

**LOWNDES COUNTY ANIMAL SERVICES ORDINANCE**

As Amended

No: 14-1402

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWNDES COUNTY SITTING FOR COUNTY PURPOSES FOR THE PURPOSE OF PROVIDING FOR REGULATING THE CARE AND CONTROL OF ANIMALS WITHIN LOWNDES COUNTY, AUTHORIZING THE INVESTIGATION, CLASSIFICATION, IMPOUNDING AND DISPOSITION OF CERTAIN ANIMALS, PROVIDING FOR PROHIBITIONS, PROCEDURES AND ENFORCEMENT PERTAINING TO SICK, INJURED, ABANDONED, OR FREE ROAMING OR RUNNING ANIMALS, PROVIDING FOR FEES, ESTABLISHING AN ANIMAL CONTROL BOARD, PROMOTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS OF LOWNDES COUNTY, PROVIDING PENALTIES, REPEALING CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES, ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF LOWNDES COUNTY HELD ON THE 22 DAY OF March, 2016.

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

**SECTION I. TITLE**

This Ordinance shall be known as the “Lowndes County Animal Services Ordinance.”

**SECTION II. PURPOSE AND INTENT**

Together with the purposes set forth in the Preamble, the purpose of this Ordinance is to provide for the humane treatment of animals by regulating the care and control of animals within the unincorporated areas of Lowndes County, to provide for the classification of dangerous dogs and vicious dogs, to provide for the prohibition and investigation of cruelty to animals and to make such cruelty unlawful, to provide for prohibitions, procedures and enforcement pertaining to sick, injured, abandoned, or free roaming or running animals, to provide for an Animal Control Board, to provide for

municipalities within the County to participate in the County's animal services programs and other matters set forth herein, and to promote the public health, safety and general welfare of the citizens of Lowndes County.

### SECTION III. DEFINITIONS

a. When used in this Ordinance, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Abandoned animal* means an animal that is owned or stray, unattended and uncared for and additionally:

A. Has been placed or is found on public property or within a public building; or

B. Has been placed or is found on private property or within a private building without the consent of the private property's owner, custodian, or tenant; or

C. Is on or within the property of the animal's owner or custodian and has remained unattended or uncared for in excess of 36 hours.

2. *Adequate food and/or water* means food and water which is sufficient in an amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of food or water.

3. *Adequate shelter* means a pen, structure, lean-to, animal house, or other provision to provide shelter to the animal from the extreme cold, heat, sun, or other climatic elements, and designed to keep the animal off the ground. It must be of sufficient size, design and dimensions to allow the animal reasonable ability to stand up and turn around, to permit sufficient ventilation, and which is otherwise adequate given the animal's size, age, species, breed and physical condition. Such shelter must at a minimum have three sides, a roof and a floor. Examples of inadequate shelter include but are not limited to shelter:

a. underneath outside steps, decks and stoops

b. underneath houses

c. inside or underneath motor vehicles

d. inside metal or plastic barrels

- e. inside cardboard boxes
  - f. inside temporary animal carriers or crates
  - g. located in flood prone areas
4. *Animal* means any live creature, both domestic and wild, except humans. *Animal* also includes birds, fish and reptiles.
5. *Animal Services* means the Animal Services Department of Lowndes County.
6. *Animal Services Officer* means an employee of Animal Services designated to administer and enforce the provisions and requirements contained within this Ordinance. An Animal Services Officer shall be considered and is designated a “dog control officer” for purposes of the Georgia Responsible Dog Ownership Law.
7. *Animal nuisance* means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control over, an animal.
8. *Animal Shelter* means the Lowndes County Animal Shelter where animals impounded under the terms of this Ordinance shall be kept (unless otherwise provided herein).
9. *At heel* means that a dog is directly behind or next to a person and obedient to that person’s command under all circumstances.
10. *At large* means that an animal is off the premises of its owner or custodian, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.
11. *Cat* means any member of the animal species *Felis Catus* or *Felis Domesticus*.
12. *Certificate of registration* means a current, valid certificate of registration for the possession of a classified dog issued pursuant to this Ordinance.
13. *Classified dog* means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this Ordinance.
14. *Commission* means Board of Commissioners of Lowndes County, Georgia.

15. *County* means Lowndes County, Georgia.
16. *Cruelty* means cruelty to animals or aggravated cruelty to animals as defined herein.
17. *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 owner's property, kills a pet animal; provided, however, that this dog shall not be a 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.
18. *Disposition* means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal in accordance with OCGA § 4-11-5.1. *Disposition* also includes placement or sale of an animal to the general public.
19. *Dog* means any member of the animal species *Canis Familiaris*.
20. *Domestic animal* means any dog, cat, domesticated sheep, horse, cattle, goat, swine, fowl, duck, goose, chicken, turkey, livestock, confined domestic hare and rabbit, pheasant, bird or other domesticated animal regularly or customarily raised and/or maintained in confinement.
21. *Equine* means any member of the *Equidae* species, including horses, mules, and asses.
22. *Exotic animal* means any monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or

domestic farm animals. *Exotic Animal* also means those animals as defined in Chapter 5 of Title 27 of the Official Code of Georgia Annotated.

23. *Georgia Responsible Dog Ownership Law* means the State of Georgia's Responsible Dog Ownership Law, OCGA §4-8-20 et seq.

24. *Governing authority* means the Commission.

25. *Guard or attack Dog* means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

26. *Hopelessly disabled animal* means any animal which is the subject of any disease, injury or condition which is a cause of immediate and significant suffering by the animal and from which there is no reasonable probability of recovery.

27. *Household pet* means any domesticated animal commonly kept at a residence primarily for pleasure and companionship and not for work or utility purposes. Household pet 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 whatsoever. Household pet does not included livestock or potbellied pigs.

28. *Humane care* means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

29. *Humane society* means any nonprofit organization or entity existing for the purpose of promoting the welfare, protection, and humane treatment and care of and prevention of cruelty to animals.

30. *Impound or impoundment* means the taking into custody of an animal by any law enforcement official, Animal Services Officer, or any authorized representative thereof.

31. *Livestock* means all animals of the equine, bovine, fowl or swine class, goats, sheep, mules, horses, cattle, and other grazing animals.

32. *Malice* means:
- a. an actual intent, which may be shown by the circumstances connected to the act, to cause the particular harm produced without justification or excuse; or
  - b. the wanton and willful doing of an act with an awareness of a plain and strong likelihood that a particular harm may result.
33. *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 an animal. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.
34. *Mail* means to send by certified mail or statutory overnight delivery to the recipient's last known address.
35. *Participating municipality* means any municipality in Lowndes County which by ordinance or resolution, or through joint service agreement with the County, agrees to participate in the County's animal services program as set forth in this Ordinance, and which agrees to share the expenses of said program.
36. *Person* means any person, firm, corporation, partnership, association, or other legal entity, any public or private institution, the State of Georgia, or any county, municipal corporation, or political subdivision of the state.
37. *Pet dealer* means any person who sells, offers to sell, exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this state. However, a person who sells only animals that he or she has produced and raised, not to exceed 30 animals a year, shall not be considered a pet dealer unless such person is licensed for a business by a local government or has a Georgia sales tax number. Operation of a veterinary hospital or clinic by a licensed veterinarian shall not constitute the veterinarian as a pet dealer.
38. *Proper enclosure* or *proper, secure enclosure* means an enclosure for keeping a dangerous dog or vicious 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, through, or from under the fence. Any such enclosure shall also provide protection from the elements, and sufficient ventilation for the dog.

39. *Public nuisance animal* means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. *Public nuisance animal* shall include, but not be limited to:

A. Any animal that is repeatedly found running or roaming at large;

B. Any dog or cat in any section of a park or public recreation area, unless the dog or cat is under restraint by way of a leash or similar physical restraint;

C. Any animal that repeatedly damages or destroys any property other than that of its owner.

D. Any animal that repeatedly soils, defiles or defecates on any property other than that of its owner;

E. Any animal that repeatedly makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

F. Any animal that causes or is left in unsanitary or unhealthy conditions created by an accumulation of excreta, or that causes fouling of the air by noxious or offensive odors due to unsanitary or unhealthy conditions and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

G. Any animal in heat that is not confined so as to prevent attraction or contact with other animals of the same species or breed;

H. Any animal, whether or not on the property of its owner, that: (i) without provocation, molests, attacks, threatens, or otherwise interferes with the freedom of movement of persons in a

public right-of-way; or (ii) creates a traffic obstruction by their presence in the public right of way for vehicular traffic, bicyclists, or pedestrians.

I. Any animal that, without provocation, attacks or threatens domestic animals;

J. Any animal that is a danger to the public health, safety or welfare by virtue of the number of animals maintained at a single location or the inadequacy of the facilities for such animals.

40. *Rabies control tag* means a valid tag evidencing the currently in effect annual inoculation against rabies (as defined in OCGA § 31-19-5) of a dog, cat or ferret, as the case may be, 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).

41. *Records of an appropriate authority* means records of any state, county, or municipal law enforcement agency; records of any federal or state department of agriculture; records of any county or municipal animal services agency; records of any state, county or municipal board or department of health; records of any federal, state, or local court; or records of an Animal Services Officer, or of a dog control officer provided for in Georgia's Responsible Dog Ownership Law provided for in this Ordinance.

42. *Responsible person* means a competent, person of at least eighteen (18) years of age.

43. *Sanitary* means a condition of good order and cleanliness to minimize the possibility of disease creation or transmission and of unhealthy conditions.

44. *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.

45. *Sexually mature animal* means any dog or cat that has reached the age of six months or more or an animal that has come into heat-estrous or has the ability to breed and create a pregnancy.

46. *Sterilization* means rendering a dog or cat 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 or cat has undergone sterilization.

47. *Stray cat* means any cat which is found off the property of its owner, is not under restraint, and without attached to such cat a valid rabies control tag together with an identification microchip, tattoo or tag.

48. *Stray dog* means any dog which is found off the property of its owner, is not under restraint, and without attached to such dog a valid rabies control tag together with an identification microchip, tattoo or tag.

49. *Under restraint* means that an animal is secured by a leash, lead or chain of sufficient tensile strength held by a person of sufficient age who is physically capable of restraining the animal and obedient to that person's commands, is at heel, or is securely enclosed within the real property limits of the owner's property.

50. *Unsanitary conditions* means any condition which is not sanitary, including but not limited to, a buildup of excreta, spoiled or moldy food, unclean or stagnant water, pests, vermin, and any health code violation.

51. *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.

52. *Wild animal* means any monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, livestock, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds. *Wild Animal* shall also mean those animals as defined in Chapter 5 of Title 27 of the Official Code of Georgia Annotated.

53. *Without provocation* and *unprovoked* shall mean that the animal at issue was not or had not been assaulted, teased, tormented, or abused by the person or domestic animal which was the subject of the act by the animal at issue, or that the animal at issue was not coming to the aid of or defending its young or was not acting against a person who was willfully trespassing or committing another willful tort or criminal act on the premises of such animal at issue's owner or custodian.

SECTION IV.           **RABIES CONTROL.**

a.       *Rabies Control Tag Required.* It shall be unlawful for any owner or custodian to keep any dog, cat or ferret in the County unless that animal, at all times and at all places, is wearing a valid and currently in effect Rabies Control Tag.

b.       *Procedure Required for Rabies Check.*

1.       The owner or custodian of any animal which has bitten a human or which is suspected of having been exposed to rabies shall immediately confine such animal so it shall not have access to persons or animals, and shall give immediate notice to Animal Services, an Animal Services Officer, or a County Health Department official, in order that said animal may be inspected for rabies, as follows:

A.       Upon demand, said owner or custodian must promptly surrender the animal to the Animal Services Officer for quarantine, with the expense of such quarantine to be borne by the owner.

B.       The animal may be home quarantined or quarantined at the owner's expense in a veterinary hospital of the owner's choice at the Animal Services Officer's discretion.

C.       Quarantine of such animal under this section for inspection for rabies shall be for a minimum of ten (10) days measured in the case of a bite of a human from the date of such bite.

D.       The animal may be reclaimed by the owner or custodian if such animal is determined to be free of rabies, upon payment of all seizure fees and maintenance fees attributable thereto, and upon compliance with all other applicable provisions of this Ordinance (including, without limitation, the requirements regarding an identification microchip and registering the animal's microchip with Animal Services).

2.       Where any animal has bitten a human where evidence of rabies appears, the Animal Services Officer may, in his discretion, take charge of such animal for the purpose of full inspection required by Subparagraph 1, this Ordinance, and other applicable laws, rules and regulations.

c. Any Animal Services Officer, law enforcement officer, or County Health Department official may seize any animal in the County reasonably believed to have rabies and/or may destroy such animal by a reasonably humane method suitable to the circumstances if such destruction is deemed by such official to be reasonably necessary to protect the health, welfare and safety of the County.

**SECTION V. EMERGENCIES INVOLVING ANIMALS**

a. *Hopelessly Disabled Animals*

Licensed veterinarians, federal, state and local law enforcement officials, Animal Services Officers and those authorized by the County Manager to administer and enforce the provisions of this Ordinance, in each case while acting within the scope of their authority, are authorized to induce the death of hopelessly disabled animals by an appropriately humane method.

b. *Contagious Animals*

1. In any situation deemed appropriate by an Animal Services Officer involving a sick, diseased or infected animal which sickness or disease, in the opinion of a licensed veterinarian, or an employee acting within the scope of his authority of the County or Georgia Health Departments or the Federal or Georgia Departments of Agriculture, will likely spread to other animals or humans, an Animal Services Officer may impound and take custody of any such animal, the animal shall be isolated, and the owner and custodian of such animal shall be promptly notified. If the owner or custodian cannot be located, the owner or custodian fails to take immediate steps to remove the animal from impoundment and take immediate steps to isolate the animal to properly eliminate the likelihood of infecting other animals or humans or otherwise spreading the sickness, disease or infection, or, if in the opinion of a licensed veterinarian, destroying the animal is the most reasonable course of action to eliminate the health or safety risk of the animal spreading the sickness, disease or infection, then in any such event, the infected animal shall be humanely destroyed in accordance with OCGA § 4-11-5.1.

2. The owner of any such animal impounded pursuant to this subsection shall be liable to the County for all fees, costs and expenses related to the impoundment, boarding, treatment and destruction of any such animal.

c. *Vicious Animals*

Except in the case of dogs, to which section XIII applies:

1. Any animal that without provocation has (i) killed, bitten or otherwise severely injured a person (excluding injuries resulting from an equine or llama activity as defined in OCGA § 4-12-2 and injuries resulting from activities for which the law similarly provides immunity to the animal's owner or custodian from liability) or another domestic animal, (ii) repeatedly chased or otherwise threatened persons or other domestic animals in a vicious or menacing manner indicating a reasonable likelihood that the animal will cause imminent physical injury, (iii) repeatedly caused significant damage to the property of other than that of its owner or custodian, in each case may be immediately confiscated and held by the Animal Services Officer, any law enforcement official, or those authorized by the County Manager to administer and enforce the provisions of this Ordinance, while acting within the scope of their respective authority, pending a hearing (if so needed) by the Animal Control Board to determine whether such animal should be destroyed as a public nuisance. The owner of any animal that has been so confiscated shall be given notice of said animal's confiscation. The notice to the owner shall be in writing and sent by certified mail or statutory overnight delivery to the last known address of the owner. The notice shall give a description of the animal and set forth the reasons that the animal has been confiscated, together with the date, time, and place of the hearing (if so needed) set forth below before the Animal Control Board.

2. A hearing before the Animal Control Board shall be scheduled within fifteen (15) days from the date of notice to the owner of the animal's confiscation to determine if the animal should be destroyed as a public nuisance. At said hearing, the owner of the confiscated animal shall have the right to present testimony and evidence as to why the animal should not be destroyed as a public nuisance. The Animal Control Board, after receiving all pertinent testimony and evidence on the matter, shall decide whether the animal shall be destroyed as a public nuisance. In making its decision, the Animal Control Board shall consider whether the animal constitutes such a physical threat to persons or other animals, or of significant destruction or harm to property, by virtue of one or more unprovoked attacks on persons, other domestic animals, or physical property that destruction of the animal is reasonably necessary to protect the health, welfare or property in the County. If the Animal Control Board decides that said animal should be destroyed, then the owner shall promptly be given written notice thereof, and the animal shall be humanely destroyed any time after five (5) business days after the date of

such written notice of the decision of the Animal Control Board in accordance with OCGA § 4-11-5.1.

3. The owner of an animal confiscated under the provisions of this subsection shall be liable to the County for all fees, costs and expenses related to the impoundment, boarding, treatment and destruction of said animal.

#### **SECTION VI. RESTRAINT AND CONFINEMENT; IDENTIFICATION**

a. It shall be unlawful for the owner or custodian of any animal to fail to keep such animal under restraint or to permit such animal to roam or run at large, except as otherwise provided in this Ordinance.

b. Any dog, while off the property of the owner or upon any private property without the consent of the owner of the property, shall be under restraint by its owner or custodian.

c. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

d. Every female dog or cat, which is not sterilized, during the period it is in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal of the same species or breed, except for planned breeding.

e. Any animal, whether on or off the property of the owner or custodian, which according to the records of an appropriate authority is a dangerous dog or a vicious dog, or has without provocation killed, bitten or otherwise severely injured a person, or repeatedly chased or otherwise threatened persons in a vicious or menacing manner indicating a reasonable likelihood that the animal will cause imminent physical injury, shall at all times have implanted into such animal an identification microchip which is registered with Animal Services.

#### **SECTION VII. RESTRAINT OF GUARD OR ATTACK DOG**

a. Every owner or custodian of a guard or attack dog shall keep such dog confined in a building, compartment or other secure enclosure. Any such enclosure shall be completely surrounded by a fence at least six (6) feet in height and shall be topped with an anticlimbing device constructed of angle metal braces with at least three (3) strands of equally separated barbed wire stretched between them, and contain flooring sufficiently sturdy to prevent the guard or attack dog from digging out or otherwise escaping. Any such building, compartment or enclosure shall provide adequate shelter.

b. All anti-climbing devices required by this section shall extend inward at an angle of not less than forty-five (45) degrees nor more than ninety (90) degrees when measured from the perpendicular.

c. The areas of confinement for a guard or attack dog shall all have gates and entrances thereto securely closed and locked and all fences properly maintained and escape-proof.

d. Each entrance and exit location to (and side on which is not located an entrance or exit) of a building, compartment, structure or fenced area, in which a guard or attack dog is maintained shall at all times have posted on it prominent signage with the words "DANGER - GUARD [OR ATTACK] DOG" which shall be in size and style easily read at a distance of at least 25 feet.

e. The provisions of this section shall not apply to dogs owned or controlled by government law enforcement or military agencies.

#### SECTION VIII. **IMPOUNDMENT; CITATIONS**

a. In addition to any other remedies provided in this Ordinance, an Animal Services Officer may seize and impound at the Animal Shelter any of the following animals:

1. Any dog, cat or ferret not wearing a valid rabies control tag or without an identifying microchip, tattoo, or identification tag;
2. Any animal at large and not under restraint;
3. Any public nuisance animal or animal considered a danger to the public welfare, health or safety;
4. Any animal in violation of any quarantine or confinement order issued by the County Board of Health or the County Public Health Director;
5. Any unattended animal that is ill, suffering, injured, without adequate food, water or shelter, or is otherwise in need of immediate care or attention;
6. Any animal that is reasonably believed to have been the subject of cruelty or other violation of this Ordinance;
7. Any animal that is reasonably suspected of having or having been exposed to rabies;

8. Any animal that is reasonably suspected of having (or having been exposed to) a contagious disease, sickness or illness, which animal could thereby be a threat to the health and welfare of other animals or of the public;

9. Any dog that is charged with being a dangerous or a vicious dog where an Animal Services Officer determines that there is an immediate threat to public welfare, health or safety;

10. Any exotic or wild animals found to be owned, harbored, or permitted at large in each case in violation of this Ordinance or Georgia or federal law;

11. Any animal that a court of competent jurisdiction has ordered impounded or destroyed;

12. Any animal that is considered unattended or abandoned, as in situations where the owner or custodian is deceased or has been incarcerated or evicted from his regular place of residence and there is no other person who will take custody of and provide adequate care to the animal;

13. Any animal that is reasonably suspected to be the subject of a violation or breach of the requirements of this Ordinance.

b. Any Animal Services Officer or law enforcement official may also, or in lieu of seizure and impoundment, issue to the owner a citation of violation of this Ordinance. Such citation will cite the owner to appear on a date certain before the Magistrate Court of Lowndes County for adjudication as provided in this Ordinance.

c. Any person finding an animal at large upon his property may use reasonable means to remove the same to the Animal Shelter or hold the animal in his own possession, and as soon as possible, notify Animal Services. The property owner shall provide a description to Animal Services of the animal and the name of the owner, if known. Animal Services shall dispatch an Animal Services Officer to impound the animal as soon as possible.

d. Any Animal Services Officer or other person authorized under this Ordinance who seizes and impounds an animal pursuant to this Ordinance that cannot be housed at the Animal Shelter shall be authorized to contract with and arrange transportation of the animal to a private farm or other appropriate facility which agrees to accept and humanely care for such animal. The disposition of the animal shall be handled in the same manner as though the animal were confined at the Animal Shelter except that, in addition to the charges imposed for impounding

and redemption of the animal or otherwise provided for under this Ordinance, the owner shall also pay the actual transportation, boarding and veterinary care costs incurred while said animal was impounded.

e. Any Animal Services Officer or other person who discovers or is notified of livestock (as that term is defined herein) running at large, shall notify the Office of the Sheriff of Lowndes County. The seizure, impoundment and disposition of such livestock shall be in accordance with the provisions of Chapter 3 of Title 4 of the Official Code of Georgia Annotated.

**SECTION IX. IMPOUNDED, ABANDONED AND SURRENDERED ANIMALS**

a. *Reclaiming*

1. A person reclaiming an impounded animal shall pay:

A. the impoundment fee provided in this Ordinance for reclaiming the animal from the Animal Shelter or the actual costs of impoundment if impounded off-site,

B. the boarding fee provided in this Ordinance for each day the animal is impounded at the Animal Shelter or the actual costs of boarding if impounded off-site, and

C. the actual veterinary care costs for care provided the animal while impounded.

2. The impoundment fee for reclaiming an animal from the Animal Shelter and the daily boarding fee charged for any subsequent impoundment of the same animal owned by or in the custody of the same person or any other person residing in the same household with or at the same address as such person occurring within twelve (12) months of the prior impoundment shall be double that charged for the prior impoundment; provided however, the impoundment fee for reclaiming a sterilized unclassified dog or a sterilized cat for a subsequent impoundment shall not be double that charged for the prior impoundment.

3. Notwithstanding the foregoing paragraph of this subsection, the owner or custodian of an impounded animal may reclaim the animal from the Animal Shelter for the fees applicable to adopting the animal provided the owner or custodian of the animal permits Animal Services to sterilize the animal and to implant in the animal an identification microchip registered to Animal Services before the animal is released to the owner or custodian, in which case, in the event of a

subsequent impoundment of the same animal owned by or in the custody of the same person, the impoundment fee for reclaiming the animal and the daily boarding fee for the subsequent impoundment shall be the impoundment fee for reclaiming the animal and the daily boarding fee applicable to a first impoundment of the animal.

4. Any livestock impounded pursuant to this Ordinance may be subject to testing for contagious diseases as required by the federal or Georgia Departments of Agriculture or other health officials. Such testing will be at the expense of the owner of or person adopting the animal, as applicable, before release of the animal. Testing may include, but not limited to, Coggins testing for horses and Brucellosis testing for cattle, goats and other livestock.

5. Any animal that was an object or instrumentality of a crime shall not be returned to the owner or disposed of without the prior approval of the prosecuting attorney or court of competent jurisdiction.

b. *Unclaimed Animals*

1. Except as otherwise provided in this Ordinance, any stray animal which has been impounded and is not taken up by the owner within five (5) business days of the date impounded shall be subject to destruction or other disposition (including adoption) by Animal Services.

2. Except as otherwise provided in this Ordinance, any animal reasonably believed to have an owner or custodian which has been impounded and is not taken up by its owner or custodian within five (5) business days of the date impounded shall be subject to destruction or other disposition (including adoption) by Animal Services.

3. Animals not wearing traceable ID tags, rabies tags, or microchips when impounded and which are observed to be in agony due to disease, sickness or injury, or otherwise appear to be hopelessly disabled, may be destroyed promptly by Animal Services staff unless the animal has bitten a person and must be held for observation for rabies pursuant to this Ordinance.

c. *Surrendering of Unwanted Animals*

1. Any owner or custodian of any animal which is not wanted or who desires to dispose of any animal may do so by surrender of the same to an Animal Services Officer or to the Animal Shelter.

2. All animals so surrendered shall be conclusively deemed abandoned and forfeited by the owner and shall be subject to destruction or other disposition (including adoption) by Animal Services.

**SECTION X. ANIMAL FOUND AT LARGE**

If the name of the owner of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Services Officer at his discretion may return the animal to the residential address of the owner. If there is no responsible person present, or if the Animal Services Officer determines in his discretion to otherwise not return the animal, the officer shall impound the animal and leave written notice of whom the owner must contact to reclaim the animal. If the animal is not reclaimed within five (5) business days, then the animal may be disposed of. The Animal Services Officer may cite the owner of such animal found at large for a violation of this Ordinance, and in addition if such animal is impounded the owner shall be liable for fees and costs imposed by this Ordinance in reclaiming an impounded animal.

**SECTION XI. KEEPING OF EXOTIC OR WILD ANIMALS**

It shall be unlawful for anyone to own, keep, maintain, harbor, or permit at large any exotic or wild animal within the unincorporated areas of Lowndes County except in accordance with all applicable federal and state laws (including permitting and registration requirements) and this Ordinance, and in addition the Director of Animal Services may require his or her written permission and may impose upon the owner or custodian of such animal reasonable conditions relating to the ownership, keeping, maintaining or harboring of such animal in the County to assure the protection, safety and health of the general public and of such animal. Such permission of the Director of Animal Services, if required, and any specified conditions relating to the keeping of such animal shall in each case be in addition to any permission, license or registration requirements, and/or conditions that may be imposed by the applicable federal or state law. Any exotic or wild animal in violation of this section may be impounded by an Animal Services Officer or any law enforcement official.

**SECTION XII. PUBLIC NUISANCE ANIMALS**

It shall be unlawful for any person to keep any public nuisance animal on any property located within the unincorporated limits of Lowndes County.

**SECTION XIII. RESPONSIBLE DOG OWNERSHIP**

a. *Designation of Dog Control Officer.* The Commission hereby designates each of the County's Animal Services Officers and the Director of Animal Services as a dog control officer to aid in the administration and enforcement of the provisions of this section.

b. *Investigations by Dog Control Officer; Notice to Owner; Hearings; Determinations by Animal Control Board; Judicial Review.*

1. Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog in the unincorporated area of the County, the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.

2. When a dog control officer determines that a dog is subject to classification as a dangerous dog 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 Animal Control Board on the dog control officer's determination within seven days after the date shown on the notice. The notice shall 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 section. If an owner cannot be located within ten days of a dog control officer's determination that a dog is subject to classification a dangerous dog or vicious dog, such dog may be released to the Animal Shelter or humanely euthanized, as determined by the dog control officer.

3. When a hearing is requested by a dog owner in accordance with paragraph 2 of this subsection, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the Animal Control Board for good cause shown. At least ten days prior to the hearing, the Animal Control Board conducting the hearing 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 Animal Control Board shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination.

4. Within 10 days after the hearing, the Animal Control Board which conducted the hearing 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 this section, the notice shall specify the date by which the euthanasia shall occur.

5. Judicial review of the Animal Control Board's final decision may be had in accordance with OCGA § 50-13-19.

6. 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 physically or mentally abusing the dog, or was committing or attempting to commit an offense under OCGA Title 16 Chapter 5.

c. *Impoundment.* A dog control officer may immediately impound a dog if the officer believes the dog poses a threat to the public safety.

d. *Euthanasia for Dogs With Repeat Offenses.* A dog that is found, after notice and opportunity for hearing as provided this Section, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this subsection.

e. *Certificates of Registration; Requirements for Issuance of Certificate; Individuals Excluded From Receiving Registration; Limitation of Ownership; Annual Renewal.*

1. It shall be unlawful for an owner to have or possess within the County a classified dog without a certificate of registration issued in accordance with the provisions of this subsection. 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.

2. Unless otherwise specified by this subsection, a certificate of registration for a dangerous dog shall be issued if the dog control officer determines that the following requirements have been met:

A. The owner has maintained an 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

B. Clearly visible warning signs have been posted at all entrances to the premises where the dog resides.

3. Except as provided in paragraphs 5 and 6 of this subsection, 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 an 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;

B. Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;

C. 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

D. 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.

4. No certificate of registration for a vicious dog shall be issued to any person who has been convicted of two or more violations of this section.

5. No person shall be the owner of more than one vicious dog.

6. No certificate of registration for a vicious dog shall be issued to any person who has been convicted of any of the crimes specified in OCGA § 4-8-27(f) from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.

7. Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a vicious dog, a dog control officer shall verify that the owner is continuing to comply with provisions of this section. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this section.

f. *Notifications by Owner; Change in Ownership of Dog; Changes in Residence.*

1. The owner of a classified dog shall notify a County dog control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the dog control officer within 24 hours if the dog has died or has been euthanized.

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 unincorporated area of the County shall register the classified dog in the County within ten days of becoming a resident of the unincorporated area of the County and notify the dog control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into the unincorporated area of the County from outside the State shall register the dog as required in this section within 30 days of becoming a resident of the unincorporated area of the County.

g. *Limitations on Dog's Presence Off of Owner's Premises; Defense.*

1. It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:

A. The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;

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:

A. 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:

i. 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

ii. The dog is contained in a closed and locked cage or crate; or

B. Unattended with minors.

3. An owner with a previous conviction for a violation of this section whose classified dog causes serious injury to a human being under circumstances constituting another violation of this section shall be in violation of this Ordinance. In addition, the classified dog shall be euthanized at the cost of the owner.

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

*h. Confiscation by Dog Control Officer; Payment of Costs for Recovery; Euthanasia.*

1. A dangerous dog or vicious dog shall be immediately confiscated by any dog control officer in the case of any violation of this section. A refusal to surrender a dog subject to confiscation shall be in violation of this section.

2. The owner of any dog that has been confiscated pursuant to this section may recover such dog upon payment of reasonable confiscation and housing costs and proof of compliance with the provisions of this section, unless such confiscation is deemed to be in error by a dog control officer or the Animal Control Board. All fines and all charges for services performed by a dog control officer shall be paid prior to owner recovery of the dog. Prosecution for violation of this section shall not be stayed due to owner recovery or euthanasia of the dog.

3. In the event the owner has not complied with the provisions of this section within 14 days of the date the dog was confiscated, such dog shall be released to the Animal Shelter or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

i. *Governmental liability for enforcement.* 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 section.

j. *Application and compliance.*

1. Any dog classified prior to July 1, 2012, as a potentially dangerous dog in this state, should such dog become located in the unincorporated area of the County, shall on and after that date be classified as a dangerous dog under this section.

2. Any dog classified prior to July 1, 2012, as a dangerous dog or vicious dog in this state, should such dog become located in the unincorporated area of the County, shall on and after that date be classified as a vicious dog under this Section.

#### **SECTION XIV. STERILIZATION OF DOGS AND CATS PLACED FOR ADOPTION**

a. Every dog or cat placed for adoption by the Animal Shelter or a humane society in Lowndes County shall be sterilized by a licensed veterinarian before or within thirty (30) days of the adoption.

b. All costs of sterilization incurred by the Animal Shelter shall be included in any fees charged by the Animal Shelter for such animal.

c. Any person acquiring an animal from the Animal Shelter or such humane society, which animal is not sterile at the time of acquisition, shall submit to the Animal Shelter or such humane society a signed statement from the licensed veterinarian performing the sterilization required by this section within seven (7) days after such sterilization attesting that such sterilization has been performed.

#### **SECTION XV. SALE OF HOUSEHOLD PETS ON PUBLIC PREMISES**

The sale, exchange, trade, barter, adoption, gifting, or offering or displaying for sale, exchange, trade, barter, adoption or gifting, of household pets by any person on or at any public, commercial, or retail parking lot or area, or other exterior premises thereof, road, street, roadside, median, carnival, fair, flea market, garage sale, park, playground, other recreational area, or retail or wholesale food service establishment is prohibited except:

- a. on the premises of a pet dealer open to the general public,
- b. by a veterinarian licensed as such by the State,
- c. by a humane society or by a member of a humane society at an event sponsored by such humane society,
- d. on the premises of Animal Services, or
- e. where the Director of Animal Services has given the owner or lessee occupying and controlling the location of such activity given written permission for such activity.

## SECTION XVI. CARING FOR ANIMALS

- a. It shall be unlawful for any owner or custodian of any animal to refuse or fail to provide such animal adequate food and water, adequate shelter, or humane care.
- b. It shall be unlawful for any owner or custodian of any animal to willfully abandon such animal on any street, road, highway, public place, or on private property of another person.
- c. It shall be unlawful for any owner or custodian of any animal to permit the accumulation of waste matter from such animal to collect and remain on the property of the owner or custodian, or on the property of others, so as to cause or create an unhealthy, unsanitary, dangerous, noxious or offensive living condition for the animal or condition on the owner's or custodian's property or the abutting property of others.
- d. It shall be unlawful for any owner or custodian of any animal to permit or cause unhealthy, unsanitary, dangerous, noxious or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities for such animal(s) taking into account each such animal's size, age, physical condition, breed and species.
- e. It shall be unlawful for any owner or custodian of any cat to allow the cat to roam free on the property of another without permission of the owner or person in possession of that property or without such cat wearing a collar with a current rabies control tag attached.
- f. It shall be unlawful for any owner or custodian of any dog to allow the dog to roam or run free on the property of another without the permission of the owner or person in possession of that property or without such dog wearing a collar with a current rabies control tag attached.

g. It shall be unlawful for any owner or lessee of property located in a residential neighborhood, regardless of the designated zoning of said property, to keep or maintain livestock in said residential area, unless the applicable zoning ordinance expressly allows otherwise.

## SECTION XVII. CRUELTY TO ANIMALS

a. It shall be unlawful for a person to commit the offense of cruelty to animals. A person commits the offense of cruelty to animals when he or she:

1. Causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or

2. Having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition.

b. It shall be unlawful for a person to commit the offense of aggravated cruelty to animals. A person commits the offense of aggravated cruelty to animals when he or she:

1. Maliciously causes the death of an animal;

2. Maliciously causes physical harm to an animal by depriving it of a member of its body, by rendering a part of such animal's body useless, or by seriously disfiguring such animal's body or a member thereof;

3. Maliciously tortures an animal by the infliction of or subjection to severe or prolonged physical pain;

4. Maliciously administers poison to an animal, or exposes an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal; or

5. Having intentionally exercised custody, control, possession, or ownership of an animal, maliciously fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition to the extent that the death of such

animal results or a member of its body is rendered useless or is seriously disfigured.

c. The provisions of this section shall not be construed as prohibiting conduct which is otherwise permitted pursuant to OCGA § 16-2-4(g) or justified under OCGA § 12-2-4(h).

d. An Animal Services Officer may seize and impound any animal that is reasonably suspected to be the subject of a violation of this section.

e. Animal Services shall promptly report violations of this section to the Solicitor-General of Lowndes County and the District Attorney for the Southern Judicial Circuit.

#### **SECTION XVIII. TRAPPING**

It shall be unlawful to inhumanely trap an animal (except for non-domesticated animals for which the person conducting such trapping possess a valid and currently in effect permit for such trapping of such animal issued by the Georgia Department of Natural Resources) with any trap other than a live trap checked at least every 24 hours provided also the following trapping requirements are followed:

a. Trapping is not allowed with the intention to harm any animal or to abandon or relocate any animal upon public or private property (except, in each case, to the extent specifically authorized by a valid and currently in effect permit for trapping of such animal issued by the Georgia Department of Natural Resources to the person conducting such trapping).

b. Any domesticated animal trapped must be relinquished to Animal Services if said animal is not to be retained for ownership. Any non-domesticated animal (except for non-domesticated animals for which the person conducting such trapping possesses a valid and currently in effect permit for such trapping of such animal issued by the Georgia Department of Natural Resources) trapped while attempting to live trap a domesticated animal shall be surrendered to Animal Services.

#### **SECTION XIX. EXHIBITIONS, FUNCTIONS**

It shall be unlawful to permit any exhibit, function or activity where animals are not receiving humane care, are being cruelly treated, or such animals run the risk of causing injury to the public or themselves. Animal Services, County or State law enforcement officials, and representatives acting in their official capacity of the County or State Departments of Health or the State or Federal Departments of Agriculture shall have the authority to inspect and to close down public exhibits in the County of animals, and/or impound any or all such animals, which are part of fairs, carnivals, festivals,

fundraising events, petting zoos, or any other activity or function carried out in the County if it is determined that animals in such activity or function are not receiving humane care, are being cruelly treated, run the risk of causing injury to the public or themselves, or do not in each case have and are complying with all applicable lawfully required licenses, registrations, and permits.

**SECTION XX. MEDICAL CARE**

a. It shall be unlawful for any owner or custodian of a sick, diseased, suffering or injured animal to fail or refuse to provide proper veterinary medical treatment for the animal or to otherwise promptly surrender the animal to Animal Services.

b. It shall be the duty of any person who allows a stray or abandoned animal to stay on their property to either:

1. Notify Animal Services of its sick, diseased, injured, suffering or abandoned condition for impoundment or;
2. Provide proper veterinary medical treatment, adequate food and water, and adequate shelter for the animal.

c. It shall be the duty of any person who has knowledge of a sick, diseased, injured, suffering, or cruelly or inhumanely treated animal to notify Animal Services or law enforcement officials as soon as possible.

**SECTION XXI. CHAINING; TETHERING**

a. It shall be unlawful for any person to chain or tether an animal to a stationary object.

b. An animal may be tethered to a cable run system provided:

1. The cable is securely affixed between two stationary objects.
2. The cable is at least 15 feet in length.
3. The cable is a minimum of five feet above the ground.
4. The cable is made of galvanized wire, other composite material, or metal.
5. The tether is at least ten feet in length.

6. The tether is made of galvanized wire, other composite material, metal, or nylon.
7. The tether is attached to the cable with a swivel.
8. The length and weight of tether are appropriate for the animal's size, age, species, breed, and physical condition in order to allow the animal to move freely along the length of the cable. The weight of the tether shall not exceed ten percent of the animal's body weight. Guidelines for proper tether weight and length can be obtained from Animal Service.
9. The tether is attached to the animal by means of a swivel attached to (i) a harness or (ii) a collar not less than one-half inch for animals up to 20 pounds and one inch for animals exceeding 20 pounds in order to prevent the collar from becoming embedded in the animal. The tether may not be attached to a slip-type choke or pinch type collar.
10. The length of the tether may not allow the animal to go beyond the limits of the property of the owner.
11. The tether allows the animal to move freely and to lie comfortably.
12. The subject area is free of obstructions with which the tether could become entangled.
13. The animal has easy access to adequate food and water.
14. The animal has easy access to adequate shelter.
15. The subject area is well-drained.
16. Only one animal is attached to each cable run.
17. An animal is not tethered to a cable run during extreme weather, including but not limited to, freezing temperatures, lightning, tornadoes, tropical storms, thunder storms, or hurricanes.
18. The animal is not tethered to a cable run for any duration or durations likely to cause physical or mental suffering.

**SECTION XXII. LEAVING AN ANIMAL IN A VEHICLE OR OTHER ENCLOSURE**

a. It shall be unlawful for any person to place or leave an animal in a vehicle or other enclosure at such internal temperatures (or where the internal temperatures that may reasonably be expected to occur or result) or other conditions and/or lack of air, ventilation or water will cause or result in, or reasonably be expected to cause or result in, harm or distress to the animal.

b. Should an Animal Services Officer or law enforcement official find an animal in a vehicle or other enclosure in violation of this section, or otherwise believes that such animal is in eminent danger, harm or distress, and the owner of the vehicle or enclosure is not immediately available to release such animal, then in such event, the Animal Services Officer or law enforcement official may then use such reasonable force as necessary to extract the animal from such vehicle or other enclosure.

**SECTION XXIII. TRANSPORTING IN OPEN BED OF VEHICLES**

Any animal being transported in an open bed, platform or other open area of a motor vehicle or trailer from which the animal can easily escape or be ejected, shall be confined in a humane manner inside a securely latched or locked animal carrier or restrained by a minimum of two tethers, with one tether each being securely affixed to the opposite side of such open bed, platform, or other open area, and both tethers being securely attached to the collar or harness of such animal. It is a violation of this provision for the owner or custodian of an animal, as well as the driver of the motor vehicle being used to transport an animal, to refuse or fail to confine and restrain the animal being transported as required by this provision.

**SECTION XXIV. INVESTIGATIONS; ENFORCEMENT; INTERFERENCE**

a. Any Animal Services Officer or law enforcement official 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 Animal Services Officer may request the assistance of the Lowndes County Sheriff's Office or other appropriate law enforcement officials with respect to such investigations or violations. At any time there is probable cause to believe that a violation of this Ordinance has occurred, an Animal Services Officer or law enforcement official may apply to the appropriate court for a search warrant to inspect the property, premises or area where such violation is believed to have occurred, or be occurring, or for an inspection warrant under the provisions of OCGA § 2-2-11.

b. Animal Services Officers and law enforcement officials of the various jurisdictions of or within the County shall be enforcement officials for this Ordinance. These officials shall have the authority to act on behalf of the County and the participating municipalities and the Animal Control Board in investigating complaints, impounding and destroying animals, executing warrants, issuing citations, making arrests, and taking other lawful action as required to enforce the provisions of this Ordinance. It shall be a violation of this Ordinance to interfere with any Animal Services Officer or other law enforcement official in the performance of his duties under this Ordinance.

c. Upon the sworn affidavit of any citizen alleging a violation of this Ordinance, or upon their own initiative, an Animal Services Officer or law enforcement official may issue a citation to a person to appear before the Magistrate Court of Lowndes County for an adjudication of the complaint against such person.

d. It shall be a violation of this Ordinance for anyone to interfere or hamper, or cause the interference or hampering, of the facilities, personnel, or operation of the Animal Shelter or any other property or facilities maintained or operated by the County or a humane society or similar organization, for the confinement or protection of animals by, for, at the request of, or under supervision of, the County, or to remove from any such facility without the prior consent of the operator of the Animal Shelter or similar facility, or an Animal Services Officer, any animal kept therein.

e. It shall be a violation of this Ordinance for anyone to resist, hinder, delay, interfere with, or molest any person, agent, employee, or member of any organization or entity operating the Animal Shelter or facility of a humane society or similar organization, in the performance of his duties or responsibilities therewith.

f. It shall be a violation of this Ordinance to tamper with, interfere with, remove, remove animals from, harass or harm animals within, damage, remove, or destroy any device for trapping animals owned or operated by Animal Services, law enforcement agency, or other County department.

## **SECTION XXV. ANIMAL CONTROL BOARD**

There is hereby established an Animal Control Board of Lowndes County.

a. The Animal Control Board shall consist of six (6) members and two (2) alternates, appointed by the Commission, who are empowered to sit on the Animal Control Board in the absence of any member of the Animal Control Board. The Animal Control Board shall be divided into two (2) panels of three (3) members and one (1) alternate. The panels shall alternate hearing days.

b. The terms of the members shall be three (3) years and until a successor is appointed; provided that the initial terms of the members may be for less than three (3) years so that the terms of the members of the Animal Control Board will be staggered.

c. Members of the Animal Control Board shall receive no compensation for their services.

d. Two (2) members of the Animal Control Board shall constitute a quorum for a panel. A decision shall be rendered by a majority vote of the members present.

e. The panel hearing a matter within the jurisdiction of the Animal Control Board shall have the authority to continue or reschedule a hearing to a day and time certain. Said hearing may be continued or rescheduled by the action of one (1) member of the panel in the event there is no quorum.

#### **SECTION XXVI. HEARINGS; APPEALS**

a. The Animal Control Board shall conduct hearings when requested under this Ordinance by the owner aggrieved by a decision of an Animal Services Officer with respect to classifying such owner's dog as a dangerous dog or a vicious dog, the reclassification of a dangerous dog as a vicious dog, or whether a vicious animal confiscated pursuant to Section V(c) shall be destroyed. Except as otherwise provided in this Ordinance, such hearings shall be requested on forms furnished by Animal Control within five (5) business days of receiving a notice of a right to request such hearing.

b. Any person who requests a hearing before the Animal Control Board provided for in this Ordinance but who, after receipt of notice of the hearing, fails to appear at said hearing shall be deemed to have abandoned the hearing request and the decision of the Animal Services Officer which was to be the subject of such hearing shall be affirmed and final.

c. The owner of an animal requesting a hearing before the Animal Control Board shall pay the additional daily boarding and other fees as established in this Ordinance. Failure to pay the fees and costs assessed against the owner, if affirmed by the Animal Control Board, shall constitute an abandonment of any claim to the animal and will result in the animal being disposed of as otherwise provided in this Ordinance.

d. All decisions of the Animal Control Board may be appealed to a judicial court of competent jurisdiction within twenty (20) days of receiving notice of the Animal Control Board's decision.

**SECTION XXVII. VIOLATIONS AND PENALTIES**

- a. It shall be a violation of this Ordinance to:
  - 1. Fail to comply with any provision of this Ordinance;
  - 2. Fail to comply with any lawful order of an Animal Services Officer, law enforcement official, or other authorized enforcement officer enforcing this Ordinance unless such order is lawfully stayed or reversed; or
  - 3. 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 as the same exists or as it may hereafter be amended shall be amenable to the process of the Magistrate Court of Lowndes County. The maximum punishment for a violation of this Ordinance shall be a fine of \$1,000.00 or imprisonment for 60 days or both.

**SECTION XXVIII. FEES**

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.

Annual classified dog certification fee .....\$50

Impoundment fee for reclaiming animals from Animal Shelter

- Classified dogs .....\$100
- Unclassified dogs .....\$40
- Cats .....\$40
- Livestock .....\$50
- Exotic and other species .....\$35

Boarding fee (per day)

- Dogs, cats, small caged animals .....\$10
- Livestock.....\$15

A person adopting an animal from the Animal Shelter shall pay or reimburse, as applicable, Animal Services the costs of all veterinary care incurred in order for the

animal to be eligible for adoption and in addition shall pay to Animal Services the following adoption fee applicable to the animal.

- Dogs .....\$125
- Cats .....\$105
- Ferrets .....\$35
- Reptiles .....\$65
- Poultry .....\$10
- Small livestock .....\$80
- Horses, other equine species .....\$500
- Exotic birds (not including cage)
  - Class I – Small .....\$15
    - Finches
    - Canaries
    - Budgies
    - Parakeets
    - Doves
    - Pigeons
  - Class II – Small .....\$35
    - Cockatiel
    - Lovebird
    - Peacock
  - Class III – Small .....\$75
    - Parrotlet
  - Class I – Medium .....\$200
    - Conure (pyrrhura or aratinga)
    - Nanday Conure
    - Patagonian Conure
  - Class II – Medium .....\$325
    - Lory
    - Lorikeet
    - Pionus
    - Small poicephalus (Senegal or Meyer’s)
    - Psittacula (Ringneck, Alexandrine)
    - Caique (White bellied or Black headed)
  - Class I – Large .....\$425
    - Poicephalus (Jardine’s)
    - Amazon
    - African Grey (Timneh and Congo)
    - Eclectus
    - Small Cockatoo (Bare Eyed, Lesser Sulphur-Crested, E2, Salmon-crested)
    - Small Macaw (Hans, N, Severe)
  - Class II – Large .....\$550
    - Cockatoos (Triton, Umbrella, Moluccan,

- Greater Sulphur-crested, Ducorps,  
Rose Breasted/Galah)
- Large Macaws (Greenwing, Blue and Gold, Scarlet,  
Military, hybrids)

The cost of testing adopted animals required by Chapter 40-13-3 of the Rules of the Georgia Department of Agriculture shall be paid by the person adopting the animal.

#### **SECTION XXIX. PARTICIPATING MUNICIPALITIES**

Any municipality within the County may by reciprocal ordinance or resolution acceptable to the County, or through joint service agreement with the County, participate in a “Joint Animal Control Program” with the County utilizing the County’s Animal Shelter, Animal Services Officers and Animal Control Board. Such reciprocal ordinances or resolutions or joint service agreement must authorize the administration and enforcement of the provisions of such reciprocal ordinance or resolution or joint service agreement within such municipality by those authorized to enforce this Ordinance in addition to the law enforcement officials and other authorized enforcement officers of such municipality.

#### **SECTION XXX. REMEDIES**

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.

#### **SECTION XXXI. SEVERABILITY**


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 Commission to provide for separable and devisable parts and the Commission does hereby readopt any and all parts hereof as may not be held invalid for any reason.

#### **SECTION XXXII. REPEALER**


The provisions of any prior ordinance pertaining to animal services, or the other matters herein, which are conflict herewith are hereby repealed.

(continued on following page)

SO ADOPTED this 22 day of March 2016, to be effective immediately, the public health, safety, and general welfare demanding.

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

ATTEST:

  
\_\_\_\_\_  
K. Paige Dukes, Clerk  
Lowndes County Board of Commissioners