

Government Operations Committee Commission Report

SUBJECT: Animal Control Ordinance Review

DATE: August 23, 2022

PURPOSE:

This report provides the Mayor and Commission with recommendations from the Government Operations Committee's (GOC) review of Chapter 4-1 – Animal Control of the Unified Government of Athens-Clarke County (ACCGov) Code of Ordinances.

HISTORY:

1. On September 1, 2019, volunteers, rescue group partners, and community members attended a Mayor and Commission voting meeting to highlight some of the many issues the Animal Control Division was facing.
2. On September 17, 2019, the Manager's Office met with primary stakeholder organizations that support the Animal Control operations, including Athens Area Humane Society and AthensPets, among others. It was reaffirmed that the local government should maintain the lead role in overseeing both enforcement and the shelter operations.
3. On November 1, 2019, the Mayor and Commission (M&C) voted to elevate the Animal Control Division of the Central Services Department to departmental status. The Animal Control Division was renamed the Animal Services Department, reporting directly to the Manager's Office.
4. On February 12, 2020, staff presented the recently completed Animal Services Strategic Plan at the regularly scheduled Mayor and Commission meeting. A number of the Strategic Plan initiatives require an Animal Control Ordinance update to implement.
5. During Spring of 2020, Animal Services Director Kristall Barber collaborated with a group of community stakeholders who helped draft potential changes to the Animal Control Ordinance to present to the GOC. The group of stakeholders included the University of Georgia's Practicum in Animal Welfare Skills, Athenspets, Campus Cats/Cat Zip Alliance, Athens Area Humane Society, Athens Canine Rescue, Circle of Friends Animal Society and the ACCGov Attorney's Office.
6. On November 4, 2020, Mayor Girtz assigned to the GOC the review of Chapter 4-1 – Animal Control.

7. On November 19, 2020, the GOC began discussion on this topic. The GOC continued its review of the ordinance on December 17, 2020, and January 21, 2021.
8. During the next year, the Animal Control Ordinance discussion was put on hold while the GOC reviewed two other time sensitive topics. Discussion began again on February 21, 2022, and continued on March 21, 2022, April 25, 2022, June 16, 2022 and August 15, 2022
9. At the August 15, 2022 meeting, the GOC completed its review and discussion of this topic. The Committee voted unanimously to send the revised ordinance to the Mayor and Commission for approval (**Attachment #1**) without Section 4-1-33 – Dog and Cat Licenses. Section 4-1-33 will be reviewed by the Committee after input is received from veterinarians and stakeholders via a survey that staff will create.

The recommended changes include:

- Modification to the provisions concerning feral cats to better encourage a humane reduction of the unowned, free-roaming cat population. (TNR trap-neuter-return is a process where residents trap feral and free-roaming cats, take them to be altered and then release them back to their original location);
- Requirements to protect both the health of dogs and cats being sold and consumers;
- New sections to complement state laws concerning animal abuse, neglect, fighting, and abandonment.
- Updating grammar, definitions and adding language related to the creation of Animal Services as an ACCGov Department.

RECOMMENDATIONS:

The Government Operations Committee recommends that the Mayor and Commission adopt the attached revisions to Chapter 4-1 - Animal Control of the Unified Government of Athens-Clarke County Code of Ordinances.

ADDITIONAL INFORMATION/COMMENTS:



Tim Denson, Chair
Government Operations Committee

9/7/22

Date:

ATTACHMENTS:

Attachment #1 – Animal Control Ordinance

1 **Sec. 4-1-1. - Definitions.**

2 The following definitions shall apply in the interpretation and enforcement of this chapter:

3 *Animal fighting paraphernalia* means equipment, products, implements, and materials of any
4 kind intended or designed for use in the training, preparation, or conditioning of an animal for
5 fighting, or in furtherance of animal fighting, and includes, but is not limited to, the following:
6 break sticks, cat mills, treadmills, fighting pits, springpoles, veterinary medicine without a
7 prescription therefor, treatment supplies, breeding or rape stands, gaffs, slashers, heels, or any
8 other sharp implement designed to be attached in place of the natural spur of a rooster, cock, or
9 game fowl. In determining whether an object is animal fighting paraphernalia, a trier of fact may
10 consider: (a) the proximity of the object in time and space to any violation of section 4-1-33
11 (concerning animal fighting) of this chapter; (b) direct or circumstantial evidence of intent of the
12 person to deliver the object to any person whom the person in possession of the object knows, or
13 should reasonably know, intends to use the object to violate this section; (c) oral or written
14 instructions concerning the object's use provided with, or found in the vicinity of, the object; (d)
15 descriptive materials accompanying the object which explain or depict its use; and (e) any other
16 relevant factors.

17 *Attended* means in immediate physical presence and line of sight.

18 *Caretaker* means any person who provides care (including food, shelter, or medical care) to a
19 community cat. A caretaker shall not be considered the owner of a community cat.

20 *Certificate of veterinary inspection (CVI)* means a legible, dated certificate signed by an
21 examining veterinarian licensed by the state of Georgia that shows the age, sex, species, breed,
22 color, health record, and microchip number of the applicable dog or cat; the printed or typed
23 names, addresses, phone numbers, and any applicable business registration number of transferor
24 and the transferee; and the name, license number, address, and phone number of the examining
25 veterinarian. The CVI must list all vaccines and deworming medications administered to the dog
26 or cat, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of
27 administration, and must state that the examining veterinarian warrants that, to the best of such
28 veterinarian's knowledge, the animal has no sign of contagious or infectious diseases and has no
29 evidence of internal or external parasites.

30 *Classified dog* shall mean a dog that that has been classified as dangerous or vicious under
31 O.C.G.A. title 4, chapter 8, article 2, entitled the "Responsible Dog Ownership Law" (O.C.G.A.
32 § 4-8-20, et seq.) or potentially dangerous under the provisions of this chapter.

33 *Community cat* means any unowned and free-roaming cat, whether or not feral, that has been
34 sexually sterilized, vaccinated for rabies, and ear-tipped in accordance with a trap-neuter-return
35 program.

36 *Compendium of Animal Rabies Control* means the most recent edition of the Compendium
37 of Animal Rabies Control published by the National Association of State Public Health
38 Veterinarians, Inc.

39 *Confined* means kept within an electronic confinement system, building, pen, catio, or fenced
40 area or other structure built to prevent escape by the domestic animal or livestock being confined.

1 *Consideration* means payment of any sort, including but not limited to a rehoming or adoption
2 fee, sales price, a benefit of any kind, or any other thing or service given in exchange for the
3 transfer of an animal, whether direct or indirect.

4 *Domestic animal* means any dog, cat, or other legally owned animal not defined as wildlife or,
5 livestock, or nontraditional livestock.

6 *Ear-tip tipping* means a straight-line cutting of the tip of a cat's the left or right ear of a cat
7 while the cat is anesthetized by a licensed veterinarian during sterilization and vaccination
8 procedures. A feral cat that has been ear by a licensed veterinarian to indicate that an unowned cat
9 is tipped is presumed to be sterile and to have been vaccinated at least once against rabies.

10 *Electronic confinement system* is a system designed to confine a domestic animal in a
11 designated area within the property limits of the animal's owner or keeper using an electronic
12 signal from a transmitter to a receiver worn by the animal that provides a shock, or other behavior
13 correction method, to the confined animal when the animal approaches the perimeter of the
14 confinement area. Such behavior correction method shall be of sufficient effect to prevent the
15 animal from leaving the confinement area.

16 *GDA* means the Georgia Department of Agriculture.

17 *GDA licensee* means an individual or entity currently licensed by and in good standing with
18 the GDA for the type of activity involved.

19 *Georgia Animal Protection Act* means title 4, chapter 11, article 1 of the O.C.G.A.
20 (O.C.G.A. § 4-11-2, et seq.).

21 *Feral cat* means a cat, regardless of sex or age, that is unowned, free-roaming, and not
22 interactive with humans.

23 *Feral cat colony* means an identified group of feral cats capable of being trapped, neutered or
24 spayed, vaccinated, and released back into the area from which they were taken.

25 *Feral cat colony caretaker* means a person who is associated with an organization that meets
26 the qualifications for an animal rescue group under standards set by Animal Control Policies and
27 Procedures, who has registered the feral cat colony with Animal Control and who provides
28 sustenance, water and care for a feral cat colony.

29 *Guard dog* means any dog which has been trained to attack persons or other animals
30 independently or upon verbal command and any dog which, while not so trained, is reasonably
31 expected to perform as a guardian of the property upon and within which it is located.

32 *Legal possessor* means, with respect to real property, an owner, tenant, or other person who
33 has the legal right to invite others onto the property and exclude others from it.

34 *Livestock* means all animals kept as farm animals or raised for food production, including,
35 but not limited to, goats, sheep, mules, horses, hogs, cattle, other grazing animals, farmed
36 rabbits, fowl, swine, equines, poultry, sheep, goats, ratites, nontraditional livestock and
37 ruminants.

38 *Nontraditional livestock* means the species of Artiodactyla (even-toed ungulates) listed as
39 bison, water buffalo, farmed deer, llamas, and alpacas, but excluding any animal that is held
40 and possessed legally and in a manner that which is not in conflict with the provisions of
41 O.C.G.A. title 27, chapter 5 (-title 27-dealing with wild animals).

1 O.C.G.A. means the Official Code of Georgia Annotated.

2 Offer to transfer means an advertisement or other offer to transfer of any sort, whether in
3 writing, online, or verbal.

4 Owner means any person who (1) has legal title to an animal, (2) knowingly permits any
5 domestic animal, ~~nontraditional livestock~~ or livestock animal to be kept, harbored, possessed, or
6 otherwise kept upon such person's premises for a period of 14 days, or more, or (3) who has
7 any animal under such person's ~~his or her~~ care or responsibility, either temporarily or
8 permanently, at any time, ~~within Athens-Clarke County~~. "Owner" does not include a feral cat
9 colony caretaker or the lawful possessor ~~owner~~ of the premises where a community registered
10 feral cat colony is located.

11 Person means any individual, firm, partnership, corporation, joint venture, association, estate,
12 trust, business trust, receiver, syndicate or other group or combination acting as a unit.

13 Potentially dangerous dog means any dog that, without provocation, causes severe injury to
14 a domestic animal ~~another dog or any livestock~~ eat, except that a dog shall not be a potentially
15 dangerous dog within the meaning of this definition if it ~~that~~ inflicts such an injury upon another
16 dog or eat when the dog is (1) being used by a law enforcement officer to carry out the law
17 enforcement officer's official duties, or (2) ~~shall not be a potentially dangerous dog within the~~
18 ~~meaning of this definition. In addition, a dog shall not be a potentially dangerous dog within the~~
19 ~~meaning of this definition if the injury inflicted by the dog was sustained by another dog or cat~~
20 ~~that, at the time, was not under control as defined in this section 4-1-2 of this code and within~~
21 the property limits of its owner.

22 Proper enclosure means an enclosure for keeping a dog while on the owner's property
23 securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to
24 prevent the entry of young children and designed to prevent the dog from escaping. Any such pen
25 or structure shall have secure sides and a secure top, or, if the dog is enclosed within a fence, all
26 sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or
27 secured in such a manner as to prevent the dog's escape either from over or from under the fence.
28 Such enclosure must be approved by the Animal Services Director. ~~animal control superintendent.~~

29 Properly-fitted, with respect to a collar or harness, means a collar or harness, as applicable,
30 that is loose enough that two fingers can comfortably be placed between the collar or harness and
31 all points of contact with the animal's body but from which the animal cannot easily free itself.

32 Severe injury to ~~another dog or eat~~ means any unprovoked physical injury to a domestic
33 animal or livestock, including but not limited to ~~that results in~~ broken bones, injury that requires
34 surgery or ~~or severe lacerations requiring~~ multiple sutures to repair, life-threatening injuries, or
35 death surgery.

36 Trap-neuter-return (TNR) means a nonlethal approach to community cat population control
37 where unowned, free-roaming cats are humanely trapped, sexually sterilized, vaccinated for
38 rabies, ear-tipped, and returned to the location where they were originally trapped.

39 Wildlife means any vertebrate or invertebrate animal life indigenous to this state or any
40 species introduced or specified by the Department of Natural Resources and includes fish, except
41 domestic fish produced by an aquaculturist registered under O.C.G.A. § 27-4-255, mammals,
42 birds, amphibians, reptiles, crustaceans, and mollusks, or any part thereof.

1 Zoonotic disease means those diseases transmittable to humans from animals, including
2 parasitic, bacterial, fungal, and viral diseases.

3
4 **Sec. 4-1-2. - Keeping domestic animals and livestock under control.**

5 (a) ~~An It shall be unlawful for any owner of a domestic animal or of any livestock shall not to~~
6 ~~control suchthe animal at all times through one of the following means:~~

7 (1) On a leash and attended by its ~~when off the property of the owner;~~

8 (2) Temporarily confined within an appropriately-sized crate and attended by its owner;

9 (3) Within the passenger area of a vehicle driven or parked on the streets;

10 (4) Within the property limits of its owner and attended by its owner; or

11 (5) Confined within the property limits of its owner or of another property with the
12 permission of the lawful possessor ~~person in control~~ of the property;-

13 provided, however, that livestock that are covered by O.C.G.A. title 4, chapter 3 (dealing
14 with livestock straying or running at large) are not subject to this subsection (a); and
15 provided that subparagraph (4) does not qualify as control with respect to any guard dog
16 or classified dog.

17 Except as otherwise set forth in section 4-1-28, caretakers are exempt from the
18 requirements of this subsection with respect to the community cats for which they care.

19 ~~Confined means kept within an electronic confinement system, building, pen or fenced area~~
20 ~~or other structure built to prevent escape by a domestic animal.~~

21 (b) Electronic confinement systems.

22 (1) Electronic confinement systems shall not be considered an adequate means of
23 confinement if the system is improperly installed, malfunctioning, in disrepair,
24 damaged, switched off, or otherwise deactivated or nonoperational.

25 (2) Any ~~domestic~~ animal confined by means of an electronic confinement system must
26 wear at all times an appropriate and properly functioning receiving device while
27 within the confines of the system.

28 (3) The behavior correction provided to the animal by the receiving the device shall be of
29 sufficient effect to prevent the animal from leaving the confinement area.

30 (4) Signage indicating the presence of an electronic confinement system must be placed
31 around the perimeter of the system at regular intervals in sufficient quantity and of
32 sufficient size so as to be clearly visible to anyone approaching the property.

33 (5) ~~No guard dog, offending animal under section 4-1-6(a)(2), which has been classified~~
34 ~~dog, or dog that is currently being reviewed for classification as a dangerous,~~
35 ~~potentially dangerous, dangerous, or vicious dog pursuant to state or local law may be~~
36 ~~confined by means of an electronic confinement system.~~

37 (b) ~~It shall be unlawful for any owner of a domestic animal to chain, tie, fasten or otherwise~~
38 ~~tether the animal to dog houses, trees, fences, vehicles or other stationary objects as a~~

1 means of confinement except that the animal may be temporarily confined by a tether
2 while attended by its owner.

3 Feral cat colony caretakers are exempt from the requirements of this section.

4 (c) Except as set forth below, no person may tether an animal, and an owner of a domestic
5 animal or livestock must ensure that such animal is not tethered, whether by chain, rope,
6 tie, leash, or other fastener, whether inside a structure or a vehicle or outdoors, to any
7 thing, including, but not limited to, any dog house, tree, fence, other animal, vehicle,
8 runner, railing, house, or furniture.

9 (1) A domestic It shall be an offense for any owner of a domestic animal not to satisfy
10 the following requirements:

11 (a) Any tether used to temporarily confine an animal or livestock may only be tethered if:

12 (i) such tethering is on a temporary basis while the animal is attended by its owner,
13 and

14 (ii) the tether is while attended by its owner must be attached to a properly-fitted collar
15 or harness.

16 (2) The following are not permitted at any time when tethering an animal, regardless of
17 whether the animal is attended by its owner or not:

18 (i) Use of a choke, prong, pinch, martingale, or similar collar or a slip lead;

19 (ii) Wrapping the tether and shall not be wrapped directly around the animal's neck;

20 (iii) Use of a tether that weighs more than one-tenth of the body weight of the animal,
21 including all collars, harnesses, weights, locks, and other tethering accessories that
22 have their weight borne by the animal;

23 (iv) Use of a tether that restricts. Such tethers shall not be excessively heavy or
24 weighted so as to inhibit the animal's range of movement to less than 10 feet, after
25 taking into consideration (A) the length of the tether, (B) the height at which the
26 tether is attached to a thing, (C) any tangling, wrapping, or other shortening of the
27 useful length of the tether, (D) any obstacles, or (E) any other circumstances
28 reducing the animal's range of movement;-

29 (v) Confinement in an outside compartment of a running vehicle; or

30 (vi) Confinement in an inside compartment of a running vehicle when the tether is
31 attached to the animal's collar and any part of the vehicle.

32 (3) Subsection (c)(iv) is not intended to be applied to (i) livestock that are being
33 temporarily tied out for typical husbandry purposes, including, but not limited to,
34 grooming or medical treatment, or (ii) animals in the immediate physical proximity
35 and line of sight of an owner and in spaces open to the public, such as cafés or parks,
36 where a longer tether would be inappropriate or unsafe.

37 (d) This subsection shall apply to the owner of a cat or dog that is in violation of subsection
38 (a), (b), or (c) of this section 4-1-2 at the time of the injury or damage described below.

1 (1) Each of the following shall constitute a separate violation:

2 (i) An owned cat or dog scratches, bites, or otherwise physically harms a person or
3 another(b) — All domestic animal or livestock;

4 (ii) The cat or dog described in subparagraph (i) above does not have a current rabies
5 inoculation or is not wearing its current rabies tag; and

6 (iii) An owned cat or dog causes physical damage to the property of another person.

7 (2) The owner of a cat or dog otherwise in violation under subparagraph (1) above shall
8 not be in violation of this section if:

9 (i) The animal causes the offending harm or damage while it is being used by a law
10 enforcement officer to carry out the officer's official duties; or

11 (ii) The cat or dog causes the offending harm to a person or another animal which
12 was abusing, attacking, tormenting, provoking, or physically injuring the animal,
13 or had previously abused, attacked, tormented, provoked, or physically injured the
14 animal.

15 (e) Failure to comply with any provision of this section shall be an
16 offense.

17 sanitary

18 **Sec. 4-1-3. - Specific requirements for confinement.**

19 (a) It shall be an offense for any owner of a domestic animal or any livestock not to provide
20 such animal with a safe, secure, and uncluttered confinement area that is constructed:

21 (1) to confine the animal;

22 (2) to protect the animal from injury;

23 (3) with sufficient open ground space, not occupied by a shelter or other items, free of
24 excrement, and not covered in asphalt or other harmful surfaces or materials, to allow
25 for adequate exercise for such animal;

26 (4) to provide shade separate from the shelter described in section 4-1-4.

27 The confinement area shall have a means to rapidly eliminate excess water and minimize
28 mud and shall be kept free of spoiled food, unpalatable water, garbage, feces, and other
29 unsanitary items.

30 (b) It shall be an offense for an owner of a domestic animal or any livestock not to provide
31 such animal with a confinement area of a size that is adequate given the age, size, species,
32 and breed of animal. A dog confinement area must be no less than 100 square feet per dog.

33 (c) Exemptions.

34 (1) Except as otherwise set forth in section 4-1-28, caretakers are exempt from the
35 requirements of this section with respect to the community cats for which they care.

36 (2) This section shall not apply to owners of poultry that are GDA licensees as Poultry
37 Sales Establishments or Poultry Dealers or Brokers.

38

1 **Sec. 4-1-4. - Specific requirements for shelter.**

2 (a) It shall be an offense for any owner of a domestic animal or of any livestock not to
3 provide such animal with appropriate shelter from the elements. Said shelter shall be
4 designed, constructed, and maintained to protect the animal from rain, snow, ice,
5 excessive cold, excessive heat, ~~and~~ excessive direct sunlight, and other adverse weather
6 events, with weather- and species-appropriate bedding, and of a size to allow the animal
7 sufficient space to stand, turn around, and lie down, and make all other normal body
8 movements in a normal and comfortable ~~manner~~ ~~position~~ appropriate to the age, size, and
9 health of the animal while maintaining a normal body temperature.

10 (b) ~~Examples of inadequate shelter include, but are not limited to;~~ lean-tos, metal or plastic
11 drums, boxes, crates, vehicles, ~~or~~ the area on or beneath exposed porches or decks, and
12 any structure that does not have walls fully surrounding it, a roof, a floor, and a doorway
13 through which the animal can walk naturally.

14 (c) The shelter shall be kept free of wet bedding, spoiled food, unpalatable water, garbage,
15 feces, urine, and other unsanitary or unsafe items.

16 (d) ~~Nothing in this subsection shall be construed to prevent the transportation and temporary~~
17 ~~confinement of a domestic animal within the passenger area of a vehicle, provided that the~~
18 ~~animal is provided adequate ventilation and temperature control in order to protect the~~
19 ~~animal from excessive heat or cold and all other requirements of this chapter are complied~~
20 ~~with.~~

21 (e) *Exemptions.*

22 (1) Except as otherwise set forth in section 4-1-28, caretakers are exempt from the
23 requirements of this section with respect to the community cats for which they care.

24 (2) This section shall not apply to owners of poultry that are GDA licensees as Poultry
25 Sales Establishments or Poultry Dealers or Brokers.

26
27 **Sec. 4-1-5. - Minimum care requirements for ~~e~~—All domestic animals and livestock.**

28 It shall be an offense for any owner of a domestic animal or of any livestock not to satisfy the
29 following requirements:

30 (a) All such animals shall have access to ~~shall be provided with~~ clean, potable water at all
31 times;

32 (b) All such animals shall be provided an appropriate amount of unspoiled, species-
33 appropriate food at least once during every 24-hour period;

34 (c) All confinement areas, shelters, or other property the owner controls, which are accessible
35 by one or more of the owner's domestic animals, shall have ~~(d) — An owner must~~
36 ~~promptly remove and dispose of~~ animal excrement and food wastes and debris removed
37 and disposed of at least once during every 24-hour period so as to minimize vermin
38 infestation, contamination, odors, and disease hazards;

39 (de) All such domestic animals shall be provided with veterinary care as needed to maintain
40 health ~~safe~~ and for their humane care; and

1 (e) Any collar or harness worn by such ~~sanitary confinement area constructed to confine the~~
2 animal, ~~to protect the animal from injury, and of a sufficient space to allow for adequate~~
3 ~~exercise suitable to the age, size, species, and breed of animal. The area shall be properly-~~
4 ~~fitted. have a means to rapidly eliminate excess water and minimize mud.~~

5 (f) Exemptions.

6 (1) Except as otherwise set forth in section 4-1-28, ~~Feral cat colony caretakers are exempt~~
7 ~~from the requirements of this section with respect to the community cats for which~~
8 ~~they care.~~

9 (2) This section shall not apply to owners of poultry that are GDA licensees as Poultry
10 Sales Establishments or Poultry Dealers or Brokers.

11
12 **Sec. 4-1-6. - Prohibitions for domestic animals and livestock.**

13 (a) It shall be unlawful for any ~~owner~~ ~~person~~ to permit such owner's ~~a~~ domestic animal ~~under~~
14 ~~his or livestock~~ ~~her ownership or possession to do the following:~~

15 (1a) Go upon the property of any person other than its owner ~~or keeper~~ without the
16 express consent of such property's lawful possessor; provided, however, this
17 subsection (1) shall not apply to livestock which are covered by O.C.G.A. title 4,
18 chapter 3 (dealing with livestock straying or running at large); ~~other owner or~~
19 ~~occupant;~~

20 (2b) Attack or act so as to menace pedestrians or other persons using public ways or on
21 the property of another. Any person convicted of violating this subsection, in addition
22 to penalties provided for in section 4-1-1514, shall be required to maintain the
23 offending animal ~~dog~~ in a proper enclosure, as defined in this chapter; or-

24 (3e) Disturb the peace of any other person by loud, persistent, habitual barking,
25 howling, growling, yelping, ~~or~~ whining, crowing, or other similar noise, provided,
26 however, that (i) no-

27 ~~No~~ person shall be charged with violating this subsection unless a written warning has
28 previously been issued to such person within 90 days of the charged violation, and (ii) no-

29 ~~No~~ citation for violation of this subsection shall be issued unless there are at least two
30 complaining witnesses who shall have signed a written statement stating the address
31 of the animal's ~~dog~~ owner, a description of the animal ~~dog~~ and of the offense, and the
32 date, time, and location of the offense.

33 (b) It shall be unlawful for any person to permit any domestic animal under such person's
34 ownership to be sexually intact and not be controlled as required under section 4-1-2.

35 (c) *Exemption.* Caretakers ~~(d)~~ — Reserved.

36 (e) ~~Be in heat and not be confined in an enclosure to the property of its owner or keeper.~~

37 (f) ~~Exemptions.~~ ~~Feral cat colony caretakers are exempt from the requirements of this section~~
38 ~~with respect to the community cats for which they care.~~

39

1 **Sec. 4-1-5. -- Livestock running at large.**

2 It shall be unlawful for the owner or keeper of any hog, cattle, mule, sheep, goat, fowl or any
3 other livestock or nontraditional livestock animal to permit it to run at large in the limits of
4 Athens-Clarke County or to stray from the property of the owner or keeper or to go upon the
5 premises of any other person.

6 **76. - Control and removal of animal wastes.**

- 7 (a) It shall be unlawful for the owner of any animal to refuse or fail to immediately remove
8 any feces deposited by such animal upon public sidewalks, public streets, public parks, or
9 other public property in Athens-Clarke County, or upon any private property within
10 Athens-Clarke County not under the exclusive use and control of the animal's said owner
11 or keeper.
- 12 (b) It shall be unlawful for the owner of any animal to permit such animal to defecate or
13 urinate upon any private property except that upon which such owner lawfully
14 possesses, he or she resides or owns unless such owner he or she has the permission of the
15 lawful possessor owner of such other private property.
- 16 (c) *Exemption.* Caretakers *Exemptions.* Feral cat colony caretakers are exempt from the
17 requirements of this section with respect to the community cats for which they care.

18
19 **Sec. 4-1-8. - Guard dogs.**

- 20 (a) It shall be the duty of the lawful possessor owner, tenant, or custodian of any residential or
21 commercial property on which a guard dog is kept for security purposes to post a
22 sign notice in a prominent and conspicuous location on such property. Such sign notice
23 shall contain both a clear depiction of a guard dog and comprise the words "Warning
24 Guard Dog" and shall be legible and in clearly contrasting color. Such letters shall be not
25 less than one inch in width and not less than five inches in height. If a guard dog is
26 confined within a fenced area, such notice shall be conspicuously posted upon such fence
27 at every entrance and exit of the fence.
- 28 (b) If the guard dog is stationed on a property other than an occupied residential property, the
29 sign required by this section shall also include the name, address, and phone number of a
30 person responsible for responding to a notification of any problem with such guard dog
31 during any hour of the day or night.
- 32 (c) If a guard dog is confined within a fenced area, the sign required by this section shall be
33 conspicuously posted upon such fence at every entrance and exit of the fence.
- 34 (d) No classified dog may serve as a guard dog.
- 35 (e) Failure to comply with any provision of this section shall be an offense.

36
37 **Sec. 4-1-9. - Identification and inoculation.**

- 38 (a) It shall be unlawful for any person to own, possess, or maintain:
39 (1) any dog, cat, or ferret 3 months of age or older that does not have a current rabies
40 inoculation; or

1 (2) any dog or cat 3 months of age or older that does not wear at all times a properly-fitted
2 collar about its neck or a properly-fitted harness around its body, displaying its current
3 rabies tag.

4 (b) If a domestic animal or livestock is housed on a property other than an occupied
5 residential property, it shall be the duty of such animal's owner to post a sign in a
6 prominent and conspicuous location on such property that shall include the name, address,
7 and phone number of a person responsible for responding to a notification of any problem
8 with such animal during any hour of the day or night.

9 (c) Caretakers are exempt from the requirements of this section with respect to the community
10 cats for which they care.

11
12 **Sec. 4-1-10. - Animal giveaway.**

13 It shall be unlawful for any person to transfer or offer to transfer any live animal for free or
14 nominal consideration if any event constituting part of the transfer or offer occurs in Athens-
15 Clarke County:

16 (a) as a prize for, or as an inducement to enter, any contest, game, or other competition,
17 including a contest to win the right to a no-fee or nominal-fee adoption;

18 (b) as an inducement to enter a place of amusement or business; or

19 (c) as an incentive to enter into any business arrangement whereby the offer was for the
20 purpose of attracting trade separate from the animal itself.

21
22 **Sec. 4-1-11. - Obstruction of Animal Services Department employees.**

23 (a) It shall be unlawful for any person to hinder, interfere, harass, or otherwise obstruct the
24 performance of any employee of the Animal Services Department in the official
25 performance of such employee's duties as provided for in this chapter.

26 (b) It shall be unlawful for any person to relocate, interfere with, or alter the operation of any
27 device, equipment, or item of the Animal Services Department without permission of an
28 employee of such Department.

29 (c) It shall be unlawful for any person to place any animal into, or remove any animal
30 confined within, a trap, cage, or vehicle owned by the Animal Services Department
31 without permission of an employee of such Department.

32 (d) It shall be unlawful for any person to give a false name, address, or date of birth to any
33 employee of the Animal Services Department in the lawful discharge of such employee's
34 official duties with the intent to mislead such employee in any way.

35 **11. - Abuse of animals.**

36 ~~The animal control officers of the Athens-Clarke County Animal Control Division shall be~~
37 ~~authorized to enforce the provisions of Title 4, Chapter 11, Article 1 of the Official Code of~~
38 ~~Georgia Annotated, entitled "the Georgia Animal Protection Act" (O.C.G.A. § 4-11-2 et seq.).~~

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Sec. 4-1-12. - Animals in vehicles.

(a) No animal shall be transported on a public road or on private property open to the public in an unenclosed or partially unenclosed area of a vehicle including, but not limited to, open convertibles or the beds of pick-up or flat-bed trucks, unless the animal is secured in a container or other enclosure of adequate size that:

- (1) is specifically designed to confine the animal in an unenclosed area of a vehicle;
- (2) provides adequate ventilation and protection from the elements; and
- (3) is firmly affixed so as to prevent the animal from falling, jumping, or escaping from the vehicle while the vehicle is parked or in motion. Fasteners that allow the enclosure to move or shift, including but not limited to bungee cords, are insufficient to affix the container to the vehicle.

(b) No animal shall be transported in the trunk of a vehicle, under a pick-up truck's bed cover, or in any enclosed portion of a vehicle that does not provide adequate ventilation and temperature control in order to protect the animal from excessive heat or cold.

(c) Nothing in this section shall be construed to prevent the transportation and temporary confinement of an animal within the passenger area of a vehicle provided that the animal is provided adequate ventilation and temperature control in order to protect the animal from excessive heat or cold and all other requirements of this chapter are complied with.

(d) A law enforcement officer and any employee of the Animal Services Department has the authority to use any reasonable means necessary under the circumstances to remove any animal locked unattended in a substantially closed vehicle when the ambient temperature is 80 degrees Fahrenheit or above outside the vehicle or at any time when the enclosed animal appears distressed, after making reasonable efforts, if reasonably possible and appropriate, to locate the owner or other person responsible. The law enforcement officer or Animal Services employee shall not be liable for any damage to the vehicle incurred during such removal.

A law enforcement officer or employee of the Animal Services Department removing an animal under this subsection shall use reasonable means to contact the owner of any removed animal.

If the officer or employee is unable to contact a removed animal's owner, such officer or employee shall leave written notice bearing the officer or employee's name and office, and the address and phone number of the Animal Services Department, at the vehicle from which the animal was removed. Any such animal shall be impounded by the Animal Services Department.

Transport shall include confining an animal in a parked or moving vehicle for purposes of this section.

1 **Sec. 4-1-13. - Bird sanctuary.**

2 (a) The entire area embraced within the limits of the urban service area of Athens-Clarke
3 County is hereby designated as a bird sanctuary.

4 (b) It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot, or molest in any
5 manner any bird or fowl or to rob a bird's nest or wild fowl's nest.

6 (c) Notwithstanding anything in the foregoing to the contrary; ~~provided, however,~~ if starlings
7 or similar birds ~~not protected by the Migratory Bird Treaty Act~~ are found to be congregating in
8 such numbers in a particular locality so as to constitute a nuisance or a menace to health or
9 property in the opinion of the proper health authorities in Athens-Clarke County, then such
10 health authorities shall meet with representatives of the Audubon Society, Animal Services
11 Department, and garden club, or as many of such organizations as have representatives available
12 on at least five days' actual notice of the time and place of such meeting, to determine whether
13 and how to abate the nuisance. If as a result of such meeting the birds are deemed to be a
14 nuisance or menace, and no satisfactory alternative is found to abate such nuisance or menace,
15 then such birds may be destroyed as humanely as possible in such numbers and in such manner
16 as is deemed advisable by ~~such~~the health authorities under the supervision of the police
17 department.

18
19 ~~Sec. 4-1-13.~~

20 **Sec. 4-1-14. - Fees.**

21 (a) Any person reclaiming ~~an a neutered male dog or cat, spayed female dog or cat, or any~~
22 ~~other animal~~ from the Animal Services Department shall:

23 (1) ~~pay a reclaim~~\$25.00 impoundment fee, which may include an impound fee, a daily
24 ~~for the first impoundment, \$30.00 for the second impoundment and \$35.00 for each~~
25 ~~subsequent impoundment. In addition to the above, \$5.00 per day will be charged for~~
26 ~~boarding fee, a microchip fee, a plus the cost of inoculations and/or veterinary~~
27 ~~services fee, and/or license fee, as well as any other fee set by the Athens-Clarke~~
28 ~~County Board of Commissioners at any time or from time to time; and.~~

29 (2) reimburse the Animal Services Department for the cost of any care provided by a
30 veterinarian for such animal while it was in the Department's custody, which care
31 was reasonably necessary to prevent or alleviate the animal's suffering, provided that
32 any owner subject to this subsection has the right to request a waiver from the
33 administrative hearing officer pursuant to the provisions of section 1-1-5 of this code
34 at the time of reclaim on a form provided by the Animal Services Department, with
35 the animal released to such owner without requirement for payment of such costs
36 while such hearing is pending if the other requirements for reclaiming such animal
37 have been met.

38 (b) Any person adopting an animal from the Animal Services Department shall pay an
39 adoption fee and, if applicable, license fee.

40 (c) (b) — Any person reclaiming an unneutered male or unspayed female dog or cat shall
41 pay \$50.00 for the first impoundment, \$75.00 for the second impoundment and \$100.00

1 for each subsequent impoundment. In addition to the above, \$5.00 per day will be
2 charged for boarding plus the cost of inoculations and/or veterinary services.

3 (e) The fee for adoptions shall be \$50.00. However, upon proof of neutering or spaying,
4 there shall be a refund of \$25.00 from Athens-Clarke County.

5 (d) There shall be a registration fee of \$100.00 for each all dangerous and potentially
6 dangerous dog, dangerous dog, and vicious dogs in Athens-Clarke County. Such
7 registration is to be renewed on an annual basis.

8 With respect to a potentially dangerous dog, after a 24-month period during which there
9 have been no violations of this chapter by the owner, and no further incidents eligible for
10 classification under this section or under the Responsible Dog Ownership Law by the dog
11 or by another dog under common ownership, the registration fee for such potentially
12 dangerous dog shall be waived for the immediately following registration period.

13 (d) The Athens-Clarke County Board of Commissioners, from time to time or at any time,
14 shall establish reasonable fees as described above.

15
16 **Sec. 4-1-15. - Penalties.**

17 **~~Penalty.~~**

18 (a) Except as otherwise provided in paragraph (b) or (c) below, any person violating this
19 chapter shall be punished pursuant to the provisions of section 1-1-5 of this code.~~15 of~~
20 ~~the Code of Athens-Clarke County.~~

21 (b) ~~Any~~ Any person violating section 4-1-6(a)(2)(b) or 4-1-25 of this chapter shall be punished
22 by a fine of not less than \$300.00 for the first offense and not less than \$400.00 for any
23 subsequent offense, ~~offenses~~ in addition to any other penalty provided in section 1-1-5 of
24 this code. If there are multiple violations of sections 4-1-6(a)(2) or 4-1-25 in the same
25 event, the applicable minimum fine shall be due as though it were a single offense.

26 (e) ~~Anyone convicted of a violation of section 4-1-4(b) shall be prohibited from confining~~
27 ~~any domestic animal by means of an electronic confinement system for a period of six~~
28 ~~months after the date of conviction.~~

29
30 **Sec. 4-1-16. - Enforcement~~15.~~ - Power to issue citation.**

31 (a) Officers of the Athens-Clarke County Animal Services Department ~~Control Division~~, the
32 code enforcement division, and the police and sheriff's departments ~~department~~, or the
33 ~~marshal~~ are hereby authorized to issue a summons or citation relative to the enforcement
34 of this chapter. A citation or summons which has been prepared in accordance with this
35 chapter ~~Chapter~~ and signed by an Animal Services Officer of the Athens-Clarke County
36 Animal Control Division may be personally served by any employee ~~member~~ of the
37 Animal Services Department who is ~~Control Division~~ staff not less than 18 years of age
38 and who has been authorized to do so ~~specially designated~~ by the Animal Services
39 Director, ~~Control Superintendent~~.

1 (b) This chapter shall be enforced by the Director of the Animal Services Department or
2 such person's designee(s). Upon information known to, or a signed written statement
3 lodged with, the Director or designee of the Director that any owner of an animal is in
4 violation of this chapter, a summons or citation may be served by the Director or any
5 authorized officer of the Animal Services Department requiring the owner of the animal
6 to appear before the Athens-Clarke County Municipal Court on a day and time certain to
7 stand trial for violation of this chapter. The Director and any authorized officer of the
8 Animal Services Department may use any necessary means to obtain warrants or
9 subpoenas from municipal court or magistrate court, including, but not limited to, arrest,
10 inspection, and/or search warrants, for the purpose of enforcing this chapter.

11 (1) *Right of entry.* The Director and each authorized officer of the Animal Services
12 Department may enter private property at any reasonable time or times with consent
13 of the occupant, the owner, or other lawful possessor to inspect or search such
14 premises, subject to constitutional restrictions on unreasonable searches and seizures.
15 If entry is refused or not obtained, the Animal Services Director or any authorized
16 officer of the Animal Services Department may pursue an inspection or search
17 warrant in the Athens-Clarke County Municipal Court.

18 (2) *Inspection and search warrants.* The Director and each authorized officer of the
19 Animal Services Department may obtain inspection and search warrants, in addition
20 to or in place of other procedures provided. Any such warrant shall authorize the
21 Director or officer of the Animal Services Department to conduct an inspection or
22 search of the described property and/or animal(s), either with or without the consent
23 of the person whose property and/or animal(s) are to be searched or inspected, under
24 the conditions set out below.

25 (3) *Inspection warrant issued.* An inspection warrant may be issued by the Athens-
26 Clarke County Municipal Court when the issuing judge is satisfied that both of the
27 following conditions are met:

28 (i) The person seeking the warrant has established under oath or affirmation that the
29 property and/or animal(s) are to be inspected as part of a legally authorized
30 program of inspections which includes that property and/or animal(s) or that
31 there is probable cause for believing that there is a condition, object, activity, or
32 circumstance which legally justifies inspection for the purpose of enforcing this
33 chapter; and

34 (ii) The issuing judge determines that the issuance of the warrant is authorized by
35 this chapter.

36 (4) *Search warrant issued.* A search warrant may be issued by the Athens-Clarke
37 County Municipal Court when the issuing judge is satisfied that both of the
38 following conditions are met:

39 (i) The person seeking the warrant has established under oath or affirmation that
40 there is probable cause for believing that there is a condition, object, activity, or
41 circumstance that legally justifies search or seizure for the purposes of enforcing
42 this chapter; and

1 (ii) The issuing judge determines that the issuance of the warrant is authorized by
2 this chapter.

3 (5) *Warrant valid.* The inspection or search warrant, as applicable, shall be validly
4 issued only if it meets all of the following requirements:

5 (i) The warrant is attached to the affidavit required to be made in order to obtain the
6 warrant;

7 (ii) The warrant describes, either directly or by reference to the affidavit, (A) the
8 property or animal(s) to be inspected, (B) the property to be searched, (C) the
9 animal(s) or thing(s) to be seized, and/or (D) the location where each such
10 animal(s) or thing(s), as applicable, is expected to be found, and is sufficient for
11 the executor of the warrant and the owner of the property or animal(s) to
12 reasonably determine from it what is to be inspected, searched, or seized;

13 (iii) The warrant indicates the conditions, objects, animal(s), activities, or
14 circumstances that the inspection is intended to check or reveal;

15 (iv) The warrant refers, in general terms, to the ordinance provision sought to be
16 enforced; and

17 (v) The warrant specifies the dates and times for making such inspection.

18 (c) The Director and any authorized officer of the Animal Services Department shall be
19 authorized to enforce the provisions of the Georgia Animal Protection Act.

20
21 **Sec. 4-1-16. -- Injured animals.**

22 ~~The superintendent of the animal control division shall have the authority humanely to~~
23 ~~dispose of impounded animals which are diseased or injured whenever it shall appear that any~~
24 ~~such animal is suffering great pain and whenever one of the following applies:~~

25 (1) ~~No determination as to the owner can be made after a reasonable inquiry or investigation;~~
26 ~~or~~

27 (2) ~~The owner cannot be contacted within a reasonable amount of time; or~~

28 (3) ~~The owner refuses to claim the animal immediately and accept financial responsibility for~~
29 ~~necessary veterinary treatment.~~

30
31 **Sec. 4-1-17. - Impoundment of animals.**

32 Except as otherwise provided for by state law, any domestic animal, ~~nontraditional livestock~~
33 ~~or livestock animal~~ that is in violation of this chapter, whether or not the animal is on public or
34 private property, may be, but is not required to be, impounded by the ~~Athens-Clarke County~~
35 ~~Animal Services Department Control Division~~ in accordance with rules and regulations adopted
36 pursuant to this chapter and the provisions of O.C.G.A title 4, chapter 3 (dealing with livestock
37 straying or running at large).

1 **Sec. 4-1-18. - Disposition of impounded animals.**

2 (a) If it appears that any impounded animal for which the stray hold period under section 4-
3 1-19 has not expired:

4 (1) is suffering great pain (whether from disease, injury, or other cause); and

5 (2) one of the following applies:

6 (i) after reasonable inquiry or investigation undertaken in a timely fashion, no
7 determination as to the owner can be made;

8 (ii) the owner, although known, cannot reasonably timely be contacted; or

9 (iii) the owner refuses to claim the animal immediately after notification and accept
10 financial responsibility for necessary veterinary treatment,

11 the Director of the Animal Services Department may, in the Director's discretion, have
12 such animal treated by a veterinarian, with the cost reimbursed under section 4-1-14
13 before the animal may be reclaimed; transfer such animal to a licensed rescue group on
14 the condition that the animal be available for reclaim by its owner for the duration of the
15 stray hold period set forth in section 4-1-19; or have such animal humanely euthanized if
16 such pain cannot reasonably be alleviated.

17 For purposes of this section, *timely* shall mean a time period not to exceed 24 hours; a
18 shorter duration shall be warranted if the Director of the Animal Services Department
19 determines that humane care of the animal so dictates.

20 (b) If an animal remains unclaimed within the prescribed amount of time set forth in section
21 4-1-19 or is surrendered to the Animal Services Department under section 4-1-20, the
22 Director of the Animal Services Department, or such person's designee(s), then the
23 superintendent of the animal control division, or his designees, shall be authorized to
24 dispose of such animal in as humane and painless a manner as possible, to offer the animal
25 for adoption in accordance with section 4-1-21, place ~~22~~, or to donate such animal into a
26 foster home acting under non-profit institution or agency for the authority purpose of the
27 Animal Services Department, transfer such animal to an appropriate animal humane
28 placement or rescue group or shelter, or humanely euthanize such animal.

29 (c) No live animal in the possession of the Athens-Clarke County Animal Services
30 Department Control Division shall be released, sold, or given to any individual, institution,
31 or private firm for the purpose purposes of medical and scientific research.

32 (de) When calculating the prescribed amount of time for the execution of rights or
33 responsibilities in this chapter, each day that the Animal Services Department animal
34 control facility is open for reclaims, whether on a walk-in or appointment basis, shall be
35 counted, except for the first day that an animal is impounded shall not be counted.

36
37 **Sec. 4-1-19. - Enforcement.**

38 This chapter shall be enforced by the superintendent of the Athens-Clarke County Animal
39 Control Division. Upon information known to, or a signed written statement lodged with, the
40 superintendent or authorized officers of the animal control division that any owner of an animal

1 is in violation of this chapter, a summons or citation may be served upon authority of the
2 superintendent by authorized officers requiring the owner of the animal to appear before the
3 Athens-Clarke County Municipal Court on a day and time certain to stand trial for violation of
4 this chapter. If such violation has not been witnessed by an officer, a subpoena may be issued to
5 the person supplying the information on which a formal charge may be made to appear at said
6 time and date to testify on behalf of Athens-Clarke County. The superintendent or authorized
7 officers of the animal control division are authorized to use necessary means to obtain warrants
8 or subpoenas from municipal court or magistrate court for the purpose of enforcing this chapter.

9
10 **Sec. 4-1-20. -- Confinement of biting animals.**

11 (a) Any animal that is known to have bitten or scratched a person shall be confined for the
12 purposes of rabies observation to the animal control facility, to a veterinary facility or to
13 such other facility as may be directed by the county health department for a period of ten
14 days after the date of the bite or scratch. All expenses incurred for such confinement and
15 observation shall be paid by the owner of such animal.

16 (b) The animal control superintendent shall be authorized to order the owner of any dog that
17 is believed to be subject to classification as potentially dangerous under this Chapter or
18 dangerous or vicious under O.C.G.A. § 4-8-21 et seq. to submit the dog to the animal
19 control facility. All expenses incurred for such confinement shall be paid by the owner of
20 such animal.

21 **Reclaim. -- Redemption of impounded animals.**

22 (a) It shall be the responsibility of the Athens-Clarke County Animal Services
23 Department/Control Division to attempt to notify the owner or feral cat colony caretaker,
24 if known, or can be reasonably ascertainable/ascertained, of every animal impounded
25 other than those whose ownership was surrendered to the Animal Services Department,
26 by telephone if possible, or by mail or by written notice at the residence of the owner
27 within two working days of the impoundment, whether by telephone, door card, or other
28 means reasonably calculated to provide notice.

29 (b) -The owner or feral cat colony caretaker of an/the animal may reclaim/claim and take
30 custody of the animal within five days of such impoundment, paying all -by the payment
31 of required fees and costs, and providing proof of ownership or caretaker status, as
32 applicable, satisfactory to the Animal Services Department. Notwithstanding anything in
33 the foregoing to the contrary, the Animal Services Director may require evidence that
34 any defect associated with the humane and appropriate housing and care of the animal
35 (sections 4-1-2 through 4-1-5 of this code) that led to the impound of the animal has
36 been corrected prior to releasing the animal from the Animal Services Department.

37 the cost of inoculations and veterinary services, including microchipping if provided pursuant
38 to subsection (c) If not reclaimed within of this section. After five days of
39 impoundment, an impounded, the animal shall be deemed abandoned and shall be the
40 property of Athens-Clarke County, and disposed of only pursuant to section 4-1-18 or
41 section 4-1-22, as applicable.

42 (d) Alle) From and after September 1, 2017, all animals other than community/feral cats
43 reclaimed under this section shall be microchipped before leaving impoundment at the

1 Animal Services Department ~~animal control division~~, with the identification number from
2 the animal's microchip recorded in Animal Services Department ~~Control Division~~
3 records.

4 (e) ~~d~~-From and after September 1, 2017, no dog or cat, ~~other than feral cats~~, shall be
5 released to its owner ~~from impound~~ by the Animal Services Department ~~Control Division~~,
6 more than once unless, prior to release, it is sexually sterilized ~~spayed or neutered~~ at the
7 owner's expense, unless the reclaiming owner:

8 (1) Shows proof that the owner is a GDA Pet Dealer licensee, that the animal being
9 reclaimed is part of the GDA-licensed business, and the person has obtained ~~a~~
10 ~~breeding license issued by the Georgia Department of Agriculture~~ and all local
11 business permits or certificates applicable to a commercial dog or cat breeding
12 business and a sales tax identification number; or

13 (2) Provides written certification from a licensed veterinarian citing a high likelihood
14 that the reclaimed dog or cat will suffer serious bodily harm or death due to age or
15 specified infirmity if the dog or cat is sexually sterilized ~~spayed or neutered~~ and the
16 date, if any, on which such restriction shall end, in which case the owner shall, in
17 writing, agree that such dog or cat ~~animal~~ will be sterilized within 30 days from such
18 date with proof provided promptly to the Animal Services Director ~~animal control~~
19 ~~superintendent~~. If timely proof of sterilizations ~~pay or neuter~~ is not received, the dog
20 or cat shall be subject to confiscation unless prior to the expiration of the agreed
21 period the owner provides an updated veterinary certification as set forth above and
22 the owner enters into a new sterilization agreement under the same terms.

23 (f) Any person reclaiming a dog or cat, ~~other than a feral cat~~, that, after September 1, 2017,
24 has been impounded for the first time; shall acknowledge in writing prior to taking
25 custody of the dog or cat the requirements of this ordinance that, upon any subsequent
26 impound, the dog or cat ~~animal~~ shall not be released unless it is sexually sterilized ~~spayed~~
27 ~~or neutered~~ at the owner's expense in accordance with paragraph (e) of this section.

28 29 **Sec. 4-1-20. - Surrender of ownership of an animal.**

30 (a) Except as set forth in subsection (b) or (c) below, only a resident of Athens-Clarke
31 County may surrender ownership of an animal to the Animal Services Department.
32 Surrendered animals become the property of Athens-Clarke County.

33 (b) Except as provided in subsection (c) below, any owner who has adopted or reclaimed an
34 animal who fails to take possession of such animal within 24 hours of such animal's
35 availability shall be deemed to have surrendered such animal to the Department, unless
36 prior written arrangements for such continued custody have been made with and
37 consented to by the Director of the Animal Services Department. This subsection shall
38 apply specifically to instances where the animal has been adopted or reclaimed, but
39 possession was retained by the Animal Services Department until the animal is sexually
40 sterilized.

41 (c) Any owner who has reclaimed an animal, but possession was retained by the Animal
42 Services Department until the owner provides evidence of compliance with the
43 provisions of this chapter, shall have 10 days after the reclaim to provide proof of such

1 compliance to the Animal Services Department and take possession of such animal. Any
2 owner who fails to show such compliance and take possession of such animal within
3 such period of time shall be deemed to have surrendered such animal to the Department,
4 unless prior written arrangements for such continued custody have been made with and
5 consented to by the Director of the Animal Services Department.

6 **22**

7 **Sec. 4-1-21. - Adoption of animals.**

8 (a) ~~The Athens-Clarke County Animal Services Department Control Superintendent~~ may
9 offer for adoption any animal deemed abandoned pursuant to section 4-1-19(c)(21)(b) or
10 any animal that has been ~~surrendered~~ donated to the ~~Department~~ division by its the owner.

11 (b) Potential adopters must make application for adoption with the Animal Services
12 Department, pay the required fee, ~~(b) An animal may be donated for adoption only by a~~
13 ~~resident of Athens-Clarke County and may be made available for adoption upon the~~
14 ~~determination by the animal control superintendent that the animal is of reasonably good~~
15 ~~health and temperament. In the event that the owner of an animal at the time of impound~~
16 ~~desires to reclaim an animal remaining in the custody of the Athens-Clarke County~~
17 ~~Animal Control Division after the animal has been deemed abandoned pursuant to section~~
18 ~~4-1-21(b), the animal control superintendent may, in his or her discretion, permit such~~
19 ~~prior owner to adopt the animal in accordance with this section, provided however, that~~
20 ~~no dog or cat shall be adopted by the prior owner unless the dog or cat has been spayed or~~
21 ~~neutered and microchipped at the owner's expense.~~

22 (c) ~~Potential persons who want to adopt an animal must make application for adoption with~~
23 ~~the Athens-Clarke County Animal Control Division and meet requirements associated~~
24 ~~with the humane housing and care of the animal as determined by the~~
25 ~~Director~~ superintendent of the Athens-Clarke County Animal Services Department Control
26 Division and by the payment of the required fees.

27 (d) ~~No unclaimed dog which is not neutered or spayed shall be released from the Athens-~~
28 ~~Clarke County Animal Control Division without a written agreement from the person~~
29 ~~adopting the animal that such animal will be sterilized within 30 days from the date of~~
30 ~~adoption. Failure of the owner to spay or neuter the adopted dog within the prescribed~~
31 ~~time will constitute a violation of O.C.G.A. section 4-14-3(e) and will be prosecuted as a~~
32 ~~misdemeanor as prescribed in O.C.G.A. section 4-14-4.~~

33 (e) ~~Adopted animals under six months old must be sterilized by the time the animal is seven~~
34 ~~months old. Upon written proof that the adopted animal has been sterilized within the~~
35 ~~specified time, a refund of \$25.00 shall be paid by Athens-Clarke County to the person~~
36 ~~adopting such animal.~~

37
38 **Sec. 4-1-2223. - Escape, injury, or theft.**

39 Employees of the Athens-Clarke County Animal Services Department Control Division shall
40 exercise reasonable care to prevent the escape, injury, ~~escape~~ or theft of any animal which is in
41 their custody or which they are attempting to bring into their custody under the provisions of
42 this chapter, but they shall not be responsible for any such occurrence.

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Sec. 4-1-23. - Quarantine of biting animals.

(a) Any animal capable of transmitting rabies, including, but not limited to, dogs, cats, ferrets, racoons, skunks, foxes, coyotes, horses, cattle, or bats, that is:

- (1) known to have bitten or scratched a person and drawn blood;
- (2) not known to be vaccinated for rabies and known to have bitten another domestic animal or livestock capable of transmitting rabies; or
- (3) suspected to have been exposed to rabies,

shall be confined and quarantined for the purposes of rabies observation for ten days after the date of such bite, scratch, or exposure, or shall be humanely euthanized and tested as set forth under subsection (e). Any animal potentially exposed to rabies by a wild, carnivorous mammal or a bat that is not available for testing should be regarded as having been exposed to rabies.

(b) Unvaccinated, unowned animals exposed to rabies by a known rabid animal shall be humanely euthanized and tested as set forth under subsection (e).

(c) Unvaccinated, owned animals exposed to rabies by a known rabid animal shall, in the sole determination of the Director of the Animal Services Department, be euthanized and tested as set forth under subsection (e) or placed in quarantine for the time period set forth in the Compendium of Animal Rabies Control.

(1) An animal quarantined under this subsection shall be isolated from people and other animals capable of transmitting rabies and observed for symptoms of rabies at the Animal Services Department facility or a veterinary facility, unless otherwise authorized for home confinement under subsection (d).

(2) Any such animal shall be vaccinated according to the schedule set forth in the Compendium of Animal Rabies Control and should not be released before the time frame set forth in such manual.

(3) All expenses incurred for confinement, observation, and veterinary care under this subsection shall be paid by the owner of such animal.

(d) A domestic animal or livestock with a current rabies vaccine may be quarantined at its owner's home if approved by the Director of the Animal Services Department and:

(1) the animal is kept in an enclosure in a designated confinement area that precludes interaction with people and animals other than a single caretaker, and

(2) at the first sign or symptom in the animal consistent with rabies, the Animal Services Department is notified and the animal is evaluated by a licensed veterinarian.

An animal quarantined at home shall not be released from quarantine until after the quarantine period has expired and such animal has been subsequently examined by a licensed veterinarian and found free from any signs or symptoms of rabies. Home confinement is the responsibility of the owner and subject to unannounced inspections by agents of the Animal Services Department to ensure compliance. All expenses incurred for such confinement and examination shall be paid by the owner of such animal.

- 1 (e) If a quarantined animal develops signs or symptoms of rabies during the quarantine
2 period, it shall be humanely euthanized. An animal that dies or is humanely euthanized
3 during the period of quarantine shall have its brain tissue submitted to an approved
4 laboratory for testing and control of rabies.
- 5 (f) The Director of the Animal Services Department may order the owner of any dog that is
6 believed to be subject to classification as potentially dangerous under this chapter or
7 dangerous or vicious under the Responsible Dog Ownership Law to submit the dog to the
8 Animal Services facility for quarantine under this section. All expenses incurred for such
9 confinement and observation shall be paid by the owner of such animal.
- 10 (g) All quarantined animals will be managed in accordance with the guidelines established in
11 the most current edition of the Compendium of Animal Rabies Control.
- 12 (h) Failure to comply with the quarantine requirements of this section by the owner of a
13 quarantined animal constitutes a violation of this chapter and may result in the
14 impoundment and humane euthanasia of the animal. In that event, the owner remains
15 responsible for all veterinary, boarding, and other expenses incurred on behalf of the
16 quarantined animal.

17
18 **Sec. 4-1-24. - Records.**

19 It shall be the duty of the ~~Athens-Clarke County Animal Services Department Control~~
20 ~~Division~~ to keep accurate ~~written~~ records showing the final disposition of all animals
21 impounded thereby, the date of impoundment, the description and other identifying data of the
22 animal, the fees collected, and the date of disposition of the animal, ~~the disposition of the animal~~
23 ~~and the date thereof, which record shall be open and available for public inspection at a~~
24 ~~reasonable place during the regular business hours for a period of 24 months after the date of~~
25 ~~impoundment.~~

26
27 **Sec. 4-1-25. - Regulation of ~~classified dangerous, vicious and potentially dangerous dogs.~~**

- 28 (a) The ~~Animal Services Director~~ ~~animal control superintendent~~ shall be the designated
29 authority to carry out the duties of dog control officer as provided for in O.C.G.A. § 4-8-
30 22(b) ~~and as provided for in this chapter.~~
- 31 (b) It shall be the duty of the Judge of the Probate Court to conduct hearings and make
32 determinations concerning the regulation and disposition of potentially dangerous dogs as
33 required in this chapter ~~Chapter~~ and dangerous and vicious dogs as required by the
34 ~~Responsible Dog Ownership Law~~ ~~O.C.G.A. Chapter 8, Title 4~~ and as required by this
35 chapter.
- 36 (c) During the period while classification is pending and during the amount of time that such
37 classification is eligible for or under appeal by the owner, the dog will be impounded at
38 ~~the Athens-Clarke County Animal Services Department Control~~ unless the ~~Animal Services~~
39 ~~Director~~ ~~animal control superintendent~~ confirms, after inspection, that all of the applicable
40 ~~enclosure~~ requirements of the Responsible Dog Ownership Law ~~O.C.G.A. § 4-8-27~~ and of
41 this ~~chapter~~ ~~section~~ have been met.

1 (d) Whenever a dog that has been classified ~~dog~~ as dangerous or vicious under O.C.G.A. § 4-
2 8-21 et seq. or potentially dangerous pursuant to the provisions of this chapter (together,
3 “classified dogs” and each a “classified dog”) is present in Athens-Clarke County, the
4 following apply:

5 (1) Before the dog may be housed anywhere within Athens-Clarke County other than at
6 ~~the Athens-Clarke County Animal Services Department, Control~~ or at veterinarian
7 facility for the purpose of satisfying the procedures required in this section, the owner
8 and property proposed for housing the dog must meet all of the requirements of the
9 Responsible Dog Ownership Law O.C.G.A. § 4-8-27 and of this ~~chapter~~ section and be
10 issued a certificate of registration.

11 (2) ~~The dog~~ All classified dogs must be sexually sterilized ~~spayed or neutered~~ and
12 microchipped. The owner must provide written proof of the sterilization ~~spay or neuter~~
13 and the identification number from the dog’s microchip to the Animal Services
14 Director ~~animal control superintendent~~ before a certificate of registration may be
15 issued. The Animal Services Director or the Director’s designee (including, but not
16 limited to, an employee of the Animal Services Department or a veterinarian) may ~~or~~
17 ~~updated~~. The animal control superintendent shall be authorized to administer the
18 microchip and, ~~in any event~~, shall confirm the microchip placement and number by
19 scanning the dog to the extent that such administration or confirmation can be
20 accomplished without risk of physical harm to animal control personnel. The
21 microchip number shall be included on the certificate of registration, and it shall be
22 unlawful for any person to tamper with or remove ~~the microchip~~ such identification.

23 (3) The owner of a classified dog shall confine the dog only in a proper enclosure, as set
24 forth in the Responsible Dog Ownership Law and O.C.G.A. § 4-8-27 or this
25 ~~chapter~~ section, that has been inspected and approved by the Animal Services Director
26 or a designee of the Director ~~animal control superintendent~~. Such inspection shall occur
27 prior to issuance or renewal of a certificate of registration and must be updated if the
28 location at which the animal is being kept is changed at any time, including if a
29 previously classified dog is brought into Athens-Clarke County. The Animal Services
30 Director ~~animal control superintendent~~ or ~~his~~ designee of the Director is authorized to
31 update ~~the inspection~~ at other times in ~~such person’s~~ his discretion.

32 (4) If the owner has not already met the requirements for issuance of a certificate of
33 registration at the time the dog is classified or at the time a previously classified dog is
34 brought into Athens-Clarke County, the dog shall be impounded at ~~the Athens-Clarke~~
35 ~~County~~ Animal Services Department and remain in the custody of the Animal Services
36 Department until such time as the requirements are met. ~~Control~~. The dog’s owner
37 must meet the requirements for keeping the classified ~~a potentially dangerous,~~
38 ~~dangerous or vicious dog, as applicable~~, no later than five days after the date the
39 classification becomes effective or after a previously classified dog is brought into
40 Athens-Clarke County. If the requirements are not met or the dog is not retrieved from
41 ~~the Athens-Clarke County Animal Services Department~~ Control within such time, then
42 the dog shall be deemed unclaimed and subject to the provisions of section 4-1-18 of
43 this chapter.

1 (5) The owner of a classified dog must renew the certificate of registration annually. The
2 Animal Services Director ~~animal control superintendent~~ or ~~his~~ designee of the
3 Director shall inspect and approve the proper enclosure for the dog prior to renewing a
4 certificate of registration as well as, re-scan and verify the dog's microchip
5 identification number, ~~and confirm that the dog has been spayed or neutered to the~~
6 ~~extent that such confirmation can be accomplished without risk of physical harm to~~
7 ~~animal control personnel.~~

8 (6) The owner of a classified dog shall immediately orally notify the Animal Services
9 Department ~~animal control division~~ if the dog is not confined in the approved location
10 or by the approved method, if the dog is stolen or missing, or if the dog is otherwise
11 loose, if the dog is transferred, or if the dog is deceased. The owner thereafter must
12 submit within two business days a notarized, sworn statement describing the
13 circumstances of the dog's death or disappearance, or the name, address, and
14 telephone number of the person to whom the dog was transferred.

15 (7) Whenever ~~outside the proper enclosure~~, the classified dog must be restrained by a
16 leash not to exceed six feet in length and under the immediate physical control of a
17 person who knows of the classification and associated restrictions and is capable of
18 preventing the dog from engaging with any other human or animal.

19 (8) Whenever a classified dog is subject to confiscation, the owner of the dog must submit
20 the dog to the ~~Athens-Clarke County~~ Animal Services Department ~~Control~~ without
21 delay. A classified dog is subject to confiscation under this chapter if it is not validly
22 registered, not maintained in a proper enclosure, ~~or is outside the proper enclosure and~~
23 ~~not on leash, or is transferred in violation of this chapter.~~

24 (9) ~~A8) — No classified dog that is in the custody of the Athens-Clarke County Animal~~
25 ~~Services Department Control may only be disposed~~ offered for the purpose of as
26 follows:

27 (i) ~~if adoption; provided, however, that dogs classified as vicious: euthanized or~~
28 ~~reclaimed by an owner complying with all requirements of this chapter and of the~~
29 ~~Responsible Dog Ownership Law;~~

30 (ii) if classified as ~~potentially~~ dangerous: euthanized, reclaimed by an owner complying
31 with all requirements of this chapter and of the Responsible Dog Ownership Law, or
32 ~~may be~~ transferred to an animal shelter licensed by the GDA or other applicable
33 authority ~~Georgia Department of Agriculture~~ if authorized by the Animal Services
34 Director; or

35 (iii) if classified as potentially dangerous: euthanized, reclaimed by an owner
36 complying with all requirements of this chapter and of the Responsible Dog
37 Ownership Law, transferred to an animal shelter licensed by the GDA or other
38 applicable authority if authorized by the Animal Services Director, or offered for the
39 purpose of adoption with the written permission of the Animal Services
40 Director. ~~control superintendent.~~

41 (e) ~~Whenever~~ In addition to the requirements set forth above, whenever a dog that has been
42 classified as potentially dangerous dog pursuant to the provisions of this chapter is present
43 in Athens-Clarke County, the following apply:

1 (1) The dog must be housed in a proper enclosure; and

2 (1) A “proper enclosure” shall mean an enclosure designed to securely confine the
3 potentially dangerous dog on the owner’s property, indoors, or in a securely locked
4 and enclosed pen, fence, or structure suitable to prevent the potentially dangerous dog
5 from leaving such property.

6 (2) The owner of the dog shall post on the premises where the dog is kept a clearly visible
7 sign warning that there is a potentially dangerous dog on the property. A sign shall be
8 placed at every entrance and exit to the property, including at every entrance and exit
9 of any fence which is used to contain the potentially dangerous dog.

10 (3) ~~Whenever outside the proper enclosure, the potentially dangerous dog must be~~
11 ~~restrained by a leash not to exceed six feet in length and under the immediate physical~~
12 ~~control of a person capable of preventing the dog from engaging any other human or~~
13 ~~animal when necessary.~~

14 (f) Investigations by ~~Animal Services Director~~~~animal control superintendent~~; notice to owner;
15 hearings; determinations by hearing authority.

16 (1) Upon receiving a report of a dog believed to be subject to classification as a potentially
17 dangerous dog as defined in this ~~chapter~~~~Chapter~~, the ~~Animal Services Director~~~~animal~~
18 ~~control superintendent~~ shall make such investigations as necessary to determine
19 whether such dog is subject to classification as a potentially dangerous dog.

20 (2) When the ~~Animal Services Director~~~~animal control superintendent~~ determines that a
21 dog is subject to classification as a potentially dangerous dog, the ~~Animal Services~~
22 ~~Director~~~~animal control superintendent~~ shall send a dated notice by certified mail to the
23 owner at the owner’s last known address or the ~~Animal Services Director~~ or such
24 person’s designee shall provide personal notice ~~a dated notice~~ to the dog’s owner.
25 Such notice shall include a summary of the ~~Animal Services Director’s~~~~dog control~~
26 ~~officer’s~~ determination and shall state that the owner has a right to request a hearing
27 from the Judge of the Probate Court, ~~concerning~~~~on~~ the ~~Animal Services~~
28 ~~Director’s~~~~animal control superintendent’s~~ determination, within seven days after the
29 date shown on the notice. The notice shall provide a form for requesting the hearing
30 and shall state that, if a hearing is not requested within the allotted time, the ~~Animal~~
31 ~~Services Director’s~~~~animal control superintendent’s~~ determination shall become
32 effective for all purposes under this ~~chapter~~~~Chapter~~. If an owner cannot be located
33 within ~~five business~~~~ten~~ days of the ~~Animal Services Director’s~~~~sa dog control officer’s~~
34 determination that a dog is subject to classification as a potentially dangerous dog, the
35 dog shall be deemed unclaimed and subject to the provisions of section 4-1-18 of this
36 chapter.

37 (3) To request a hearing in accordance with this section, the dog owner must file a Dog
38 Classification Appeal Request with the Probate Court and pay all applicable filing
39 fees.

40 (4)(3) When a hearing is requested by a dog owner in accordance with this section, such
41 hearing shall be scheduled within 30 days after the request is received; provided,
42 however, that such hearing may be continued by the Judge of the Probate Court for
43 good cause shown. At least ten days prior to the hearing, the Judge of the Probate

1 Court shall mail to the dog owner written notice of the date, time, and place of the
2 hearing. At the hearing, the dog owner shall be given the opportunity to testify and
3 present evidence, and the Judge of the Probate Court shall receive other evidence and
4 testimony as may be reasonably necessary to sustain, modify, or overrule the Animal
5 Services Director's superintendent's determination.

6 (54) Within ten days after the hearing, the Judge of the Probate Court shall mail written
7 notice to the dog owner of such Judge's determination on the matter. If such
8 determination is that the dog is a potentially dangerous dog, the notice of classification
9 shall specify the date upon which that determination shall be effective.

10 (g) As set forth in sections 4-1-2(b)(5) and 4-1-8(d) of this chapter, no classified dog may be
11 confined by an electronic confinement system or serve as a guard dog.

12 (h)(g) Notwithstanding any other provisions of this chapter to the contrary, any dog that
13 causes a fatality to a human will not be released to the owner until the end of any appeals
14 process.

15 (i) Failure to comply with any applicable provision of this section shall be a violation.

16
17 **Sec. 4-1-26. - Authorization Requirements for TNR and care Care of community cats Feral**
18 **Cat Colonies.**

19 In order to care for and decrease the size of the free-roaming cat population in Athens-
20 Clarke County It is unlawful for any person to provide food, water, or shelter to a feral cat unless
21 the feral cat is part of a registered feral cat colony. Caretakers of feral cat colonies shall register
22 such colony with Animal Control. The registration shall be renewed annually. Registration shall
23 include the name and address of the caretakers, the animal rescue group with which they are
24 affiliated, and the location of the colony. The Manager shall develop Policies and Procedures to
25 govern the Feral Cat Colony Program to be approved by the Mayor and Commission. A feral cat
26 colony may be registered when the volunteer caretaker and animal rescue group can show all of
27 the following:

28 (1) Regular feeding of the colony will be maintained throughout the year;

29 (2) Adult cats and kittens over time, any member 12 weeks of the public may:

30 (a) Capture in a humane manner any free-roaming cat such person reasonably believes to age
31 that can be unowned for the purpose of TNR or receiving veterinary care without being
32 considered its owner; provided, however, the cat must be captured will be sexually sterilized,
33 ear-tipped, and rabies-vaccinated before being released at the location where it was
34 originally found neutered or it must be taken to the Animal Services Department;

35 (b) Perform TNR by having any free-roaming cat such person reasonably believes to be
36 unowned sexually sterilized, ear-tipped, spayed and vaccinated against rabies by a licensed
37 veterinarian, and return the cat to the location where it was found, unless illness or injury
38 present an imminent danger to public health or safety, or the health or safety of the cat, in
39 which case the cat must be taken to a licensed veterinarian for care or euthanasia or to the
40 Animal Services Department instead of returned. A three-year rabies vaccine will be
41 administered whenever feasible;

1 (c) Act as a caretaker for one or more community cats without being deemed an owner and
2 without being subject³) — Every attempt will be made to sections 4-1-2 through 4-1-9
3 and any licensing provisions of this chapter, except as otherwise specifically provided in
4 this chapter;

5 (d) Temporarily retain possession of a free-roaming cat such person reasonably believes to be
6 unowned for the purpose of recovering from veterinary care without becoming the cat's
7 owner; provided that the cat shall not be controlled or confined for longer than is
8 reasonably necessary under the circumstances, and during any such period of confinement
9 the cat must be cared for in such a way that the applicable provisions of this chapter even
10 though otherwise exempted are complied with; provided, further, that the cat must be
11 sexually sterilized, ear-tipped, and rabies-vaccinated before being released at the location
12 where it was originally found or it must be taken to the Animal Services Department;
13 and/or

14 (e) Have a formerly free-roaming cat that such person trapped and brought to the Animal
15 Services Department released to such person on such terms as may be established by the
16 Animal Services Director in accordance with any TNR or return-to-field program
17 established by the Animal Services Department without being considered the owner of the
18 cat.

19 (f) Failure to comply with any applicable provision of this section shall be a violation.

20 Nothing in the foregoing shall authorize a person to enter onto another person's property
21 without permission of the property's lawful possessor.

22 have

23 **Sec. 4-1-27. - Duties of caretakers.**

24 (a) A caretaker shall make a reasonable effort to:

25 (i) Reduce the local population of free-roaming cats, including by promptly engaging in
26 TNR with respect to all potential community cats estimated to be twelve weeks of age
27 or older for which such person cares. TNR shall be considered prompt if begun within
28 two weeks of the person beginning to care for the cats and pursued as diligently as is
29 reasonable given the number of cats, weather, and availability of sexual sterilization
30 surgery appointments;

31 (ii) Take possession of free-roaming kittens that such person feeds that are reasonably
32 estimated to be less than twelve weeks of age and deliver them to the Animal Services
33 Department removed from the colony and fostered before they reach the age of 12
34 weeks for domestication and placement;

35 (iii) Take possession of any sick⁽⁴⁾—Siek or injured community cat for which such person
36 cares for the purpose of cats will be removed from the colony for either immediate
37 veterinary/veterinarian care, or humane euthanasia as determined by the veterinarian.
38 The decision either to treat or impound at the Animal Services Department without
39 being considered the cat's owner;

40 (iv) Ensure that all community cats for which such person cares receive food and water
41 year round; and

1 (v) Identify a replacement caretaker if such person is unable to continue to care for one or
2 more community cats.

3 (b) Each failure to take an action set forth in subparagraph (a) of this section ~~ethanize~~ shall be
4 a separate violation.

5 (c) A caretaker who persistently or repeatedly violates this section shall be prohibited from
6 serving as a caretaker for a two-year period after which the Animal Services Director, in
7 the Director's reasonable ~~at the entire~~ discretion, may authorize such person to resume
8 serving as a caretaker. ~~of the veterinarian;~~

9 (5) Cats will be ear tipped for recognition as members of a registered feral cat colony;

10 (6) ~~Records of sterilizations, vaccination and animal identification will be provided to animal~~
11 ~~control upon request;~~

12 (7) ~~Written permission has been given to the animal rescue group from the owner of the~~
13 ~~premises upon which the feral cat colony is located for the registered feral cat colony to~~
14 ~~be located on the owner's property; and~~

15 (8) ~~Compliance with the Policies and Procedures governing the Feral Cat Program.~~

16 **Removal of Feral Cats from Colony.**

17 ~~Animal Control has the right immediately to seize and remove all or parts of any feral cat~~
18 ~~colony for public health and public safety concerns including rabies, other zoonotic disease~~
19 ~~epidemics, and certain animal to animal diseases as identified by the Superintendent of Animal~~
20 ~~Control.~~

22 **Sec. 4-1-28. - Prohibitions - Unlawful Interference with Registered Feral Cat Colony.**

23 No person shall:

24 (a) Leave a trap such person has set for the purpose of catching a cat unattended in excess of
25 12 hours;

26 (b) Release a cat outdoors that ~~Except as provided in section 4-1-27, it is~~ known to be positive
27 for feline leukemia or FIV, that is more than superficially ill or injured, or that is not
28 known to be sexually sterilized, currently vaccinated for rabies, and ear-tipped;

29 (c) Release a cat to any outdoor location, other than a community cat that (1) is returned to its
30 original location after TNR or veterinary care, or (2) was trapped or otherwise caught
31 within Athens-Clarke County that is rehomed as part of a program established by the
32 Animal Services Department; or

33 (d) ~~Knowingly unlawful for any person knowingly to prevent,~~ interfere with; or obstruct the
34 care of a community cat that has a known caretaker, unless the cat is, or the caretaking is
35 performed, on such person's lawfully possessed property. Interference or obstruction
36 includes, but it not limited to:

37 (1) Trapping a seemingly healthy and uninjured community cat;

38 (2) Luring a cat onto property lawfully possessed by such person, unless such cat is
39 established by photographic or video evidence (or the written statement of two or more

1 persons describing the cat to be trapped) to be roaming on such person's property and
2 the luring is accomplished through the provision of food in a humane trap under
3 ordinary cat trapping procedures;

4 (3) Poisoning, polluting, or removing food or water for a community cat;

5 (4) Removing, damaging, or destroying a shelter for a community cat; or

6 (5) Committing an otherwise unjustifiable act that negatively affects the community cat;
7 or

8 (e) Control or confine a community cat for any purpose other than as described in this chapter
9 without complying with the requirements of sections 4-1-2 through 4-1-9.

10 (f) Each action set forth in this section shall be a separate violation.

11
12 **Sec. 4-1-29. - Limitations.**

13 Nothing management of a registered feral cat colony. However, nothing herein shall prohibit:

14 (-a) A property owner from taking lawful steps to control or restrict community feral cats
15 within the limits of the owner's property including, but not limited to, taking the cat to the
16 Animal Services Department; or-

17 (b) The Animal Services Department from seizing and removing community cats for public
18 health or public safety concerns, including an outbreak of rabies, other zoonotic disease
19 epidemics, and animal-to-animal diseases identified by the Animal Services Director.

20
21 **Sec. 4-1-30. - Voluntary registration program~~29. - Disposition of Feral Cats - generally.~~**

22 The Animal Services Department shall maintain a voluntary registration program for
23 caretakers. A caretaker who notifies the Department of the location and approximate number of
24 community cats for which such person cares and verifies compliance with this chapter and
25 provides the Department with current contact information shall be:

26 (a) Notified by the Department if an ear-tipped cat from the general vicinity specified in the
27 registration is impounded at the Animal Services Department;

28 (b) Permitted to take possession of a community cat for which such person was caring prior to
29 such cat's impound by the Animal Services Department during the period of time set forth
30 in section 4-1-19 without establishing ownership of the cat; and

31 (c) Prioritized for participation in any TNR or other applicable program established by
32 Athens-Clarke County, if otherwise qualifying under the terms of such program.

33 The Animal Services Director may deny a registration or revoke any prior registration in
34 the Director's reasonable discretion.~~(a) — Animal Control may impound feral cats in
35 violation of this chapter and dispose of the cats by adoption or other disposition in
36 accordance with this chapter, or release the cat to a feral cat colony caretaker who will
37 maintain the cat as part of a registered feral cat colony.~~

1 (b) ~~The superintendent of the animal control division, or his designee, shall have the~~
2 ~~authority humanely to dispose of any cat believed to be feral whenever all of the~~
3 ~~following apply:~~

4 ~~(1) No tag, microchip, or other evidence (including without limitation the proximity of an~~
5 ~~ear tipped cat at the time of recovery to a registered feral cat colony) which identifies~~
6 ~~or which could reasonably lead to the identity of an owner or feral colony caretaker is~~
7 ~~present;~~

8 ~~(2) A determination has been made that the cat is feral after an overnight observation~~
9 ~~period;~~

10 ~~(3) No owner or feral cat colony caretaker has been identified; and~~

11 ~~(4) The cat appears to be more than 16 weeks of age.~~

12
13 **Sec. 4-1-31. - Protecting the health of dogs and cats.**

14 (a) Any offer to transfer, acceptance of an offer to transfer, or transfer of any dog or cat in
15 Athens-Clarke County is subject to the following provisions. Failure to comply with any
16 applicable provision of this section shall be a violation.

17 (b) Any dog or cat transferred independent of its mother must be at least eight weeks old at
18 the time of transfer. The mother of such an animal may not be transferred independent of
19 such animal(s) prior to the juvenile dog or cat attaining the age of eight weeks. An offer
20 to transfer a dog or cat that is under the age of eight weeks must clearly state that the
21 transfer may not occur prior to the age of eight weeks and must include the date on
22 which the animal turns eight weeks of age, and if applicable, the animal's microchip
23 number.

24 (c) Any individual or entity offering to transfer or transferring:

25 (1) any dog or cat that is at least three months of age must have proof that such animal is
26 currently vaccinated for rabies;

27 (2) any dog must have proof that such animal is currently vaccinated for canine
28 distemper and parvovirus;

29 (3) any cat must have proof that such animal is currently vaccinated for feline viral
30 rhinotracheitis, calicivirus, and panleukopenia; and

31 (4) any dog or cat that is 6 months of age or under must have proof that such animal was
32 dewormed appropriately.

33 Whether an animal is (i) currently vaccinated against rabies shall be determined in
34 accordance with the Compendium of Animal Rabies Control, and (ii) currently
35 vaccinated against other diseases and dewormed appropriately shall be determined in
36 accordance with the most recent vaccination and deworming schedules issued by the
37 American Veterinary Medical Association but such dog or cat shall, in any event, have no
38 less than one vaccination and deworming every four weeks beginning at six weeks of age
39 (or when the transferor obtained the animal, if older), with no more than three such

1 dewormings or vaccinations required unless otherwise indicated by symptoms or a
2 licensed veterinarian.

3 (d) An offeror, upon request, must show proof of such vaccination to any offeree and to any
4 agent of the Animal Services Department. A transferor must provide such proof to the
5 transferee at the time of transfer of the animal.

6 (e) Dogs and cats at least eight weeks of age and up to six months of age offered for transfer
7 or transferred must have an original CVI issued within the 30 days prior to the date of
8 offer or transfer, as applicable.

9 (f) Any individual offering to transfer or transferring any domestic animal in exchange for
10 consideration must also comply with all local ordinances and state laws involving sales
11 of animals, including, but not limited to, any required Occupational Tax Certificate,
12 zoning requirements, any applicable sales and income tax laws, section 9-15-16 of this
13 code, and, if applicable, be a GDA Pet Dealer licensee.

14 (g) Any transferor of a dog or cat other than a GDA Pet Dealer licensee must keep a written
15 record of the transfer for a minimum of 1 year, which record shall include the name,
16 address, phone number, and signature of the transferee, the amount of any consideration
17 paid, a description of the transferred dog or cat including any microchip number, the
18 license number for the dog or cat that whelped the litter, if applicable, and a copy of all
19 offers to transfer and paperwork transferred, including proof of vaccination and, if
20 applicable, deworming status, with such dog or cat. Such person shall make the record
21 available for review by any agent of the Animal Services Department upon request.

22 (h) Any GDA Pet Dealer licensee that is licensees offering to transfer or transferring a dog or
23 cat in Athens-Clarke County shall make all records required by the GDA in connection
24 with such offer to transfer and/or transfer available for review by any agent of the Animal
25 Services Department upon request. Failure to maintain such records as required by the
26 GDA shall be a violation.

27 (i) Failure to comply with any applicable provision of this section shall be a violation.

28 (j) *Exemptions.*

29 (1) Offers and transfers to a GDA Animal Shelter licensee, and transfers between GDA
30 Animal Shelter licensees, are exempt from this section.

31 (2) Offers and transfers by a GDA Animal Shelter licensee to a transferee other than
32 another GDA Animal Shelter licensee are exempt from the requirements of
33 subsection (e).

34 (3) Current GDA Pet Dealer licensees are exempt from subsection (g).

35
36 **Section 4-1-32. - Outdoor Sales Prohibition.**

37 (a) It shall be unlawful for any person to transfer for consideration, offer to transfer for
38 consideration, lease or offer to lease, or display for a commercial purpose (for purposes
39 of this section 4-1-32, collectively a “transfer”) any dog, cat, or domestic rabbit on any
40 roadside, public right-of-way, parkway, median, park, other recreation area, fair, flea

1 market, outdoor market, or commercial or retail parking lot, regardless of whether such
2 activity is otherwise authorized by any person.

3 (b) This section shall not apply to:

4 (1) A transfer of a dog, cat, or domestic rabbit at an established retail location that
5 routinely provides adoption space for such purpose, with written permission from the
6 property owner or lawful possessor of the retail location for such activity, by an entity
7 that has and is displaying a valid animal shelter license issued by the GDA;

8 (2) The transfer of a dog, cat, or domestic rabbit by a paid entrant as part of a nationally-
9 sanction event or fair show, 4-H program, or similar agricultural exhibition; or

10 (3) A prearranged transfer between a dog, cat, or domestic rabbit seller and a specific
11 purchaser that takes place at a police department, sheriff's office, or other similar
12 peace officer facility during daylight hours, unless otherwise prohibited.

13 (c) In addition to any fine imposed, any Animal Services officer, the Director of the Animal
14 Services Department, and any law enforcement officer is authorized to impound any
15 animal transferred in violation of this section.

16
17 **Sec. 4-1-33. - Animal abuse, neglect, and fighting.**

18 (a) Except as expressly preempted by O.C.G.A. § 16-12-4, it shall be unlawful for any
19 person to abuse any animal. Any person who abuses an animal, or aids another person in
20 abusing an animal, or causes or permits an animal to abuse another animal, by acting or
21 failing to act, shall be in violation of this section. Abuse to animals includes, but is not
22 limited to:

23 (1) failing to provide reasonable remedy or relief for any injured or diseased animal such
24 person owns;

25 (2) causing unnecessary suffering of, or unnecessary physical pain to, any animal;

26 (3) intentionally or recklessly causing any domestic animal or livestock to be poisoned,
27 or intentionally or recklessly poisoning any other animal other than as part of
28 accepted pest control practices;

29 (4) beating, torturing, tormenting, or mutilating any animal;

30 (5) attaching, or for an owner to fail to loosen, a collar, harness, or other item fixed to an
31 animal's body that is tight enough that it chokes or causes visible injury to the
32 animal;

33 (6) dyeing, coloring, or displaying a living baby chick, duckling, other fowl, amphibian,
34 reptile, or rabbit in connection with any transfer or offer to transfer such animal or
35 for entertainment purposes;

36 (7) intentionally and unnecessarily separating puppies or kittens from their mother
37 before the age of eight weeks; and

38 (8) otherwise treating any animal in an inhumane manner.

1 A person shall not be guilty of animal abuse when the person is protecting such person's
2 life or the life of another person or animal that is being attacked by an animal that is
3 attempting to severely harm or kill him or her or such person or animal, provided that
4 the person being attacked is not committing a crime against the animal, is not
5 aggravating or inciting the animal to attack, and is not using unnecessary force against
6 the animal.

7 (b) It shall be unlawful neglect for any owner of an animal to:

8 (1) fail to provide the animal with humane/adequate care, including reasonably
9 necessary veterinary care;

10 (2) house or otherwise keep the animal in unsanitary conditions that constitute a health
11 hazard to the animal, other animals or any person residing on the same property,
12 and/or the animals or residents of any adjacent property; or

13 (3) fail to ensure the welfare of such animal at least daily by physically checking on, or
14 having another person physically check on, the animal at least once in each 24-hour
15 period. An owner will be presumed to have violated this subsection if such person
16 fails to contact the Animal Services Department within 24 hours after a door card or
17 other notice concerning this requirement is placed on a door to any residence on the
18 property where the animal is housed or an entrance to any enclosure in which the
19 animal is housed.

20 (c) Except as expressly preempted by O.C.G.A. § 16-12-37, it shall be unlawful for a person
21 to intentionally:

22 (1) train, breed, possess, harbor, keep, or otherwise have custody or control of any
23 animal for the purpose of animal fighting;

24 (2) stage or otherwise engage in animal fighting; or

25 (3) be a spectator at or bet on an animal fighting activity.

26 (d) It shall be unlawful to possess animal fighting paraphernalia. Each piece of animal
27 fighting paraphernalia possessed in violation of this section is a separate offense.

28 (e) Any Animal Services officer, the Director of the Animal Services Department, or other
29 officer empowered to act by law may impound any animal found to be abused,
30 neglected, or involved in animal fighting in any manner set forth in this section.

31 (f) *Exception.* A licensed veterinarian or an employee of the Animal Services Department
32 who acts lawfully and humanely in euthanizing an animal in the course of such person's
33 professional duties shall not be guilty of a violation under this section.

34
35 **Sec. 4-1-34. - Abandonment of domestic animals and livestock.**

36 (a) Except as expressly preempted by O.C.G.A. § 4-8-3 or § 4-11-15.1, it shall be unlawful
37 for any person to knowingly abandon any domestic animal or livestock within the
38 boundaries of Athens-Clarke County, willingly permit such abandonment, or aid in such
39 abandonment.

40 (b) *Exceptions.*

1 (1) A deemed abandonment under section 4-1-19(c) shall not be unlawful under this
2 section.

3 (2) Except as otherwise set forth in this chapter, a person serving as a caretaker, ceasing to
4 serve as a caretaker, or engaging in TNR as authorized by this chapter is not deemed to
5 be abandoning the community cats for which such person is a caretaker.
6

7 **Sec. 4-1-35. – Injury to or death of a domestic animal**

8 (a) Any person injuring or killing any domestic animal, by any means, shall immediately
9 notify the animal’s owner or the Animal Services Department and give the approximate
10 location and description of the injured or dead animal.

11 (b) After its death, an owner is responsible for properly disposing of any animal such person
12 owns, as required by this chapter or under state law.

13 (c) Failure to comply with any applicable provision of this section shall be a violation.
14

15 **Sec. 4-1-37. - Limitations on ownership.**

16 (a) Any person who, with respect to a domestic animal or wildlife, has been convicted of
17 cruelty, abuse, neglect, animal fighting, possession of animal fighting paraphernalia, or
18 abandonment as provided in this chapter or pursuant to any state’s law, or has been
19 legally required to relinquish ownership of a domestic animal, may not own, possess, or
20 have on such person’s premises in Athens-Clarke County any domestic animal for two
21 years from the date of conviction or surrender, as applicable; provided, however, that
22 this period shall be increased to five years for any conviction for felony animal cruelty
23 or animal fighting.

24 (b) Any person who, with respect to livestock or wildlife, has been convicted of cruelty,
25 abuse, neglect, animal fighting, possession of animal fighting paraphernalia, or
26 abandonment as provided in this chapter or pursuant to any state’s law, or has been
27 legally required to relinquish ownership of livestock, may not own, possess, or have on
28 such person’s premises in Athens-Clarke County any livestock for two years from the
29 date of conviction or surrender, as applicable; provided, however, that this period shall
30 be increased to five years for any conviction for felony animal cruelty or animal
31 fighting.

32 (c) Any person who has been convicted of failure to keep a domestic animal under control
33 as provided in section 4-1-2 of this chapter and has been required to provide additional
34 confinement requirements and has not complied with the court’s order or plea bargain
35 agreement may not own, possess, or have on such person’s premises in Athens-Clarke
36 County a domestic animal of the same species as that to which the conviction and
37 noncompliance relates for one year from the date of conviction.

38 (d) A nolo contendere plea is considered a conviction for the purpose of this section.

39 (e) Nothing in this section shall prohibit a court from imposing a greater length of time or
40 extending a prohibition to other species of animal