

## ORDINANCE 1068

AN AMENDMENT TO THE ANIMAL CONTROL ORDINANCE OF THE CITY OF BRUNSWICK, GEORGIA, TO AMEND THE DEFINITIONS OF DANGEROUS DOG, SERIOUS INJURY, AND VICIOUS DOG; TO REMOVE APPEAL PROCEDURES FOR DANGEROUS OR VICIOUS DOG CLASSIFICATIONS; TO APPOINT A DOG CONTROL OFFICER AND ESTABLISH A DANGEROUS DOG HEARING BOARD; TO PROVIDE FOR THE CLASSIFICATION OF DANGEROUS OR VICIOUS DOGS AND TO PROVIDE APPEAL RIGHTS FOR THE CLASSIFICATION; TO PROVIDE REQUIREMENTS FOR A CERTIFICATE OF REGISTRATION; TO PROVIDE DUTIES AND PROHIBITIONS ON THE POSSESSION OF A DANGEROUS OR VICIOUS DOG; TO PROVIDE FOR VIOLATIONS OF THIS ORDINANCE; AND TO MAKE CHANGES REGARDING THE CONFISCATION OF DANGEROUS DOGS; TO ADD A DEFINITION FOR "TETHER" AND "TETHERING"; TO REVISE A REFERENCE TO THE DEFINITION OF "DOGS OR CATS RUNNING AT LARGE"; TO PROHIBIT HARMFUL TETHERING; AND FOR OTHER PURPOSES TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

The commission of the City of Brunswick hereby ordains that the Code of Ordinances of the City of Brunswick be and it is hereby amended as follows:

### SECTION ONE:

Chapter 4, is hereby amended to add new sections, renumber old sections, amend certain definitions and shall now provide:

#### **Sec. 4-3. - Definitions**

For the purpose of the chapter, the following terms, phrases and words and their derivatives shall have the meaning given herein.

- (a) *Animal Enforcement Agent* means an agent of the animal control unit authorized by the City Commission of the City of Brunswick or the City Manager to enforce the provisions of this article.
- (b) *Classified Dog* means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this Ordinance.
- (c) *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; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

Any dog classified as a potentially dangerous dog in this state prior to July 1, 2012, shall on and after that date be classified as a dangerous dog under this article.

No dog shall be classified as a 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 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 Chapter 5 of Title 16 of the Official Code of Georgia.

- (d) *Dogs or cats running at large* means (i) any public nuisance dog or cat, or (ii) any dog or cat causing a disturbance while not on a leash or in the vicinity of the owner and obedient to that person's commands. A dog or cat is not running at large when he is confined within the limits of his owner's property.
- (e) *Litter* means two or more animals with the same mother.
- (f) *Microchip identification* means the process of identifying the owner of any animal by information provided on a microchip inserted into the body of the animal so that identification no., etc. can be determined by animal control.
- (g) *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, all sides of the 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.

- (h) *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 dog or cat within the incorporated area of the city. In the case of a dog owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.
- (i) *Police officer* means any law enforcement officer empowered to make arrest in the city.
- (j) *Public nuisance dog or cat* means any dog or cat, which has damaged the property of anyone other than the owner thereof in the amount of \$10.00 or more; or any dog or cat causing unsanitary condition in any enclosure or surroundings.
- (k) *Serious Injury* means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.
- (l) *Vicious animal* means any animal that attacks, bites, or injures pets, companion animals or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure pets, companion animals or livestock. No animal may be declared vicious on the basis of a threat, injury or damage which was sustained by a pet, companion animal or livestock whose presence, at the time, constituted a willful trespass or other tort by its owner upon the premises occupied by the owner or keeper of the animal alleged to be vicious. The term "vicious animals" shall not be construed to include dogs that are part of a governmental organization in performance of its duties.
- (m) *Vicious Dog* means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

No dog shall be classified as a 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 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 Chapter 5 of Title 16 of the Official Code of Georgia.

Any dog classified as a dangerous dog in this state prior to July 1, 2012, shall on and after that date be classified as a vicious dog under this article.

A vicious dog shall not be considered a "vicious animal" as that term is defined in this Ordinance.

#### **Sec. 4-4. - Violations.**

- (a) It shall be a violation of this chapter for the owner of any dog or cat to allow such dog or cat to run at large, as defined in subsection 4-3(d) within the city limits.

- (b) It shall be a violation of this chapter for the owner of any dog or cat to fail to command the obedience of a dog, as provided in subsection 4-3(d), in the incorporated areas of the city.
- (c) It shall be a violation of this chapter for the owner of any dog to allow such dog to be tethered in violation of Section 4-23 of this Ordinance.

**Sec. 4-5. - Dangerous dog control law.**

The City Animal Enforcement Agents shall be charged with the responsibility of enforcing the "Responsible Dog Ownership Law" (O.C.G.A. § 4-8-20 et. Seq., as amended).

**Sec. 4-11. - Appeal of nuisance classification.**

- (a) The owner of any dog or cat which has been classified as a nuisance dog or cat by the animal control unit shall have a right to appeal such classification, in writing, to the city manager or his designee, who shall have the authority to formulate rules and regulations for administrative hearings to be conducted by it as to nuisance dogs or cats.
- (b) The city manager or his designee shall also conduct hearing under O.C.G.A. § 4-8-23 as it pertains to dangerous dogs and potentially dangerous dogs.

**Sec. 4-12. – Dog Control Officer and Dangerous Dog Hearing Board**

- (a) The City of Brunswick Board of Commissioners hereby designates the Glynn County Animal Control Officer as the "Dog Control Officer" to perform the duties and exercise the powers assigned to that position by the "Responsible Dog Ownership Law," O.C.G.A. § 4-8-20 et seq., as amended.
- (b) The City of Brunswick Board of Commissioners, pursuant to O.C.G.A. 4-8-23, hereby recognizes the Glynn County Dangerous or Vicious Dog Hearing Board as the official Hearing Board of the City of Brunswick.

**Sec. 4-13 - Classification of Vicious or Dangerous Dog; Notice; Hearing; Judicial Review**

- (a) Upon receiving a report of a dangerous dog or vicious dog within the Dog Control Officer's jurisdiction the Dog Control Officer shall make such investigations and inquiries to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
- (b) When the Dog Control Officer determines that a dog is subject to classification as a dangerous or vicious dog, the Dog Control Officer shall mail 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 has a right to request a hearing from the Hearing Board on the Dog Control Officer's determination within 15 days after the date shown on the notice. The notice shall also 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 ordinance.

- (c) When a hearing is requested by a dog owner in accordance with subsection (b) of this Code section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the Hearing Board for good cause shown. At least ten days prior to the hearing, the Hearing Board shall mail 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 Hearing Board shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the Dog Control Officer's determination.
- (d) Within ten days after the hearing, the Hearing Board shall mail written notice 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, the notice shall specify the date by which the euthanasia shall occur.
- (e) Judicial review of the Hearing Board's final decision may be had in accordance with O.C.G.A. 50-13-19.

**Sec. 4-14 - Issuance of Certificate of Registration.**

- (a) It is unlawful for an owner to have or possess within Glynn County and/or the City of Brunswick a classified dog without a certificate of registration issued in accordance with the provisions of this ordinance section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.
- (b) Unless otherwise specified by this section, a certificate of registration for a dangerous dog shall be issued if the Dog Control Officer determines that the following requirements have been met:
  - 1. The owner has maintained a proper enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and
  - 2. Clearly visible warning signs have been posted at all entrances to the premises where the dog resides; and
- (c) Except as provided in subsections (e) and (f) of this Code section, a certificate of registration for a vicious dog shall be issued if the Dog Control 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, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property;
  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 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 dog.
- (d) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this ordinance.
- (e) No person shall be the owner of more than one vicious dog.
- (f) No certificate of registration for a vicious dog shall be issued to any person who has been convicted 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 and § 16-13-31.1
  4. from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.
- (g) Certificates of registration shall be renewed on an annual basis by the owner of the classified dog. At the time of renewal of a certificate of registration for a vicious dog, the Dog Control Officer shall verify that the owner is continuing to comply with provisions of this article. 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.

**Sec. 4-15 - Duties and Prohibitions for Owner of a Classified Dog.**

- (a) The owner of a classified dog shall notify the Animal Control Office within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold, donated

or disposed of. Provided, however, that 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.

- (b) The owner of a classified dog that moves from another jurisdiction in the State of Georgia to the incorporated area of the City of Brunswick shall register the dog with Animal Control within ten (10) days of becoming a resident of the City of Brunswick. The owner of a classified dog that moves from the City of Brunswick to another jurisdiction within the State of Georgia shall notify Animal Control within ten (10) days of becoming a resident of the other jurisdiction. The owner of a similarly classified dog who moves into the City of Brunswick from outside of the state of Georgia shall register the dog with Animal Control within 30 days of becoming a resident.
- (c) Issuance of a certificate of registration or the renewal of a certificate of registration by the City of Brunswick or Glynn County does not warrant or guarantee that the requirements specified in subsections (b) and (c) of section § 2-4-19 of this ordinance were met or are maintained by the owner of a classified dog.
- (d) Certificates of registration shall be renewed on an annual basis by the owner. 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 classified dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this article.

**Sec. 4-16 - Unlawful Acts by Owner of a Dangerous or Vicious Dog; Violations.**

- (a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:
  - 1. The dog is muzzled and restrained by a substantial chain or leash no greater than six (6) feet in length and is under the immediate physical control of a person capable of preventing the animal from engaging any person or animal when necessary. 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;
  - 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 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.

**Sec. 4-17 - Confiscation of dogs; grounds; disposition.**

(a) A dangerous or vicious dog shall be immediately confiscated by any Dog Control Officer or by any law enforcement officer in the case of any violation of this ordinance. A refusal to surrender a dog subject to confiscation shall be a violation of this article.

(b) Any dog that has been confiscated under the provisions of section 4-17 of this Ordinance shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation costs including boarding at the rate of \$12.00 per day plus a pickup fee of \$50.00 and a \$12.00 fee if the animal's owner does not produce proof of a current rabies vaccination. In the event the owner has not complied with the provisions of this article within twenty (20) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner at the cost of the owner.

**Sec. 4-18 - Violations; penalties.**

(a) The owner of a vicious or dangerous dog who violates the applicable provisions of this Ordinance or whose vicious or dangerous dog is subject to confiscation under Section 4-17 shall be guilty of an ordinance violation punishable by a fine of up to \$1,000 or imprisonment for up to 60 days or both.

(b) A dangerous or vicious dog shall be immediately confiscated by any Dog Control Officer or by any law enforcement officer in the case of any violation of this ordinance and placed in quarantine for the proper length of time as determined by the county board of health, and, thereafter if determined necessary, the dangerous dog shall be destroyed in an expeditious and humane manner.

(c) No owner of a classified dog shall be held liable for a violation of this Ordinance for injuries inflicted by said owner's dog to any person being while the dog is on the owner's property or 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 Chapter 5 of Title 16 of the Official Code of Georgia.

(d) The Dog Control Officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. Law enforcement agencies of The City of Brunswick, Glynn County and the Sheriff of Glynn County shall cooperate with the Dog Control Officer in enforcing the provisions of this ordinance.



- (e) Whenever in this Ordinance any act is prohibited or is made or declared to be unlawful or an offense, or whenever herein the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of such provision shall be punishable as for an ordinance violation punishable by a fine of up to \$1,000.00 or imprisonment for up to 60 days or both.

**Sec. 4-19 - Liability for damages.**

Under no circumstances shall the City of Brunswick any employee or official thereof which enforces or fails 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 or vicious dog or by a dog that has been reported to the proper authorities as being a dangerous or vicious dog or by a dog that the City of Brunswick and its officials and employees have failed to identify as a dangerous or vicious dog or by a dog which has been identified as being a dangerous or vicious dog but has not been kept or restrained in the manner described in subsection (b)(1) through (3) of Ordinance Section 4-15 or by a dangerous or vicious dog whose owner has not maintained insurance coverage or a surety bond as required in subsection (c) of Ordinance Section 4-14.

**Sec. 4-24 - Tethering**

- (a) It shall be unlawful for any person, either by act or omission, to:
1. tether an animal with equipment or materials, or in conditions, which cause or may cause injury to the animal;
  2. use a prong, pinch, or choke collar to tether an animal.,
  3. tether an animal by using a collar or harness that does not provide enough room between the collar or harness and the animal's throat that at least two fingers may fit or is loose enough that the animal can escape from confinement;
  4. tether an animal using tie-out materials that exceed ten percent (10%) of the animal's body weight or that are less than six (6) feet in length;
  5. use tow chains or log chains as a tether or collar for a tethered animal;
  6. allow an animal to be tethered such that the animal is not confined to the owner's property;
  7. allow an animal to be tethered such that the tether could extend over an object or an edge in a way that could result in injury or strangulation of the animal;
  8. allow an animal to be tethered such that the tether could become entangled with other animals,

- 9. allow an animal to be tethered such that the length of the tether does not provide the animal with continuous access to food, water, and appropriate shelter; or
  - 10. tether an animal on a vacant or abandoned property.
- (b) This section shall not apply to conduct which is otherwise permitted under the laws of this state or of the United States.
  - (c) If an Animal Control Officer finds any violations as listed in this subsection, the Animal Control Officer can require the person responsible for the unlawfully tethered animal to immediately change the animal's conditions so as to protect the animal from unsafe conditions. If the responsible party fails to correct any unlawful tethering conditions, the Animal Control Unit may impound the unlawfully tethered animal in accordance with § 4-6 of the Animal Control Ordinance of the City of Brunswick.
  - (d) For a first-time violation, the Animal Control Unit shall issue a notice of violation to the responsible party providing an adequate time period, not exceeding seventy-two (72) hours, for the responsible party to make corrections in compliance with this section. Thereafter, each violation of this section shall be subject to enforcement in accordance with Sections 4-8 and 4-17 of the City of Brunswick Code of Ordinances.

SECTION TWO:

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION THREE:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION FOUR:

This Ordinance shall be effective immediately upon its adoption by the City Commission.

**SO ORDAINED BY THE CITY COMMISSION OF BRUNSWICK THIS 19<sup>th</sup> DAY OF AUGUST, 2020.**

  
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 Cornell L. Harvey, Mayor

ATTEST:   
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 Naomi D. Atkinson, City Clerk

