



Sec. 10-26. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian, or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter, for a period in excess of 36 hours, regardless of where such animal may be found or kept.

Adequate food means sufficient quantity of noncontaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age, and health of the animal, or at the direction of a licensed veterinarian, which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food.

Adequate shelter means a protective covering for an animal that is of adequate size and provides adequate protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four sides with a door opening, a constructed floor, and a roof. It should also be clean, dry, and compatible with current weather conditions, in addition to age, size, species, and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down, and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below freezing. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of November through March. From April through October, the structure shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Adequate space means a sufficient safe space for adequate exercise suitable to the age, size, species, and breed of animal. For dogs, adequate space means an enclosure with a minimum of 150 square feet per dog.

Adequate water means clear, drinkable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice, and rancid/contaminated water.

Animal means any living organism, except a plant, bacterium, or human, which can move voluntarily and has specialized sense organs, included domesticated animals and fowl.

Animal control board means the board constituted and appointed by the board of commissioners to perform the duties of the animal control board under this chapter.

Animal control facility means and includes any vehicle, building, structure, pasture, paddock, pond, impoundment area or premises where any animal is kept or housed by Cherokee County for the purpose of impounding or harboring stray, homeless, abandoned, unwanted, neglected or

abused animals.

Animal control officer means the county marshal or his/her designees, who shall serve as dog control officers for purposes of article III of this chapter, as contemplated by Title 4, Chapter 8, Article 2 of the Official Code of Georgia.

Classified dog means any dog that has been classified as either a dangerous dog or vicious dog pursuant to article III of this chapter.

Cruelty means causing death or unjustifiable pain or suffering to an animal by an act, an omission, or neglect.

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.

Dogs' running at large means any dog not under immediate control, not on a leash, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of his owner. Hunting and tracking dogs are deemed under the control of the owner when hunting with the landowner's permission. Working farm dogs are deemed under the control of the owner when acting in conjunction with farming operations and/or otherwise under the general command of the owner.

Domestic animal means an animal that, through long association with humans, has been adapted to human living conditions.

Fighting dog means any dog that is owned, possessed, kept, harbored, trained, or maintained for the purpose of fighting. Fighting dogs are illegal in Cherokee County.

Guard or protection dog means any dog trained for the purpose of protecting individuals from assault and/or preventing property loss or damage. A dog shall not be considered a guard or protection dog if it otherwise meets the criteria for being defined as a dangerous dog or vicious dog.

Impoundment means the act of taking physical possession and control of an animal by an animal control officer or other officer empowered to act by law and transporting it to the animal control facility.

Livestock means and includes horses, cows, goats, pigs, or any other hooved animal used for pleasure or profit. Fowl and rabbits are expressly included within this definition.

Necessary veterinary care means veterinary medical attention appropriate to the circumstances, whenever an animal is known or suspected to have suffered an injury, accidental or deliberate, or exhibits signs of disease process such as shock, temperature fluctuation, tremors,

swelling, broken bones, open wounds, inability to eat or drink, blistering, irregular or abnormal breathing, partial or total paralysis, abnormal discharge or bleeding, mange, or other signs of health problems.

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, the term "owner" includes the parents or person in loco parentis with custody of the minor.

Police officer means any law enforcement officer empowered to make arrests or cause to be issued citations or summonses in unincorporated areas of this county.

Proper enclosure means an enclosure that meets all of the following criteria:

- (1) A structure which is suitable to prevent the entry of young children and to prevent the dog from escaping;
- (2) A structure with secure sides and a secure top attached to all sides;
- (3) A structure whose sides are so constructed at the bottom so as to prevent the dog's escape by digging under the sides. The sides must either be buried two feet into the ground or sunken into a concrete pad;
- (4) A structure which provides appropriate protection from the elements for the dog. The structure must contain adequate shelter inside it;
- (5) A structure which is inside a perimeter or area fence;
- (6) The gate to the structure shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

Provocation means committing a willful trespass or other tort upon the premises occupied by the owner or possessor of the animal, or teasing, tormenting, or abusing the animal or committing or attempting to commit a crime against a person.

Sanitary conditions means an animal living space, shelter, or exercise area that is not contaminated by health hazards, irritants, pollutants, items, or conditions that endanger or pose a risk to an animal's health.

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.

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.

(Ord. No. 2007-O-004, 9-4-07; Ord. No. 2012-O-010, § 1, 12-4-12)

Cross reference— Definitions generally, § 1-2.