

**A RESOLUTION
BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS
MODIFYING FORSYTH COUNTY ANIMAL CONTROL ORDINANCE,
OTHERWISE KNOWN AS ORDINANCE 11, OR CHAPTER 14 OF
THE FORSYTH COUNTY CODE OF ORDINANCES**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations, and

WHEREAS, O.C.G.A. § 36-1-20 authorizes the County to adopt ordinances preserving the public health, safety, and welfare, and to adopt appropriate measures to enforce those ordinances; and

WHEREAS, Section 12.1 of the County's codified local laws authorize the County to adopt ordinances exercising the police powers of the State of Georgia; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to exercise its authority to amend the Animal Control Ordinance; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW, THEREFORE, the Board of Commissioners of Forsyth County, Georgia hereby ordains as follows:

Section 1.

The Forsyth County Animal Control Ordinance is hereby amended by adding, in alphabetical order, the following bold, underlined definitions to the codified Article V, Section 14-131 of the Code of Forsyth County, Georgia:

Potentially Dangerous Dog means any dog that, while off the owner's property, bites another pet or livestock, excluding poultry and fowl, causing substantial injury to the animal's skin but does not result in death of the pet or livestock.

Substantial Injury or Substantial Puncture means a bite that leaves four (4) or more teeth imprints that causes bruising, swelling, or does not heal within ten (10) days.

Section 2.

The Forsyth County Animal Control Ordinance is hereby amended by removing the strikethrough language and adding the following bold, underlined language to the codified Article V, Section 14-131 of the Code of Forsyth County, Georgia:

Classified dog means any dog that has been classified as either a **potentially dangerous dog**, dangerous dog or vicious dog pursuant to this article.

Dangerous dog means any dog that:

- (1) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;
- (2) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or
- (3) While off the owner's property, kills a pet animal **or livestock, excluding poultry and fowl**; provided, however, that this subparagraph shall not apply where the death of such pet animal **or livestock** is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

Owner means any natural person or any legal entity owning, keeping, harboring, possessing, or having custody or control, or acting as caretaker or custodian of any domesticated animal, having a right of property in an animal, or any person who permits an animal to remain on his premises within Forsyth County. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. Without limiting the generality of the foregoing, any adult at whose residence a **potentially dangerous dog**, dangerous dog or vicious dog is kept or found shall be presumed to be an owner of such dog and shall have the burden of rebutting such presumption.

Proper enclosure means an enclosure on the owner's property for keeping a **potentially dangerous dog**, dangerous dog or vicious dog that meets all of the following criteria:

- (1) Is suitable to prevent the entry of young children and to prevent the dog from escaping;
- (2) Has secure sides and a secure top attached to all sides;
- (3) Has sides so constructed at the bottom so as to prevent the dog's escape by digging under the sides. **For dangerous or vicious dogs,** the sides must either be buried two feet into the ground or sunken into a concrete pad;
- (4) Provides appropriate protection from the elements for the dog. The structure must contain adequate shelter;
- (5) Has a gate which is of the inward-opening type, which shall be kept locked except when the owner is tending to the animal's needs; and
- (6) **For dangerous or vicious dogs,** is inside a perimeter or area fence.

Section 3.

The Forsyth County Animal Control Ordinance is hereby amended by striking the text in its entirety in codified Article V, Section 14-133 of the Code of Forsyth County, Georgia, and leaving that Section as Reserved.

Section 4.

The Forsyth County Animal Control Ordinance is hereby amended by removing the strikethrough language and adding the following bold, underlined language to the codified Article V, Section 14-134 of the Code of Forsyth County, Georgia:

Sec. 14-134. - Procedures for classification as **potentially dangerous dogs,** dangerous dogs or vicious dogs.

- (a) *Applicability for enforcement purposes.* 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.
- (b) *Duty to investigate.* Upon receiving a report of a dog believed to be subject to classification as a **potentially dangerous dog,** dangerous dog or vicious dog within an animal services officer's jurisdiction, such officer shall make such investigations as necessary to determine whether such dog is subject to classification as a **potentially dangerous dog,** dangerous dog or vicious dog.

- (c) If the dog poses an immediate threat to public safety, the dog shall be immediately impounded and kept at the animal shelter until an appropriate hearing to determine where the dog will be kept. Any refusal by the owner to allow the impoundment of a dog deemed by the animal services division to be an immediate threat to public safety under this section shall constitute a violation of this section.
- (d) If impounding of the dog is not possible and/or the dog owner has taken immediate action to ensure the dog cannot pose a public threat and has proven he can properly contain the dog, the animal services division may allow the dog to remain with the dog owner with specific directions to contain the dog, as determined in the sole discretion of the animal services officer. This section does not exempt any requirements set forth in section 14-108 in reference to rabies quarantine in the case of a bite.
- (e) *Notice requirement.* When an animal services officer determines that a dog is subject to classification as a **potentially dangerous dog**, dangerous dog or vicious dog, the animal services officer shall mail a dated notice to the dog's owner within 72 hours. The notice to the owner shall meet the following requirements:
- (1) The notice shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address. If a dog has more than one owner, notice to one owner shall be sufficient for purposes of this division. If there is a question as to the dog's ownership, notice shall be deemed sufficient if sent to the last person who received a citation for the dog.
 - (2) The notice shall include a summary of the animal services officer's determination that the dog is subject to classification as a **potentially dangerous dog**, dangerous or vicious dog.
 - (3) The notice shall be dated and shall state that the owner has a right to request a hearing on the animal services officer's determination within seven days after the date shown on the notice.
 - (4) The notice shall state that if the owner does not request such a hearing within seven days from the date shown on the notice, the animal services officer's determination shall become effective for all purposes under this section.
 - (5) 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 a request.
- (f) If an owner cannot be located within ten days of an animal services officer's determination that a dog is subject to classification as a **potentially dangerous dog**, dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the animal services officer. No dog shall be classified as a **potentially dangerous dog**, dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to

carry out the law enforcement or military officer's official duties. No dog shall be classified as a **potentially dangerous dog**, dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. tit. 16, ch. 5.

- (g) When a hearing is requested by a dog owner in accordance with this section, such hearing shall be scheduled within 30 days after the request is received: provided, however, that such hearing may be continued by the animal control board for good cause shown. At least ten days prior to the hearing, the animal control board shall notify the dog owner in writing by certified mail or statutory overnight delivery of the date, time and place of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence and the animal control board shall receive such other evidence and hear such other testimony as may be reasonably necessary to sustain, modify or overrule the classification of the dog by the animal services officer.
- (h) Within ten days after the hearing, the animal control board shall notify the owner in writing by certified mail or statutory overnight delivery of its determination on the matter. If the determination is made that the dog is a **potentially dangerous dog**, dangerous dog or a vicious dog, the notice shall specify the date upon which that determination is effective. A dog that is found, after notice and opportunity for hearing as provided in this section, 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 subsection.~~ If the determination is that the dog is to be euthanized pursuant to O.C.G.A. § 4-8-26, the notice shall specify the date by which the euthanasia shall occur.
- (i) Judicial review of the animal control board's final decision may be had in accordance with O.C.G.A. § 50-13-19. Written notification of such an appeal shall be given immediately to the county animal services division.
- (j) *Confinement during pendency of hearing or appeal.* During the pendency of any hearing or appeal of a determination that a dog is a dangerous or vicious dog as provided for in this section, the owner of such dog shall cause such dog to be confined at the expense of such owner of such dog, at a veterinary hospital, licensed kennel facility, the animal services division, the animal shelter, or in a proper enclosure deemed suitable by the animal services officer.
- (k) *Authority of animal services officer to confiscate and confine.* If an owner fails or refuses to abide by subsection (j) of this section, the animal services officer is authorized and empowered to impound such animal, confine it at the expense of such owner at a veterinary hospital, kennel facility, the animal services division, the animal shelter, or a proper enclosure deemed suitable by the animal services officer during the pendency of any hearing or appeal mentioned in this section.
- (l) *Retrieval of dog from veterinary hospital.* After notification from the animal control board that a dog has been determined to be a dangerous dog or vicious dog, the owner

of such dog shall have three business days within which to pick up the dog from the veterinary hospital or other confinement facility, provided the owner is in compliance with all requirements of the animal control ordinance.

~~(m) Any dog classified prior to July 1, 2012, as a potentially dangerous dog in this state shall on and after that date be classified as a dangerous dog under this division. Any dog classified prior to July 1, 2012, as a dangerous dog or vicious dog in this state shall on and after that date be classified as a vicious dog under this division. The owner of any dog referred to in this subsection shall come into compliance with all current provisions of this division by January 1, 2013.~~

Section 5.

The Forsyth County Animal Control Ordinance is hereby amended by removing the strikethrough language and adding the following bold, underlined language to the codified Article V, Section 14-135 of the Code of Forsyth County, Georgia:

Sec. 14-135. - Requirements for possessing classified dogs.

- (a) It is unlawful for an owner to have or possess within the county a classified dog without a certificate of registration issued in accordance with the provisions of this section. Certificates of registration shall be nontransferable and shall be issued to a person 18 years of age or older. Each classified dog must be separately registered with the county and issued a separate certificate of registration. No more than one certificate of registration shall be issued per domicile, regardless of whether such certificate of registration is for a **potentially dangerous dog**, dangerous dog or a vicious dog.
- (b) Subject to the additional requirements of this article, a certificate of registration shall be issued **for a potentially dangerous dog or dangerous dog** once the animal services officer determines that the following requirements have been met:
 - (1) The owner has maintained a proper enclosure designed to securely confine the **potentially dangerous dog** or dangerous dog on the owner's property (which shall not include any electronic animal confinement system); and
 - (2) **A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the potentially dangerous dog or dangerous dog; and**
 - (3) ~~(2)~~ Clearly visible warning signs have been posted at all entrances to the premises where ~~the~~ a **dangerous** dog resides, including a sign issued by the animal services division indicating the dog's classification number.
- (c) Except as otherwise provided in this article, a certificate of registration for a vicious

dog shall be issued if the animal services officer determines that the following requirements have been met:

- (1) The owner has maintained a proper enclosure designed to securely confine the vicious dog on the owner's property (which shall not include any electronic animal confinement system);
 - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
 - (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
 - (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 or the maximum amount authorized by state law issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the vicious dog.
- (d) The owner of a classified dog shall notify the animal services division, within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died or been euthanized, or has been sold or relocated. If the dog has been sold or relocated, the owner shall also provide the animal services officer with the name, address, and telephone number of the new owner of the dog and of the effective date of the transfer. Any transferee of a **potentially dangerous dog or** dangerous dog shall be presumed to have notice of the dog's classification as such. 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.
- (e) The owner of a classified dog shall notify the animal services division if the owner is moving out of the county. The owner of a classified dog who moves to the county from another jurisdiction within the State of Georgia shall register the classified dog with the county within ten days of becoming a resident and notify the animal services division of the jurisdiction from which he or she moved. The owner of a similarly classified dog who is a new resident of the state shall register the dog as required in this section within 30 days after becoming a resident.
- (f) Issuance of a certificate of registration or renewal of a certificate of registration by the animal services division in the county does not warrant or guarantee that the requirements specified in this section are maintained by the owner of a classified 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.
- (g) An animal services officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. Pursuant to state law, law enforcement agencies, including those of the county and the municipalities within the county, will cooperate with animal services officers in enforcing the provisions of this article.

- (h) An annual fee, which may be set from time to time in an amount deemed reasonable by the board of commissioners, in addition to any regular dog licensing fees shall be paid to register classified dogs as required by this article. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, an animal services officer shall require evidence from the owner or make such investigation as may be necessary to verify that the classified dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of the animal control ordinance. 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.
- (i) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
- (j) No certificate of registration for a vicious dog shall be issued to any person (or to any person residing with such person) who has been convicted (from the time of conviction until two years after completion of his or her sentence) of:
 - (1) A serious violent felony as defined in O.C.G.A. § 17-10-6.1;
 - (2) The felony of dogfighting 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. § 16-12-4; or
 - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. § 16-13-31.1.

Section 6.

The Forsyth County Animal Control Ordinance is hereby amended by adding the following bold, underlined language to the codified Article V, Section 14-136 of the Code of Forsyth County, Georgia:

- (a) It shall be unlawful for an owner of a **potentially dangerous dog** or dangerous dog to permit the dog to be off the owner's property unless:
 - (1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;
 - (2) The dog is contained in a closed and locked cage or crate; or
 - (3) The dog is working or training as a hunting dog, herding dog, or predator control dog.

- (b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:
- (1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or other structure suitable to prevent the vicious dog from leaving such property unless:
 - a. The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
 - b. The dog is contained in a closed and locked cage or crate; or
 - (2) Unattended with minors.
- (c) No person shall be the owner of more than one vicious dog.

Section 8.

The Forsyth County Animal Control Ordinance is hereby amended by striking the text in its entirety in codified Article II, Section 14-41 of the Code of Forsyth County, Georgia, and leaving that Section as Reserved.

Section 9.

Severability: Should any section, subsection, clause, sentence, phrase, or part of this Ordinance for any reason be held, deemed or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof and the Board of Commissioners hereby declares that it would have passed this ordinance, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

Section 10.

Effective Date and Repealer Provision: This Ordinance shall become effective immediately upon passage and any and all existing or pre-existing Forsyth County animal control

ordinances, amendments, and resolutions in conflict with the terms of this Ordinance are hereby repealed.

BE IT RESOLVED this ____ day of _____,2024.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Alfred John, Chairman

Kerry Hill, Vice-Chairman

Laura Semanson, Secretary

Todd Levent, Member

Cindy Jones Mills, Member

Attest:

Clerk to the Board