

Chapter 4 - ANIMAL CONTROL ^[11]

⁽¹¹⁾ **Editor's note**— Ord. No. 965, § 1, adopted Aug. 18, 2004, deleted ch. 4 in its entirety and enacted a new ch. 4 to read as set out herein. Former ch. 4 pertained to similar subject matter and derived from Ord. No. 900, §§ 1—15, adopted Feb. 20, 1991.

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Sec. 4-1. - Short title.

This chapter shall be referred to as the "Animal Control Ordinance" of the city.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-2. - Animal control unit.

There is hereby created an animal control unit for the city under the general supervision of the city manager.

(Ord. No. 965, § 1, 8-18-2004)

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.

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Animal enforcement agent means an employee of the animal control unit or Brunswick Police Department authorized by the city manager to enforce the provisions of this article.

Dangerous dog means any dog, according to records of the animal control unit (i) that inflicts severe injury on human beings without provocation on public or private property; or (ii) aggressively bites, attacks or endangers the safety of human beings without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

Dogs or cats running at large means any public nuisance dog or cat, or 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.

Litter means two or more animals with the same mother.

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.

Potentially dangerous dog means any dog which without provocation bites a human being on public or private property.

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.

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.

Police officer means any law enforcement officer empowered to make arrest in the city.

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.

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.

(Ord. No. 965, § 1, 8-18-2004)

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(c) 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(c), in the incorporated areas of the city.
- (c) It shall be a violation of this chapter for the owner of any dog or cat to allow said dog or cat to act so as to become a public nuisance dog or cat as defined in subsection 4-3(j).
- (d) It shall be a violation of this chapter for the owner to permit a dog or cat off the premises of that owner's property without a collar and identification tag for each dog. The identification tag shall give the name, current address and telephone number of the owner.
- (e) It shall be a violation of this chapter for any person to obstruct or prevent any animal enforcement agent or city police officer from enforcing the provision of this chapter, including, without limitation, interfering with the use of traps by such agent or officer.
- (f) It shall be a violation of this chapter for the owner of any dog to fail to immediately remove excrement deposited by the dog upon any sidewalk or fenced athletic playing field or fenced playground owned by the city.
- (g) It shall be a violation of this chapter for any person to take any animal, whether leashed or otherwise, into any building owned or operated by the city. This subsection shall not apply to any animal operating as a guide dog or performing similar assistance for a disabled person.
- (h) It shall be a violation of this chapter for the owner of any dog or cat, whether leashed or otherwise, to take or allow such animal in the fenced confines of any athletic field owned by the city. It shall also be illegal for the owner of any dog or cat to allow that animal, leashed or otherwise, to enter an area of any city owned square or park where signs are posted prohibiting the animal's entrance this subsection shall not apply to any animal operating as a guide dog or performing similar assistance for a disabled person.
- (i) It shall be a violation of this section for the owner of any animal to fail to promptly remove excrement deposited by the animal on private property of another person upon being notified of the waste by the owner of the property or by any law enforcement officer or code enforcement officer employed by the city. This subsection shall not apply to property owned by the animal owner. It shall be the duty of any person having custody of any animal to have in such person's possession a device or equipment for the picking up and removal of animal excrement. An acceptable device shall include any plastic or metal mechanized or non-mechanized device constructed for scooping animal excrement; a hand shovel or trowel; a plastic or paper bag; a styrofoam, plastic or paper cup, or any similar device that can contain and remove the excrement. The provisions of this section shall not apply to a dog aiding the handicapped (i.e., guide dog) or to a dog when in police or rescue activities. Failure of the person having custody of the animal to remove the animal excrement by acceptable device shall constitute a violation of this section.

(Ord. No. 965, § 1, 8-18-2004; Ord. No. 1005, § 1, 9-17-2008)

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

The city animal enforcement agents shall be charged with the responsibility of enforcing the

"Dangerous Dog Control Law", (Ga. L. 1988, p. 824, as amended).

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-6. - Impoundment provision.

Any and all animals found in a condition which constitutes a violation of this chapter or any applicable state law on the part of the animal's owner (if any), may be immediately impounded by agents of the animal control unit or by members of the city police department. Identification of an owner shall be required in order for animal enforcement agents to impound an animal.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-7. - Rabies certificate.

The owner of a dog or cat must possess a current certificate of rabies vaccination of each animal owned as provided for by the laws of the State of Georgia.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-8. - Enforcement.

This chapter may be enforced in the city on a complaint basis. Complaints shall be in writing or by telephonic communication, provided the caller gives his name, his address, the nature of the complaint, and a description of the animal. This chapter may also be enforced on any other basis deemed reasonable by the animal enforcement agents.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-9. - Disposition of impounded animals.

Any dog or cat seized or impounded by the animal control unit shall be detained at the animal control unit or such other suitable place as may be designated by the animal control unit. The agents of such unit shall notify by mail or telephone the owner of such dog or cat, if known or can be reasonably ascertained, that such dog or cat has been impounded. The owner of any dog or cat impounded, within seven days after the mailing, in the case of notification by mail, or seven days after receipt of notification by telephone, may reclaim such dog or cat upon the payment of an impoundment fee of \$50.00, plus boarding fee of \$12.00 for each day or any portion thereof that the dog or cat was impounded, and the cost of \$12.00 for each day or any portion thereof that the dog or cat was impounded, and the cost of \$12.00 for rabies vaccination if the dog or cat had not previously been vaccinated. In addition to the above-mentioned fees, the owner of any impounded dog or cat must pay \$13.00 for microchip identification installation or pay a fee of \$30.00 for the retention and upkeep of files pertaining to the impounded dog or cat. The fee for the pick up of an unwanted litter shall be \$50.00 for the first pick up and increase by \$25.00 for each subsequent pick up. If a dog has a collar and tag or a definite tattoo marking, and the owner can provide reasonable proof that the dog is a hunting dog that was impounded during hunting season, then the impoundment fee will be waived. The impoundment fee shall be increased by the sum of \$50.00 for each time a particular dog or cat is impounded during the course of the year.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-10. - Humane disposition.

If a dog or cat is not claimed by the owner within seven days of notice to same, or a dog or cat of unknown ownership is not claimed within seven days of impoundment, then it shall be the duty of the animal control unit to dispose of the animal in as a humane and painless manner as is possible. The animal control advisory board shall have the authority to formulate rules and regulations for the disposal of unclaimed dogs and cats.

(Ord. No. 965, § 1, 8-18-2004)

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. § 4-8-24 as it pertains to dangerous dogs and potentially dangerous dogs.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-12. - Investigation by animal enforcement agent; notice of classification as dangerous dog.

(a) Upon receiving a report of a dangerous dog or potentially dangerous dog within an animal enforcement agent's jurisdiction from a law enforcement agency, animal control agency, rabies control officer, or county board of health, the animal enforcement agent shall make such investigations and inquire with regard to such report as may be necessary to carry out the provisions of this article.

(b) When an animal enforcement agent or police officer classifies a dog as a dangerous dog or reclassifies a potentially dangerous dog as a dangerous, the animal enforcement agent or police 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 and shall meet the requirements set forth in subsection 4-13(c) below.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-13. - Procedures for classification as dangerous dogs or potentially dangerous dogs; notice; hearing.

(a) As applied to the owners of potentially dangerous dogs, the procedures provided for in this section must be carried out as a necessary condition for the enforcement of the provisions of this chapter against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this ordinance section shall not be an essential element of any crime provided for in this article.

(b) When an animal enforcement agent classifies a dog as a dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the animal enforcement agent shall notify the dog's owner of such classification.

(c) The notice to the owner shall meet the following requirements:

- (1) The notice shall be in writing and mailed by certified mail to the owner's last known address.
- (2) The notice shall include a summary of the animal enforcement agent's or police officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog;
- (3) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has a right to request a hearing on the animal enforcement agent's determination that the dog is a dangerous dog or potentially dangerous dog.
- (4) The notice shall state that the hearing, if requested shall be before the city manager or his designee;
- (5) The notice shall state that if a hearing is not requested, the animal enforcement agent's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes under this article 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; and
- (6) The notice shall include a form to request a hearing before the city manager and shall provide specific instructions on mailing or delivering such request to the city manager.

(d) When the city manager receives a request for a hearing as provided in subsection (c), it shall schedule such hearing within 30 days after receiving the request. The city manager 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 address of the dog owner shown on the request for hearing at least ten 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 city manager shall receive such other evidence and hear such other testimony as the court may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal enforcement agent's or police officer's classification of the dog.

(e) Within ten days after the date of the hearing, the city manager 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 provided that said effective date shall be not less than ten days after the date of this order.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-14. - Requirements for possessing a dangerous or potentially dangerous dog.

(a) It is unlawful for an owner to have or possess within the city a dangerous dog or potentially dangerous dog without a certificate of registration issued in accordance with the provisions of this section.

(b) Subject to the additional requirements of subsection (c) of this section for dangerous dogs, the animal enforcement agent shall issue a certificate of registration to the owner of such dog if the owner presents to the city animal enforcement agent sufficient evidence of:

- (1) A proper enclosure to confine the dangerous dog or potentially dangerous dog; and
- (2) 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. Such sign shall prominently display the dangerous dog symbol designed by the Georgia Department of

Natural Resources pursuant to O.C.G.A. § 4-8-25(b)(2)(B).

(c) In addition to the requirements of subsection (b) of this Code section, the owner of a dangerous dog shall present to the city animal control office evidence of:

(1) A policy of insurance in the amount of at least \$15,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog; or

(2) A surety bond in the amount of \$15,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous dog.

(d) The owner of a dangerous dog or potentially dangerous dog shall notify the city 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. If the dog has been sold, donated or disposed of, the owner shall also provided the city animal control office with the name, address, and telephone number of the new owner of the dog.

(e) The owner of a dangerous dog or potentially dangerous dog shall notify the city animal control office if the owner is moving from the city. The owner of a dangerous dog or potentially dangerous who is a new resident of the city shall register the dog as required in this section within 30 days after becoming a resident.

(f) Issuance of a certificate of registration or the renewal of a certificate of registration by the city does not warrant or guarantee that the requirements specified in subsection (b) and (c) of this section were met or are maintained by the owner of a dangerous dog or potentially dangerous dog.

(g) An animal enforcement agent or police 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 shall cooperate with animal enforcement agent in enforcing the provision of this chapter.

(h) Any owner of a dangerous dog or potentially dangerous dog kept within the incorporated limits of the city shall pay the city an annual fee of \$100.00 to register a dangerous dog or potentially dangerous dog as required in this chapter. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, an animal enforcement agent shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous dog or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this article.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-15. - Restrictions on permitting dangerous or potentially dangerous dogs to be outside proper enclosure.

(a) It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. 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) It is unlawful for the owner of a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and is under the physical restraint of a responsible person.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-16. - Confiscation of dogs; grounds; disposition.

(a) A dangerous dog shall be immediately confiscated by the animal enforcement agent or police officer or by any law enforcement officer or by another person authorized by the animal enforcement agent or police officer if the:

- (1) Owner of the dog does not secure or maintain the liability insurance or bond required by subsection 4-14(c);
- (2) Dog is not validly registered as required by section 4-14
- (3) Dog is not maintained in a proper enclosure;
- (4) Dog is outside a proper enclosure in violation of subsection 4-14(a).

(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 the section 4-14
- (2) Not maintained in a proper enclosure; or
- (3) Outside a proper enclosure in violation of subsection 4-14(b).

(c) Any dog that has been confiscated under the provisions of section 4-16 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 20 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-17. - Violations; penalties.

(a) The owner of a dangerous dog or potentially dangerous dog who violates the applicable provisions of subsection 4-4(a) or section 4-14 or 4-15, or whose dangerous dog or potentially dangerous dog is subject to confiscation under the section 4-16 shall be guilty of an ordinance violation punishable by a fine of up to \$1,000.00 or imprisonment or such alternative punishment or combination or punishment as provided for under section 15-8

(b) In addition to the penalties for violation under subsection (a), the dangerous dog involved shall be immediately confiscated by the animal enforcement agent or another person authorized by the animal control officer and placed in quarantine for the proper length of time as determined by the county board of health, and thereafter, the dangerous dog shall be destroyed in an expeditious and humane manner.

(c) No owner of a dangerous dog shall be held liable for a violation of this chapter for injuries, inflicted by said owner's dog to any human being while the dog is on the owner's property.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-18. - Liability for damages.

Under no circumstances shall the city or 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 dog or potentially dangerous dog or by a dog that has been reported to the proper authorities as being a dangerous dog or potentially dangerous dog or by a dog that the city and its officials and employees have 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 subsection 4-14(b).

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-19. - Vicious animals.

It shall be the duty of every owner or custodian of any vicious animal to ensure that it is kept under restraint and that the reasonable care and precautions are taken to prevent it from leaving the real property limits of its owner, possessor, or custodian, and ensure that:

- (1) It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at any time the animal is left unattended; or
- (2) It is securely and humanely restrained by chain, cable or trolley, or other tether of sufficient strength to prevent escape; or
- (3) It is on a leash and under the control of a competent person; or it is off leash and obedient to that person's command and that person is present with the animal any time it is not restrained as provided for in subsection (1) or (2) above while on the owner's property.
- (4) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious dog or cat on the streets or public places of the county or allow the animal to run on the premises of another, at any time; unless and in addition to the other requirements of this chapter such dog or cat shall be securely muzzled to effectively prevent it from biting any person or other animal. Upon impounding a vicious animal for any reasons, the animal control unit may for reasons of public safety, retain said animal at the impoundment facility until disposition by the appropriate court.
- (5) The following additional precautions shall be taken by the owners, possessors, or custodians of vicious animals:
 - a. Whenever the animal is outside of its enclosure as provided for above, but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet, and the animal must be kept at least 15 feet within perimeter boundaries of the property unless said perimeter boundary is securely fenced.
 - b. No vicious animal shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post, or building, outside of its own enclosure as provided for above.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-20. - Cruelty to animals.

(a) It shall be unlawful for any person, either by act or omission, to:

- (1) Overdraw, overload, torture, torment, or deprive any animal of necessary sustenance or to beat, mutilate, intentionally poison, or kill any animal or cause same to be done, or to carry or confine any animal in or upon a vehicle in a inhumane manner, or to otherwise treat any animal in a cruel or inhumane manner; or
- (2) Keep or confine any animal where the water shelter, ventilation, and food are not sufficient and wholesome for the preservation of an animal of its size, species, and breed; or
- (3) Keep any animal in unsanitary conditions or in such a place or condition as to become a nuisance because of odor or contagion of disease; or
- (4) Promote any fight between animals or to allow or permit any fight in or upon any premises in that person's possession or under that person's control; or
- (5) Abandon any animal on any public street, road, alley, or property, or to abandon any animal on private property when not in the care of another person.

(b) This section shall not apply to conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, raising animals for agricultural or food purposes, hunting wild animals in compliance with the laws of the State of Georgia, killing or injuring animals for humane purposes or in the furtherance of medical or scientific research, defending or protecting one's person or property from injury or damage, pest control practices, or the authorized practice of veterinary medicine, which authorized practice shall include, but shall not be limited to, ear cropping, tail docking, and claw removal.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-21. - Animal noise.

It shall be unlawful for any person to keep within the corporate limits any animal which makes such loud, raucous and continual noise as to disturb the peace and quiet of the neighborhood. Any animal which makes such loud, raucous and continual noise as to disturb the peace and quiet of the neighborhood shall be impounded.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-22. - Livestock or poultry prohibited.

It shall be unlawful for any person to bring, keep, maintain or have within the corporate limits any livestock, cattle, or poultry, including all domesticated animals normally kept or raised on a farm, such as cows, bulls, steers, sheep animals normally kept or raised on a farm, such as cows, bulls, steers, sheep, goats, llamas, horses, mules, donkeys, swine, chickens, turkeys, ducks, geese, guinea fowl, peacocks, and pheasants. This section shall not prohibit the temporary keeping of such animals in a traveling circus or agricultural fair for definite periods of short definite periods of short duration, nor shall it prohibit the temporary housing of such animals for veterinary care in a location zoned for veterinary use provided that the animals do not create such noise, odor, sanitary condition as would constitute a violation of section 4-21 above or otherwise unreasonably interfere with the quiet enjoyment of other properties in the neighborhood.

(Ord. No. 965, § 1, 8-18-2004)

Sec. 4-23. - Venomous species.

It shall be unlawful to release any poisonous or venomous biting or injecting species of amphibian, arachnid, or reptile, including snakes, or to release any species of snake not indigenous to this state, at any place within the city limits. It shall be unlawful to keep or maintain any poisonous or venomous biting or injecting species of amphibian, arachnid or reptile at any place within the city limits unless such animal is kept in an enclosed space secured in a manner reasonable calculated to prevent the escape or accidental release of such animal.

(Ord. No. 965, § 1, 8-18-2004)

⁽¹¹⁾ **State Law reference**— Municipal authority to provide for animal control, Ga. Const. 1983, Art. IX, Sec. II, Para. III(a)(3); animals generally, O.C.G.A. § 4-1-1 et seq. (Back)