

## **LOWNDES COUNTY RESPONSIBLE DOG OWNERSHIP ORDINANCE**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWNDES COUNTY FOR THE PURPOSE OF PROVIDING FOR RESPONSIBLE DOG OWNERSHIP INCLUDING THE CONTROL OF DANGEROUS AND VICIOUS DOGS AND FOR OTHER PURPOSES.

IT HEREBY IS ORDAINED by the Board of Commissioners of Lowndes County, pursuant to authority vested by law and Title 4 of the Official Code of Georgia Annotated, as follows:

### **I. TITLE**

- a. This Ordinance shall be known as the “Lowndes County Responsible Dog Ownership Ordinance.”

### **II. PURPOSE AND INTENT**

- a. The purpose of this Ordinance is to provide for responsible dog ownership as authorized by the Georgia Responsible Dog Ownership Law.

### **III. ANIMAL CONTROL BOARD**

- a. The Animal Control Board of Lowndes County is hereby disbanded and terminated.

### **IV. DEFINITIONS**

- a. When used in this Ordinance, the following terms shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  1. *Animal* means any live creature, both domestic and wild, except humans. *Animal* includes birds, fish, and reptiles.
  2. *Animal Services* means the Animal Services Department of Lowndes County.
  3. *Animal Services Officer* means an employee of Lowndes County authorized to issue citations under the Lowndes County Animal Services Ordinance.
  4. *Animal Shelter* means the Lowndes County Animal Shelter.
  5. *Board of Commissioners* means the Board of Commissioners of Lowndes County.
  6. *Certificate of Registration* means a current, valid Certificate of Registration issued pursuant to this Ordinance by a Dog Control Officer for the possession of a classified dog.
  7. *Classified Dog* means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this Ordinance or any other Lowndes County Ordinance.
  8. *County* means Lowndes County.

9. *Dangerous Dog* means any dog that:
  - A. 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 Ordinance;
  - B. 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 Ordinance; or
  - C. while off the property of the owner of the dog, kills a pet animal; provided, however, that such a dog shall not be classified as dangerous dog 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.
10. *Dog* means any member of the animal species *canis familiaris*.
11. *Dog Control Officer* means an individual designated by this Ordinance to aid in the administration and enforcement of the provisions of this Ordinance. A Dog Control Officer shall not be authorized to make arrests unless he or she is a law enforcement officer having the powers of arrest.
12. *Euthanize or euthanasia* means euthanasia humanely administered to a dog in accordance with OCGA § 4-11-5.1.
13. *Georgia Responsible Dog Ownership Law* means the State of Georgia's Responsible Dog Ownership Law, OCGA § 4-8-20 et seq.
14. *Impound or impoundment* means the taking into custody of a dog by any Dog Control Officer.
15. *Jurisdiction of the County* means the unincorporated area of the County and the incorporated area of any participating municipality.
16. *Livestock* means all animals of the equine, bovine, fowl, or swine class, goats, sheep, mules, horses, cattle, and other grazing animals.
17. *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. In the case of a dog owned by a minor, *owner* includes the parents or person in loco parentis with custody of the minor.
18. *Ordinance* means this Responsible Dog Ownership Ordinance.
19. *Mail* means to send by certified mail or statutory overnight delivery to the recipient's last known address.

20. *Notice of Classification* means a notice issued by a Dog Control Officer classifying a dog as dangerous dog or vicious dog.
21. *Participating municipality* means any municipality in the County which enters into an agreement with the County for the consolidation of responsible dog ownership services under this Ordinance.
22. *Pet animal* means any domesticated animal commonly kept at a residence primarily for pleasure and companionship and not for work or utility purposes. *Pet animals* include dogs, domestic cats, domestic caged birds, canaries, parrots, rabbits, hamsters, guinea pigs and similar rodents, fish, and reptiles so long as such animals are not kept to supplement food supplies or for any commercial purpose. *Pet animal* does not include livestock or potbellied pigs.
23. *Probate Court* means the Probate Court of Lowndes County.
24. *Rabies vaccine* means a currently in effect annual inoculation against rabies (as defined in OCGA § 31-19-5) of a dog by a licensed veterinarian or other rabies inoculator approved under the rules and regulations of the County Board of Health or the Georgia Departments of Health or Agriculture (or their respective successor agencies).
25. *Secure enclosure* means an enclosure for keeping a dangerous dog or vicious dog while on the property of the owner of such dog securely confined indoors, or in an 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 a solid foundation, 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 over, through, or under the fence. Any such enclosure shall also provide protection from the elements and sufficient ventilation for the dog. An electric fence does not qualify as a *secure enclosure*.
26. *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.
27. *Sterilization* means rendering a dog unable to reproduce by the surgical removal of its reproductive organs or by rendering a dog unable to reproduce by intratesticular injection approved by the federal government pursuant to 21 U.S.C. Section 360 as of March 7, 2014. *Sterilized* means when a dog has undergone sterilization.
28. *Surrender* means the transfer of ownership of a dog to Animal Services.

29. *Temporary Certificate of Registration* means a current, valid Temporary Certificate of Registration for the possession of a classified dog issued pursuant to this Ordinance.

30. *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.

## **V. DESIGNATION OF DOG CONTROL OFFICER; CONSOLIDATION OF SERVICES**

- a. *Designation of Dog Control Officers.* The Board of Commissioners hereby designates each of the County's Animal Services Officers, the Director of Animal Services, and the Assistant Director of Animal Services, as Dog Control Officers to aid in the administration and enforcement of the provisions of this Ordinance.
- b. *Consolidation of Services.* The County may enter into an agreement with any municipality located within the County for the consolidation of responsible dog ownership services under this Ordinance.

## **VI. RESPONSIBLE DOG OWNERSHIP**

### *a. Investigations by Dog Control Officer*

1. Upon receiving a report of a dog that may be a dangerous dog or vicious dog in the jurisdiction of the County, the Dog Control Officer shall make such investigations as necessary for the Dog Control Officer to determine whether to classify the dog as a dangerous dog or a vicious dog.
2. 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.
3. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was, at the time, committing a trespass under OCGA § 16-7-21, physically or mentally abusing the dog, or committing or attempting to commit an offense under OCGA Title 16 Chapter 5.

### *b. Impoundment*

1. A Dog Control Officer shall immediately seize and impound a dog if the officer believes the dog poses a threat to public safety.
2. A Dog Control Officer may seize and impound any dog upon issuance of a Notice of Classification pursuant to subsection (c) of this section.
3. An impounded dog whose owner has requested a hearing before the Probate Court may be released to the owner if the owner obtains a Temporary Certificate of Registration issued pursuant to this Ordinance.

4. A classified dog whose owner does not possess a valid and in effect Certificate of Registration of Registration shall be impounded.
5. A classified dog shall be immediately impounded by any Dog Control Officer in the case of any violation of this Ordinance. Refusal to surrender a dog subject to confiscation shall be a violation of this Ordinance.
6. The owner of any previously classified dog has been impounded pursuant to this Ordinance may recover such dog upon payment of applicable fines and proof of compliance with the provisions of this Ordinance.

c. *Notice of Classification to Owner and Owner Response*

1. Notice of Classification and Service

- A. A Dog Control Officer shall classify a dangerous dog or vicious dog by issuing a Notice of Classification.
- B. The Notice of Classification shall state that the Dog Control Officer has classified the dog as a dangerous dog or vicious dog and include a summary of the basis of the Dog Control Officer's classification.
- C. The Dog Control Officer shall date the Notice of Classification on the date he issues the Notice of Classification.
- D. The Dog Control Officer shall personally serve the Notice of Classification on the owner of the dog.
- E. The Dog Control Officer shall document the date of service on the Notice of Classification.

2. Probate Court Hearing Request

- A. The Notice of Classification shall state that the owner of the dog has a right to request a hearing before the Probate Court on the Dog Control Officer's classification within seven (7) days of the date of service upon the owner.
- B. The Notice of Classification shall provide a form for requesting a hearing before the Probate Court. Such form shall include a place for the owner to state the owner's email address and shall state that if the owner submits the owner's email address to the Probate Court the owner consents to receive all subsequent notices and communications from the Probate Court and the Dog Control Officer via email.
- C. The Notice of Classification shall state that if a hearing before the Probate Court is not requested within seven (7) days of service upon the owner, the Dog Control Officer's classification of the dog stated on the Notice of Classification shall become effective for all purposes under this Ordinance.

D. The request for a hearing before the Probate Court shall not become effective until the owner delivers the form to the Probate Court during normal business hours of the Probate Court and pays the applicable Probate Court hearing fee pursuant to Section IX of this Ordinance.

3. Agreement with Classification

A. The Notice of Classification shall also include a form for the owner of the dog to agree with the Dog Control Officer's classification. If the owner agrees with the Dog Control Officer's classification, the owner shall have fourteen (14) days from the date of the owner's agreement with the Dog Control Officer's classification to obtain a valid Certificate of Registration. If the owner does not obtain a valid Certificate of Registration within fourteen (14) days of the date of agreement, the dog shall be surrendered to Animal Services.

4. Surrender of Classified Dog

A. The Notice of Classification shall also provide a form for the owner of the dog to agree to surrender the dog to Animal Services.

B. If the Dog Control Officer is unable to serve the Notice of Classification within ten (10) days of the date of the Notice of Classification being issued because the owner cannot be located, such dog may be surrendered to the Animal Services.

d. *Hearings before Probate Court*

1. When a hearing before the Probate Court on the Dog Control Officer's classification of the dog is requested by an owner of a dog, such hearing shall be scheduled and held within thirty (30) days after the request is received; provided, however, such hearing may be continued by the Probate Court for good cause shown.
2. At least ten (10) days prior to the hearing, the Probate Court shall mail to the owner written notice of the date, time, and place of the hearing. In addition, the Probate Court may also email such notice to the owner if the owner has consented to email communication.
3. At the hearing, the owner of the dog and Dog Control Officer shall be given the opportunity to testify and present evidence and the Probate Court shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the Dog Control Officer's classification.
4. Any owner who requests a hearing before the Probate Court but who, after service of notice of the hearing, fails to appear at said hearing shall be deemed to have abandoned the hearing request and the classification of the Dog Control Officer stated in the Notice of Classification shall be affirmed by the Probate Court without the necessity of a hearing.

e. *Probate Court Decision*

1. The Probate Court shall render a decision at the conclusion of the hearing. If at the conclusion of the evidence and testimony the Probate Court is not prepared to render a decision, the Probate Court may continue the hearing and reconvene at a later date.
2. The Probate Court may decide:
  - A. the Dog Control Officer's Notice of Classification was in error;
  - B. the dog is classified as a dangerous dog pursuant to this Ordinance and the owner must possess a Certificate of Registration issued pursuant to this Ordinance;
  - C. the dog is classified as a vicious dog pursuant to this Ordinance and the owner must possess a Certificate of Registration issued pursuant to this Ordinance; or
  - D. the dog is to be euthanized pursuant to subsection (g) of this section.
3. If the Probate Court's decision is that the dog is a dangerous dog or a vicious dog, such decision shall become effective immediately.
4. If the Probate Court's decision is that the dog is to be euthanized pursuant to this Ordinance, the Probate Court's decision shall specify the date by which the euthanasia shall occur which date shall not be prior to thirty (30) days from the decision; provided however, euthanasia may occur prior to (30) days from the date of the decision if the owner surrenders the dog to the Animal Services.
5. If the Probate Court's decision is that the dog is a dangerous dog or a vicious dog, the owner of shall have fourteen (14) days from the date of the decision of the Probate Court to obtain a valid Certificate of Registration. If the owner does not obtain a valid Certificate of Registration within fourteen (14) days of the date of the decision, the dog shall be surrendered to Animal Services.

f. *Further Judicial Review*

1. Judicial review of the Probate Court's final decision shall be in accordance with OCGA § 5-3-4.
2. Costs of such judicial review shall be paid as provided in OCGA § 5-3-16.
3. Euthanasia shall be stayed during the pendency of such review.

g. *Euthanasia for Dogs*

1. A dog that inflicts serious injury on a person where such serious injury results in the death of the person shall be euthanized.

2. A dog that causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack where such serious injury results in the death of the person shall be euthanized.
  3. A dog that is found, after notice and opportunity for hearing before the Probate Court as provided this Ordinance, to have caused a serious injury to a person on more than one occasion shall be euthanized.
  4. A previously classified dog that is found, after notice and opportunity for hearing before the Probate Court as provided by this Ordinance, to have committed an act that would cause it to be classified under this Ordinance shall be euthanized.
  5. An owner with a previous conviction for a violation of this Ordinance whose classified dog causes serious injury to person under circumstances constituting another violation of this Ordinance shall be in violation of this Ordinance. In addition, the classified dog shall be euthanized at the cost of the owner.
  6. When the Probate Court decides that a dog is a dangerous dog or vicious dog, the Probate Court may order the dog to be euthanized upon a finding that the dog presents a danger to humans not suitable for control.
- h. *Certificates of Registration; Deadline for Obtaining; Requirements for Issuance of Certificate; Individuals Excluded from Receiving Registration; Limitation of Ownership; Annual Renewal; Revocation; Temporary Certificates of Registration*
1. It shall be unlawful for an owner to have or possess within the County a classified dog without a Certificate of Registration in accordance with the provisions of this subsection. Certificates of Registration shall be nontransferable and shall only be issued to a person eighteen (18) years of age or older. No more than one Certificate of Registration shall be issued per domicile. A classified dog without a Certificate of Registration shall be impounded.
  2. If the owner of a dog which has been issued a Notice of Classification does not obtain a Certificate of Registration, the dog shall be surrendered to Animal Services and disposed of in accordance with this Ordinance. The deadlines for obtaining a Certificate of Registration are:
    - A. Within fourteen (14) days of the date of the owner's agreement with the classification in accordance with Section VI(c)(3).
    - B. Within fourteen (14) days of the date of the Probate Court's decision if the decision is that the dog is a dangerous or vicious dog in accordance with to Section VI(e).
    - C. Within twenty-one (21) days of the date of service on the Notice of Classification if the owner does not agree to the classification or appeal to the Probate Court.

3. The Dog Control Officer may extend the deadline to obtain a Certificate of Registration by a further seven (7) days in his discretion upon a showing that the owner is making progress complying with the requirements of the Ordinance.
4. Unless otherwise specified by this Ordinance, a Certificate of Registration for a dangerous dog shall be issued by a Dog Control Officer if the Dog Control Officer determines that the following requirements have been met:
  - A. The owner has maintained a secure enclosure designed to securely confine the dangerous dog on the owner's property;
  - B. Clearly visible warning signs provided by Animal Services have been posted at all entrances to the premises where the dog resides;
  - C. A microchip containing an identification number capable of being scanned has been injected under the skin between the shoulder blades of the dog;
  - D. The owner provides proof of currently in effect rabies vaccination;
  - E. The owner has paid all applicable fees under this Ordinance; and
  - F. The owner agrees to have the dog sterilized (if unsterilized) within thirty (30) days of the classification.
5. Except as provided in this subsection or unless otherwise specified by this Ordinance, a Certificate of Registration for a vicious dog shall be issued if the Dog Control Officer determines that the following requirements have been met:
  - A. The owner has maintained a secure enclosure designed to securely confine the vicious dog on the owner's property;
  - B. Clearly visible warning signs provided by Animal Services have been posted at all entrances to the premises where the dog resides;
  - C. A microchip containing an identification number capable of being scanned has been injected under the skin between the shoulder blades of the dog;
  - D. The owner provides proof of currently in effect rabies vaccination;
  - E. The owner has paid all applicable fees under this Ordinance;
  - F. The owner agrees to have the dog sterilized (if unsterilized) within thirty (30) days of the classification; and
  - G. The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000 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.

6. No Certificate of Registration for a classified dog shall be issued to any person who has been convicted of two or more violations of this Ordinance. A conviction of two or more violations of this Ordinance by a person possessing a Certificate of Registration for a classified dog shall be cause for revocation of the Certificate of Registration pursuant to paragraph 10 of this subsection.
7. No person shall be the owner of more than one vicious dog.
8. The secure enclosure for a vicious dog may not be indoors.
9. No Certificate of Registration for a vicious dog shall be issued to any person with minor children residing on the property where the dog is kept.
10. No Certificate of Registration for a vicious dog shall be issued to any person who has been convicted of:
  - A. a serious violent felony as defined in OCGA § 17-10-6.1;
  - B. the felony of dogfighting as provided for in OCGA § 16-12-37 or the felony of aggravated cruelty to animals as provided for in OCGA § 16-12-4; or
  - C. a felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in OCGA §§ 16-13-31 and 16-13-31.1 from the time of conviction until two (2) years after completion of his or her sentence, nor to any person residing with such person.
11. Certificates of Registration must be renewed by a Dog Control Officer on an annual basis. At the time of renewal of a Certificate of Registration for a classified dog, a Dog Control Officer shall verify that the owner is continuing to comply with the provisions of this Ordinance. Failure of an owner to request a renewal of a Certificate of Registration by the renewal date shall constitute a violation of this Ordinance.
12. Certificates of Registration may be revoked if a Dog Control Officer finds that the owner is no longer in compliance with the requirements for the Certificate of Registration. A Dog Control Officer shall provide written notice to the owner that a Certificate of Registration has been revoked. In the event the owner has not requested renewal the Certificate of Registration within fourteen (14) days of the date of revocation, such dog shall be surrendered to the Animal. In addition, such owner shall be in violation of this Ordinance.
13. Classified dogs must be sterilized within thirty (30) days of the issuance of the Certificate of Registration. A Certificate of Registration may be revoked if a Dog Control Officer finds an owner has not complied with the sterilization requirements under this subsection. In the event the owner has not complied with the sterilization requirements within thirty (30) days of the issuance of the Certificate of Registration, such dog shall be surrendered to the Animal Services. In addition, such owner shall be in violation of this Ordinance.

14. An owner who has requested a hearing before the Probate Court may apply for a Temporary Certificate of Registration. The requirements of a Temporary Certificate of Registration shall be the same as for a Certificate of Registration except that the owner shall not be required to pay the fees under this Ordinance. The Temporary Certificate of Registration shall be valid and satisfy the requirements of the Certificate of Registration until fourteen (14) days after the final decision of the Probate Court. The Dog Control Officer may decline to issue a Temporary Certificate of Registration and impound the dog until the final decision of the Probate Court.
  15. No Certificate of Registration shall be issued for a classified dog for a location or domicile where anyone holds a breeder permit or hobby breeder permit.
- i. *Notifications by Owner; Change in Ownership of Dog; Changes in Residence*
1. The owner of a classified dog shall notify a Dog Control Officer within twenty-four (24) hours if the dog:
    - A. is on the loose;
    - B. has attacked a person;
    - C. has died or has been euthanized;
    - D. has been relocated within the jurisdiction of the County;
    - E. has been relocated outside the jurisdiction of the County; or
    - F. has been sold, transferred, or donated to any other person.
  2. 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.
  3. The owner of a classified dog who moves from another jurisdiction within the State of Georgia into the jurisdiction of the County shall obtain a Certificate of Registration for the classified dog with the County within ten (10) days of becoming a resident of the jurisdiction of the County and notify a Dog Control Officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into the jurisdiction of the County from outside the State shall obtain a Certificate of Registration for the dog within thirty (30) days of becoming a resident of the jurisdiction of the County.
  4. The location designated on a Certificate of Registration may be changed to a new location within the County upon the approval of a Dog Control Officer. The Dog Control Officer shall ensure that the owner meets the requirements of the Certificate of Registration at the new location before approving the change of location.

j. *Limitations on Classified Dog's Presence Outside the Secure Enclosure; Defense*

1. It shall be unlawful for an owner of a dangerous dog to permit the dog to be outside the secure enclosure unless:
  - A. the dog is restrained by a leash not to exceed six (6) feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other person or animal when necessary;
  - B. the dog is contained in a closed and locked cage or crate; or
  - C. the dog is working or training as a hunting dog, herding dog, or predator control dog.
2. It shall be unlawful for an owner of a vicious dog to permit the dog to be outside the secure enclosure unless:
  - A. the dog is muzzled and restrained by a leash not to exceed six (6) 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.
3. It shall be unlawful for an owner of a vicious dog to permit the dog to be unattended or unmuzzled with minors.

k. *Defense*

1. Any irregularity in classification proceedings shall not be a defense to any prosecution for violation of this Ordinance 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.

l. *Governmental liability for enforcement*

1. Under no circumstances shall the County or any employee or official of the County be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this Ordinance.

m. *Disposition of classified dogs*

1. A classified dog that has been either voluntarily or involuntarily surrendered to Animal Services shall not be available for adoption by the public or any organization. Such classified dog shall be humanly euthanized; provided however, such euthanasia shall not occur until final disposition of any hearing before the Probate Court if applicable inclusive of any applicable appeal period unless the owner consents to euthanasia in writing.

## **VII. INVESTIGATIONS; ENFORCEMENT; INTERFERENCE**

- a. Any Dog Control Officer shall have the authority to investigate any circumstances, facts, conditions, or complaints regarding a possible violation of the requirements or prohibitions of this Ordinance. Any Dog Control Officer may request the assistance of the Lowndes County Sheriff or other appropriate law enforcement officials with respect to such investigations or violations.
- b. At any time there is probable cause to believe that a violation of this Ordinance has occurred, a law enforcement official may apply to the appropriate court for a search warrant to inspect the property, premises, or area where such violation may have occurred, or may be occurring, or for an inspection warrant under the provisions of OCGA § 2-2-11.
- c. It shall be a violation of this Ordinance for anyone to interfere or hamper, or cause the interfering or hampering, with the facilities, personnel, or operation of the Animal Shelter or to remove from any such facility without the prior consent of a Dog Control Officer any dog kept therein.
- d. It shall be a violation of this Ordinance for anyone to resist, hinder, delay, interfere with, or molest any Dog Control Officer in the performance of his duties under this Ordinance.

## **VIII. VIOLATIONS AND PENALTIES**

- a. It shall be a violation of this Ordinance:
  1. to fail to comply with any provision of this Ordinance;
  2. to fail to comply with any lawful order of a Dog Control Officer, law enforcement official, or other authorized enforcement officer enforcing this Ordinance unless such order is lawfully stayed or reversed; or
  3. to fail to pay fees, expenses, or costs imposed by this Ordinance unless payment thereof is lawfully stayed or reversed.
- b. Each day's, or part thereof, violation of any provision of this Ordinance shall be a separate offense under this Ordinance.
- c. Any person who violates any provision of this Ordinance or who fails to do anything required by this Ordinance shall be amenable to the process of the Magistrate Court of Lowndes County.
- d. The punishment imposed for any violation of this Ordinance shall not exceed a fine of \$1,000.00 or six-months' imprisonment, or both, provided the Magistrate Judge shall probate not less than 120 days of any sentence imposed, except as otherwise provided by general law, and shall not exceed the maximum punishment specified by this Ordinance. In the event a sentence is revoked, a defendant shall not serve more than sixty (60) days in a county jail.

- e. All Dog Control Officers are authorized to issue citations based on this Ordinance.

**IX. FEES**

- a. In addition to fees otherwise imposed by this Ordinance and state and federal law, the following fees are hereby imposed and shall be due and payable as applicable unless otherwise provided by this Ordinance.

1. Initial Certification of Registration for a vicious dog.....	\$250
2. Initial Certification of Registration for a dangerous dog.....	\$150
3. Annual Certification of Registration fee.....	\$100
4. Sign fee.....	\$100
5. Boarding fee (per day).....	\$ 10
6. Boarding fee for previously classified dog (per day).....	\$ 25
7. Probate Court Appeal fee.....	\$ 88
8. Veterinary Costs: actual costs up to .....	\$500

- b. For a dog that was not previously classified under this Ordinance the boarding fee will be waived from the day the dog was initially impounded or the Notice of Classification was served until the decision of the Probate Court, the expiration of the seven (7) day deadline to request a hearing before the Probate Court in the case that the owner does not request a hearing before the Probate Court, or the owner's consenting to a classification as dangerous or vicious as applicable.

**X. REMEDIES**

- a. In the event any provision of this Ordinance has been violated or is being violated, in addition to any other remedies, the County may institute injunction, mandamus, or other appropriate action or proceeding to prevent or abate such violation.
- b. Nothing in this Ordinance shall prevent the County from seeking a remedy under OCGA § 4-8-25.

**XI. SEVERABILITY**

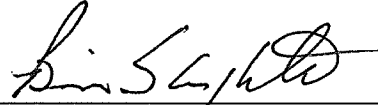
- a. If any paragraph, subparagraph, sentence, clause, phrase or any provisions, part or portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any paragraph, subparagraph, sentence, clause, phrase or any provisions, part or portion of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby

declared to be the intent of the Board of Commissioners to provide for separable and devisable parts and the Board of Commissioners does hereby readopt any and all parts hereof as may not be held invalid for any reason.

**XII. REPEALER**

- a. The provisions of any prior ordinance pertaining to responsible dog ownership, or the other matters herein, which conflict herewith, are hereby repealed.

**SO ADOPTED** this 14<sup>th</sup> day of October, 2025, to be effective immediately, the public health, safety, and general welfare demanding.



\_\_\_\_\_  
Bill Slaughter, Chairman  
Board of Commissioners of Lowndes County

ATTEST:



\_\_\_\_\_  
Belinda C. Lovern, Clerk  
Board of Commissioners of Lowndes County