this article are maintained by the owner of a dangerous dog or a 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.

Section 4.80 **Confiscation of Dogs; Grounds; Disposition.**

a. A dangerous dog shall be immediately confiscated by the Dog Control Officer or by a law enforcement officer if the:

1. Owner of the dog does not secure the liability insurance or bond required by this article;
2. Dog is not validly registered as required by this article;
3. Dog is not maintained in a proper enclosure; or
4. Dog is outside a proper enclosure in violation of this article.

b. A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

1. Not validly registered as required by this article;
2. Not maintained in a proper enclosure; or
3. Outside a proper enclosure in violation of this article.

c. Any 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 article and upon the payment of the costs to the city and/or county for confiscating and boarding the dog. In the event the owner has not complied with the provisions of this article within ten (10) days of the date that a dangerous dog was confiscated, said dangerous dog shall be destroyed in an expeditious and humane matter.

Section 4.81 **Limits of County Liability.**

It is the intent of this article that the owner of a dangerous dog or potentially dangerous dog shall be solely liable for any injury to or death of a person caused by such dog. Under no circumstances shall the Terrell County Board of Commissioners or any of its employees or officials which enforce or fail to enforce the provisions of this article be held liable for any damages to any person who suffers an injury inflicted by a dog that has been identified as being a dangerous dog or potentially dangerous dog, or by a dog that has been reported to the proper authorities as being a dangerous dog or a potentially dangerous dog, or by a dog that a Dog Control Officer has failed to identify as a dangerous dog or potentially dangerous dog, or by a dog which has been identified as being a dangerous dog or potentially dangerous dog but has not been kept or restrained in the manner described in this article, or by a dangerous dog or potentially dangerous dog whose owner has not maintained insurance coverage or a surety bond as required in this article.

Section 4.82 **Violations of this Article.**

a. The owner of a dangerous dog who violates this article or whose dog is subject to confiscation under this article shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this article, for the second conviction a fine of not less than \$500 shall be imposed and for a third or subsequent conviction a fine of not less than \$750 shall be imposed.

b. The owner of a potentially dangerous dog who violates this article or whose potentially dangerous dog is subject to confiscation under this article shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this article, for a second conviction a fine of not less than \$150 shall be imposed and for a third or subsequent conviction a fine of not less than \$300 shall be imposed.