

## LOWNDES COUNTY ANIMAL CONTROL ORDINANCE

As Amended

No: 06-1376

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWNDES COUNTY SITTING FOR COUNTY PURPOSES FOR THE PURPOSE OF PROVIDING FOR REGULATING THE CARE AND CONTROL OF ANIMALS WITHIN LOWNDES COUNTY, AUTHORIZING THE INVESTIGATION, CLASSIFICATION, IMPOUNDING AND DISPOSITION OF CERTAIN ANIMALS, PROVIDING FOR PROHIBITIONS, PROCEDURES AND ENFORCEMENT PERTAINING TO SICK, INJURED, ABANDONED, OR FREE ROAMING OR RUNNING ANIMALS, PROVIDING FOR FEES, ESTABLISHING AN ANIMAL CONTROL BOARD, PROMOTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS OF LOWNDES COUNTY, PROVIDING PENALTIES, REPEALING CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES, ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF LOWNDES COUNTY HELD ON THE 23<sup>rd</sup> DAY OF May, 2006.

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

### SECTION I. TITLE

This ordinance shall be known as the "Lowndes County Animal Control Ordinance."

### SECTION II. PURPOSE AND INTENT

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

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

### SECTION III. DEFINITIONS

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

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

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

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

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

2. *Adequate Food and/or Water* means wholesome food and water which is sufficient in quality and quantity and consisting of essential materials for good health, growth and general life functions, and is appropriate for the particular type of animal consistent with the normal requirements and feeding habits of the animal's size, age, species, breed, and physical condition. This shall also include clean water in sufficient quantity and quality to sustain vital functions of the animal and provide sufficient hydration consistent with the normal requirements and drinking habits of the animal's size, age, species and breed, and to which the animal has constant access. Both such food and water must be in containers designed and situated to allow the animal easy access to them. Adequate food and water shall also mean food and water which is sufficient in quality, quantity and accessibility so as to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of proper quantity and quality of food or water.

3. *Adequate Shelter* means a pen, structure, lean-to, animal house, or other provision to provide shelter to the animal from the extreme cold, heat, sun, or other climatic elements, and designed to keep the animal off the ground. It must be of sufficient size, design and dimensions to allow the animal reasonable ability to stand up and turn around, to permit sufficient ventilation, and which is otherwise adequate given the animal's

size, age, species, breed and physical condition. Such shelter must at a minimum have three sides, a roof and a floor.

4. *Animal* means any live creature, both domestic and wild, except humans. “Animal” also includes birds, fish and reptiles.

5. *Animal Control* means the Animal Control Department of Lowndes County.

6. *Animal Services Officer* means an employee of Animal Control designated to administer and enforce the provisions and requirements contained within this Ordinance. An Animal Services Officer shall be considered and is designated a “dog control officer” for purposes of the Georgia Dangerous Dog Control Law.

7. *Animal Nuisance* means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control over, an animal.

8. *Animal Shelter* means the Lowndes County Animal Shelter where animals impounded under the terms of this Ordinance shall be kept (unless otherwise provided herein).

9. *At Heel* means that a dog is directly behind or next to a person and obedient to that person’s command under all circumstances.

10. *At Large* means that an animal is off the premises of its owner or custodian, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

11. *Cat* means any member of the animal species *Felis Catus* or *Felis Domesticus*.

12. *Certificate of Registration* means a current, valid certificate of registration for the possession of a dangerous dog or a potentially dangerous dog issued pursuant to this Ordinance.

13. *Commission* means Board of Commissioners of Lowndes County, Georgia.

14. *County* means Lowndes County, Georgia.

15. *Cruelty* means any act of commission or omission whereby unjustifiable physical or mental pain or suffering, abuse, overwork, maiming, disfigurement, or death of an animal is caused or permitted,

including, without limitation, failure to provide: nutritious and adequate food; clean and adequate water; clean and adequate air for breathing; proper and adequate ventilation; proper and adequate space, shelter and protection from the elements; a sanitary and safe living environment; or necessary veterinary care. In the case of bona fide activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, “cruelty” shall mean a failure to employ the most humane method reasonably available.

16. *Dangerous Dog* means any dog that, according to the records of an appropriate authority, inflicts a severe injury on a human being without provocation on public or private property, or which aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

17. *Disposition* means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal in accordance with O.C.G.A. § 4-11-5.1. “Disposition” also includes placement or sale of an animal to the general public.

18. *Dog* means any member of the animal species *Canis Familiaris*.

19. *Domestic Animal* means any dog, cat, domesticated sheep, horse, cattle, goat, swine, fowl, duck, goose, chicken, turkey, livestock, confined domestic hare and rabbit, pheasant, bird or other domesticated animal regularly or customarily raised and/or maintained in confinement.

20. *Equine* means any member of the *Equidae* species, including horses, mules, and asses.

21. *Exotic Animal* means any monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals. *Exotic Animal* also means those animals as defined in Chapter 5 of Title 27 of the Official Code of Georgia Annotated.

22. *Georgia Dangerous Dog Control Law* means the State of Georgia’s Dangerous Dog Control Law, O.C.G.A §4-8-20 et seq.

23. *Governing Authority* means the Commission.
24. *Guard or Attack Dog* means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.
25. *Hopelessly Disabled Animal* means any animal which is the subject of any disease, injury or condition which is a cause of immediate and significant suffering by the animal and from which there is no reasonable probability of recovery.
26. *Humane Care* means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, in each case consistent with the normal requirements and feeding habits of the animal's size, age, species, breed, and physical condition.
27. *Impound or Impoundment* means the taking into custody of an animal by any law enforcement official, Animal Services Officer, or any authorized representative thereof.
28. *Livestock* means all animals of the equine, bovine, fowl or swine class, including, but not limited to, chickens, roosters, goats, sheep, mules, horses, donkeys, hogs, cattle, and other grazing animals, and all ratites, including, but not limited to, ostriches, emus, and rheas.
29. *Owner* means any person (as defined herein), owning, possessing, harboring, keeping, maintaining or having custody or control of an animal.
30. *Participating Municipality* means any municipality in Lowndes County which by ordinance or resolution, or through joint service agreement with the County, agrees to participate in the County's animal control program as set forth in this ordinance, and which agrees to share the expenses of said program.
31. *Person* means any person, firm, corporation, partnership, association, or other legal entity, any public or private institution, the State of Georgia, or any county, municipal corporation, or political subdivision of the state.
32. *Potentially Dangerous Dog* means any dog that, without provocation, bites a human being on public or private property or acts in a threatening or aggressive manner towards a person that places said person in reasonable apprehension of immediately receiving a violent injury.

33. *Proper Enclosure or Proper, Secure Enclosure* means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape either from over, through, or from under the fence. Any such enclosure shall also provide protection from the elements, and sufficient ventilation for the dog.

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

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

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

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

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

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

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

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

H. Any animal, whether or not on the property of its owner, that: (i) without provocation, molests, attacks, threatens, or otherwise interferes with the freedom of movement of persons in a public right-of-way; or (ii) creates a traffic obstruction by their presence in the public right of way for vehicular traffic, bicyclists, or pedestrians.

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

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

35. *Rabies Control Tag* means a valid tag evidencing the currently in effect annual inoculation against rabies (as defined in O.C.G.A. §31-19-5) of a dog, cat or ferret, as the case may be, by a licensed veterinarian or other rabies inoculator approved under the rules and regulations of the County Board of Health or the Georgia Departments of Health or Agriculture (or their respective successor agencies).

36. *Records of an Appropriate Authority* means records of any state, county, or municipal law enforcement agency; records of any federal or state department of agriculture; records of any county or municipal animal control agency; records of any state, county or municipal board or department of health; records of any federal, state, or local court; or records of an Animal Services Officer, or of a dog control officer provided for in Georgia's Dangerous Dog Control Law provided for in this Ordinance.

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

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

39. *Severe Injury* means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

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

41. *Sterilization* means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce. *Sterilized* means when a dog or cat has undergone sterilization.

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

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

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

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

46. *Vicious Dog* means a dog which, without provocation, has bitten or attempted to bite any person or another animal.

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

48. *Without provocation* and *unprovoked* shall mean that the animal at issue was not or had not been assaulted, teased, tormented, or abused by the person or domestic animal which was the subject of the act by the animal at issue, or that the animal at issue was not coming to the aid of or defending its young or was not acting against a person who was willfully

trespassing or committing another willful tort or criminal act on the premises of such animal at issue's owner or custodian.

#### SECTION IV                    **RABIES CONTROL.**

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

b. *Procedure Required for Rabies Check.*

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

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

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

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

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

2.        Where any animal has bitten a human where evidence of rabies appears, the Animal Services Officer may, in his discretion, take charge of such animal for the purpose of full inspection required by

Subparagraph 1, this Ordinance and other applicable laws, rules and regulations.

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

## SECTION V                      **EMERGENCIES INVOLVING ANIMALS**

### a.        *Hopelessly Disabled Animals*

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

### b.        *Contagious Animals*

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

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

c. *Vicious Animals*

1. Any animal that without provocation has (i) killed, bitten or otherwise severely injured a person (excluding injuries resulting from an equine or llama activity as defined in O.C.G.A. § 4-12-2 and injuries resulting from activities for which the law similarly provides immunity to the animal's owner or custodian from liability) or another domestic animal, (ii) repeatedly chased or otherwise threatened persons or other domestic animals in a vicious or menacing manner indicating a reasonable likelihood that the animal will cause imminent physical injury, (iii) repeatedly caused significant damage to the property of other than that of its owner or custodian, in each case may be immediately confiscated and held by the Animal Services Officer, any law enforcement official, or those authorized by the County Manager to administer and enforce the provisions of this Ordinance, while acting within the scope of their respective authority, pending a hearing (if so needed) by the Animal Control Board to determine whether such animal should be destroyed as a public nuisance and, if not, in the case of a dog, classified as a dangerous dog or potentially dangerous dog. The owner of any animal that has been so confiscated shall be given notice of said animal's confiscation. The notice to the owner shall be in writing and sent by certified mail or statutory overnight delivery to the last known address of the owner. The notice shall give a description of the animal and set forth the reasons that the animal has been confiscated, together with the date, time, and place of the hearing (if so needed) set forth below before the Animal Control Board.

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

such written notice of the decision of the Animal Control Board in accordance with O.C.G.A. § 4-11-5.1.

3. If the Animal Control Board decides the animal should not be destroyed, the Animal Services Officer shall determine whether such animal shall be classified as a dangerous dog or potentially dangerous dog. If the Animal Services Officer determines that such dog shall be classified as a dangerous dog or potentially dangerous dog, the owner shall promptly be given written notice thereof, the dog shall continue to be impounded by Animal Control until the owner shall have complied with all the requirements of this Ordinance, after which the animal will be returned to the owner. If the owner fails to meet said requirements within ten (10) business days following written notice of the decision of the Animal Services Officer classifying the dog as a dangerous dog or potentially dangerous dog, or to timely request a hearing appealing such decision, the dog shall be humanely destroyed in accordance with O.C.G.A. § 4-11-5.1; provided, however, that the Director of Animal Control may extend said time, for up to an additional fifteen (15) day period(s), upon payment by the owner of the per diem boarding costs for said dog.

4. The owner of an animal confiscated under the provisions of this section shall pay a fee of \$50.00, and reimburse the County for all costs of housing, feeding, and any medical treatment of said animal.

5. It shall be unlawful for an owner or custodian of a vicious dog to permit the dog within the County to be outside a proper, secure enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be constructed and worn in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.

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

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

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

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

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

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

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

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

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

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

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

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

## **SECTION VIII. IMPOUNDMENT**

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

1. Any dog, cat or ferret not wearing a valid rabies control tag or without an identifying microchip, tattoo, or identification tag;
2. Any animal at large and not under restraint;
3. Any public nuisance animal or animal considered a danger to the public welfare, health or safety;
4. Any animal in violation of any quarantine or confinement order issued by the County Board of Health or the County Public Health Director;
5. Any unattended animal that is ill, suffering, injured, without adequate food, water or shelter, or is otherwise in need of immediate care or attention;
6. Any animal that is reasonably believed to have been the subject of cruelty, abuse or neglect, including without limitation in violation of Section XVI of this Ordinance;
7. Any animal that is reasonably suspected of having or having been exposed to rabies;
8. Any animal that is reasonably suspected of having (or having been exposed to) a contagious disease, sickness or illness, which animal could thereby be a threat to the health and welfare of other animals or of the public.
9. Any animal that is charged with being potentially dangerous or dangerous where an Animal Services Officer determines that there is an immediate threat to public welfare, health or safety;
10. Any exotic or wild animals found to be owned, harbored, or permitted at large in each case in violation of this Ordinance or Georgia or Federal law.
11. Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
12. Any animal that is considered unattended or abandoned, as in situations where the owner or custodian is deceased or has been

incarcerated or evicted from his regular place of residence and there is no other person who will take custody of and provide adequate care to the animal.

13. Any animal that is reasonably suspected to be the subject of a violation or breach of the requirements of this Ordinance, including without limitation of Section XVI of this Ordinance.

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

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

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

e. Any Animal Services Officer or other person who discovers or is notified of livestock (as that term is defined in O.C.G.A. § 4-3-2) running at large, shall notify the Office of the Sheriff of Lowndes County. The seizure, impoundment and disposition of such livestock shall be in accordance with the provisions of Chapter 3 of Title 4 of the Official Code of Georgia Annotated.

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

a. *Reclaiming*

1. An owner reclaiming an impounded animal shall pay a \$25.00 impoundment fee (or other such fee provided in this Ordinance)

plus a fee of \$10.00 for each day the animal is impounded as a boarding fee if impounded at the Animal Shelter or the actual costs of impoundment and boarding if impounded off-site, and the actual veterinary care costs. The impoundment fee and daily boarding fee charged for any subsequent impoundment of the same or any other animal when owned or in the custody of the same owner occurring within twelve (12) months of the last impoundment shall be double that which was charged during the last impoundment.

2. An owner reclaiming impounded livestock shall pay a \$50.00 impoundment fee plus a fee of \$10.00 for each day the animal is impounded as a boarding fee if impounded at the Animal Shelter or the actual costs of impoundment and boarding if impounded off-site, and the actual veterinary costs. The impoundment fee and daily boarding fee charged for any subsequent impoundment of the same animal when owned or in the custody of the same owner occurring within twelve (12) months of the last impoundment shall be double that which was charged during the last impoundment.

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

4. This section shall not apply to any animal that was an object or instrumentality of a crime which animal shall not be returned to the owner or disposed of without the prior approval of the prosecuting attorney or court of competent jurisdiction.

b. *Unclaimed Animals*

1. Except as otherwise provided in this Ordinance, any stray animal which has been impounded and is not taken up by the owner within three (3) business days of the date impounded shall be subject to destruction or other disposition (including adoption) by Animal Control.

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

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

c. *Surrendering of Unwanted Animals*

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

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

**SECTION X. ANIMAL FOUND AT LARGE**

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

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

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

## SECTION XII. NUISANCES

It shall be unlawful for any person to keep any animal on any property located within the unincorporated limits of Lowndes County when the keeping of such animal constitutes a public nuisance or menace to public health, welfare or safety.

## SECTION XIII. DANGEROUS DOG CONTROL

a. *Investigations.* Upon receiving a report of a dangerous dog or potentially dangerous dog within an Animal Services Officer's jurisdiction from a citizen, law enforcement agency, other animal control agency, rabies control officer, or county board of health, or such Officer's own investigation, an Animal Services Officer shall make such investigations, inquiries and classifications of a dangerous dog or potentially dangerous dog with regard to such report or investigation as may be necessary to carry out the provisions of this Section. A dangerous dog or potentially dangerous dog, for purposes of this Ordinance, shall not include a bona fide law enforcement dog while assisting a law enforcement officer in performance of his official duties.

b. *Procedures for classification as a dangerous dog or potentially dangerous dog; Notice; Hearing.*

1. As applied to the owner of a potentially dangerous dog, the procedures provided for in this Section must be carried out as a necessary condition for the enforcement of the provisions of this Section against such owner. As applied to the owner of a dangerous dog, the procedures provided for in this Section shall not be an essential element of any crime provided for in this Section or in the Official Code of Georgia Annotated.

2. When an Animal Services Officer classifies a dog as a dangerous dog, reclassifies a potentially dangerous dog as a dangerous dog, or classifies a dog as a potentially dangerous dog, the Animal Services Officer shall notify the dog's owner. Such notice to the owner shall meet the following requirements:

A. The notice shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address;

B. The notice shall include a summary of the Animal Control Officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog;

C. The notice shall be dated and shall state that the owner, within fifteen (15) days after the date shown on the notice, has a right to request a hearing on the Animal Control Officer's determination that the dog is a dangerous dog or potentially dangerous dog;

D. The notice shall state that the hearing, if requested, shall be before the Animal Control Board;

E. The notice shall state that if a hearing is not requested, the Animal Control Officer's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes under this Ordinance on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and

F. The notice shall include a form to request a hearing before the Animal Control Board and shall provide specific instructions on mailing or delivering such request to Animal Control and will advise the owner that failure to appear at the requested hearing will be deemed a withdrawal of the appeal and consent to the classification.

3. When the Animal Control Board receives such timely request for a hearing, it shall schedule such hearing within thirty (30) days after receiving the request. Animal Control shall notify the dog owner in writing by certified mail or statutory overnight delivery of the date, time, and place of the hearing, and such notice shall be mailed to the dog's owner at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence and in addition thereto the Animal Control Board shall receive such other evidence and hear such other testimony as the Animal Control Board may find reasonably necessary to make a determination either to sustain, modify, or overrule the Animal Control Officer's classification of the dog.

4. Within ten (10) days after the date of the hearing, the Animal Control Board shall notify the dog owner in writing by certified mail or statutory overnight delivery of its determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

c. *Requirements for Possessing Dangerous or Potentially Dangerous Dogs.*

1. It is unlawful for any person to have or possess within Lowndes County a dangerous dog or potentially dangerous dog without a Certificate of Registration issued in accordance with the provisions of this Section.

2. The Director of Animal Control shall issue a Certificate of Registration to the owner or custodian possessing in the County a dangerous or potentially dangerous dog if the owner or custodian presents to the Director of Animal Control or the Director of Animal Control otherwise finds sufficient evidence of:

A. A proper enclosure to confine the dangerous dog or potentially dangerous dog;

B. The posting of the premises where the dangerous dog or potentially dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the property which sign shall substantially conform to the design provided by the Georgia Department of Natural Resources;

C. A policy of insurance in the amount of at least \$15,000.00 issued by an insurer authorized to transact business in this state insuring the owner and custodian of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog, or a surety bond in the amount of \$15,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous dog.

3. The owner or custodian of a dangerous dog or potentially dangerous dog shall notify Animal Control within twenty-four (24) hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner or custodian shall also provide Animal Control with the name, address, and telephone number of the new owner or custodian of the dog.

4. The owner or custodian of a dangerous dog or potentially dangerous dog shall notify Animal Control if the owner or custodian is moving from the address shown on the registration (or moving such dangerous dog or potentially dangerous dog from such address) and provide Animal Control with the new address. The owner or custodian of a dangerous dog or potentially dangerous dog who is a new resident of Lowndes County shall register such dog as required in this Section within thirty (30) days after becoming a resident of Lowndes County (and of municipalities therein).

5. The Animal Control Officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this Section. Law enforcement agencies of the County and the municipalities thereof shall cooperate with the Animal Services Officers in enforcing the provisions of this Section.

6. An annual fee of \$50.00 shall be charged to obtain or renew a Certificate of Registration registering a dangerous dog or a potentially dangerous dog as required in this Section. At the time of the annual renewal of a Certificate of Registration, Animal Control shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous dog or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this Ordinance.

7. Issuance of a Certificate of Registration or the renewal of a Certificate of Registration by Lowndes County does not warrant, guarantee, determine or indicate that the requirements specified in this Section are being observed or maintained by the owner or custodian of a dangerous dog or potentially dangerous dog on a continuous basis following the date of the issuance of the initial Certificate of Registration or following the date of any renewal of such certificate.

d. *Restrictions on Permitting Dangerous or Potentially Dangerous Dogs to be Outside Proper Enclosure.*

1. It is unlawful for an owner or custodian of a dangerous dog to permit the dog to be outside a proper, secure enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be constructed and worn in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.

2. It is unlawful for the owner or custodian of a potentially dangerous dog to permit the dog to be outside a proper, secure enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be constructed and worn in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.

e. *Confiscation of Dogs; Grounds; Disposition.*

1. A dangerous dog shall be immediately confiscated by the Animal Control Officer or by a law enforcement official if the:

A. Owner of the dog does not secure the aforesaid liability insurance or bond;

B. Dog is not validly registered hereunder;

C. Dog is not maintained in a proper, secure enclosure;  
or

D. Dog is outside a proper, secure enclosure in violation of subpart d.1.

2. A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

A. Not validly registered hereunder;

B. Not maintained in a proper, secure enclosure; or

C. Outside a proper, secure enclosure in violation of subpart d.2.

3. Any dog that has been confiscated under the provisions of this Section shall be returned to its owner upon the owner's compliance with the provisions of this Section and upon the payment of reasonable confiscation costs. In the event the owner or custodian of a dangerous dog or potentially dangerous dog has not complied with the provisions of this Section within twenty (20) days of the date the dog's classification as a dangerous dog or potentially dangerous dog, as the case may be, becomes final or, in the case of a dog previously so classified, twenty (20) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner in accordance with O.C.G.A. § 4-11-5.1; provided however, upon a showing for good cause, the Director of Animal Control may extend said time, for up to an additional fifteen (15) day period(s), upon the payment by the owner of the per diem boarding costs for said dog.

4. Violations, penalties:

A. In addition to any other penalties imposed by Georgia law, the owner or custodian of a dangerous dog who violates the applicable provisions of this Section or whose dangerous dog is subject to confiscation under this Section shall be

guilty of a misdemeanor of high and aggravated nature. In addition to any confinement that might be imposed for a conviction under this subsection, for the second conviction a fine of not less than five hundred dollars (\$500.00) shall be imposed and for a third or subsequent conviction a fine of not less than seven hundred fifty dollars (\$750.00) shall be imposed.

B. In addition to any other penalties imposed by Georgia law, the owner or custodian of a potentially dangerous dog who violates the applicable provisions of this Section or whose potentially dangerous dog is subject to confiscation under this Section shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this subsection, for a second conviction a fine of not less than one hundred fifty dollars (\$150.00) shall be imposed and for a third or subsequent conviction a fine of not less than three hundred dollars (\$300.00) shall be imposed.

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

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

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

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

#### **SECTION XV. CARING FOR ANIMALS**

a. It shall be unlawful for any owner or custodian of any animal to refuse or fail to provide such animal adequate food and water, adequate shelter and humane care, including without limitation as reasonably necessary to prevent malnutrition, dehydration or physical suffering taking into account the animal's size, age, physical condition, breed and species.

b. It shall be unlawful for any owner or custodian of any animal to willfully abandon such animal on any street, road, highway or public place, or on private property of another person.

c. It shall be unlawful for any owner or custodian of any animal to permit the accumulation of waste matter from such animal to collect and remain on the property of the owner or custodian, or on the property of others, so as to cause or create an unhealthy, unsanitary, dangerous, noxious or offensive living condition for the animal or condition on the owner's or custodian's property, or the abutting property of others.

d. It shall be unlawful for any owner or custodian of any animal to permit or cause unhealthy, unsanitary, dangerous, noxious or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities for such animal(s) taking into account each such animal's size, age, physical condition, breed and species.

e. It shall be unlawful for any owner or custodian of any cat to allow the cat to roam free on the property of another without permission of the owner or person in possession of that property, or without such cat wearing a collar with a current rabies control tag attached.

f. It shall be unlawful for any owner or custodian of any dog to allow the dog to roam or run free on the property of another without the permission of the owner or person in possession of that property, or without such dog wearing a collar with a current rabies control tag attached.

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

## SECTION XVI. CRUELTY TO ANIMALS

### a. *General Care; Prohibited Acts.*

1. It shall be unlawful for any person to inflict, cause or permit cruelty to or upon any animal, including without limitation to negligently, willfully or maliciously strike, beat, physically or mentally abuse, overwork, overload, maim or disfigure, intentionally chase or run down with a vehicle, bicycle, or motorized or powered implement, or otherwise engage in any act or omission causing, inflicting, or resulting in unnecessary pain, injury, physical or mental suffering, abuse, or death to an animal, in each case taking into account the animal's age, size, physical condition, breed, and species, except that reasonable force may be used in

self-defense or to drive away vicious or trespassing animals as authorized by Georgia law. Examples of such aforesaid prohibited acts or omissions regarding animals include but are not limited to the following:

A. Allowing a collar, rope, chain, or other item to become embedded in or cause injury to an animal's neck or other portion of the body.

B. Allowing a slip type choke, or pinch type collar to be used as a primary collar to tether an animal.

C. Intentionally causing or allowing animals to engage in a fight.

D. Allowing animals to live in unsanitary conditions.

E. Allowing animals to live in regularly over-crowded conditions.

F. Failure or refusal to obtain veterinary medical treatment for an animal when, in a veterinarian's, Animal Services Officer's or law enforcement official's opinion, such treatment is needed.

G. Shooting a domestic animal, either on or off of the owner's property; unless such domestic animal is then in the act of attacking or maliciously chasing a human being, horse, hog, goat, poultry, any other domestic animal or sheep or cattle and shooting such domestic animal is then the most reasonable action under the particular circumstance. An exception to this is allowed under the direction of a veterinarian or law enforcement official where the animal is hopelessly suffering.

H. Inhumanely trapping an animal (except for non-domesticated animals for which the person conducting such trapping possess a valid and currently in effect permit for such trapping of such animal issued by the Georgia Department of Natural Resources) with any trap other than a live trap; said live trap must be checked at least every 24 hours. The following trapping requirements must be followed:

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

Georgia Department of Natural Resources to the person conducting such trapping).

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

I. Permitting any exhibit, function or activity where animals are not receiving humane care, are being cruelly treated, or such animals run the risk of causing injury to the public or themselves. Animal Control, County or State law enforcement officials, and representatives acting in their official capacity of the County or State Departments of Health or the State or Federal Departments of Agriculture shall have the authority to inspect and to close down public exhibits in the County of animals, and/or impound any or all such animals, which are part of fairs, carnivals, festivals, fundraising events, petting zoos, or any other activity or function carried out in the County if it is determined that animals in such activity or function are not receiving humane care, are being cruelly treated, run the risk of causing injury to the public or themselves, or do not in each case have and are complying with all applicable lawfully required licenses, registrations, and permits.

2. It shall be unlawful for any person to intentionally administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass or other harmful substance in any place with the intent to injure any animal. This provision is not applicable to licensed pest control exterminators using poisons as part of an insect pest control program or the use of commercial insecticides, rodenticides or rodent baits used to control insects and wild rodents, or to licensed veterinarians using veterinary pharmaceuticals in providing bona fide veterinary services.

3. All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any person to engage in one or more of the following acts or omissions (in each case taking into account the animal's size, age, physical condition, breed and species).

b. *Failure to Provide Adequate Food and Water and Adequate Shelter.* Food, water and shelter shall be provided by the owner or custodian of an animal as follows:

1. All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of adequate food.

2. All animals shall be supplied and have access to a constant supply of adequate water.

3. All animals shall be provided by its owner or custodian with adequate shelter from the weather at all times. It shall be within the discretion of an Animal Services Officer to determine what constitutes adequate shelter given the particular circumstances of the animal's size, age, species, and breed, and physical condition. Examples of inadequate shelter include but are not limited to the following:

A. Underneath outside steps, decks and stoops.

B. Underneath houses.

C. Inside or underneath motor vehicles.

D. Inside metal or plastic barrels.

E. Inside cardboard boxes.

F. Inside temporary animal carriers or crates.

G. Shelters located in flood prone areas.

H. Shelters surrounded by debris, obstructions or impediments that may endanger or harm an animal.

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

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

A. Notify Animal Control of its sick, diseased, injured, suffering or abandoned condition for impoundment or;

B. Provide proper veterinary medical treatment, adequate food and water, and adequate shelter for the animal.

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

d. *Chaining or Tethering.* It shall be unlawful for any person to chain or tether an animal to a stationary object for a period of time or under conditions that an Animal Services Officer or law enforcement official deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include but are not limited to the following:

1. Using a length, tensile strength or weight of a chain or other tether that is not appropriate for the animal's size, age, species, breed, or physical condition. A chain or other tether may not exceed ten percent of the animal's body weight. Guidelines for the proper weight and length of chains or tethers can be obtained from Animal Control.

2. Using a chain or other tether that is less than ten feet in length and also that does not have swivels on both ends. All chains or other tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch (or one-half inch in the case of animals weighing less than 20 lbs.) in width so as to prevent embedding into the body.

3. Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably, or having access to adequate food and water and adequate shelter.

e. *Leaving an Animal in a Closed Vehicle or Other Enclosure.*

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

2. Should an Animal Services Officer or law enforcement official find an animal in a closed vehicle or other enclosure in violation of subparagraph 1, above, or otherwise believes that such animal is in eminent danger, harm or distress, and the owner of the vehicle or

enclosure is not immediately available to release such animal, then in such event, the Animal Services Officer or law enforcement official may then use such reasonable force as necessary to extract the animal from such closed vehicle or other enclosure.

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

g. *Impoundment.* An Animal Control Officer, the Lowndes County Sheriff's Office or other law enforcement officer may seize and impound any animal that is reasonably suspected to be the subject of a violation of this Section. If an animal is impounded pursuant to this Ordinance because of cruelty to an animal or other violation of this Ordinance, and the owner thereof refuses to enter into a written consent agreement with Animal Control of and on behalf of the County that such animal will be given humane care and adequate and necessary veterinary care, the shelter may dispose of the animal in accordance with this Ordinance.

h. *Reports to District Attorney.* Animal Control shall promptly report to the District Attorney's Office and/or the Solicitor's Office cases of violations of this Section.

**SECTION XVII      INVESTIGATIONS; ENFORCEMENT;  
INTERFERENCE**

a. Any Animal Services Officer or law enforcement official shall have the authority to investigate any circumstances, facts, conditions or complaints regarding a possible violation of the requirements or prohibitions of this Ordinance. Any Animal Services Officer may request the assistance of the Lowndes County Sheriff's Office or other appropriate law enforcement officials with respect to such investigations or violations. At any time there is probable cause to believe that a violation of this ordinance has occurred, an Animal Services Officer or law enforcement official may apply to the appropriate court for a search warrant to inspect the property, premises or area where such violation is believed to have occurred, or be occurring, or for an inspection warrant under the provisions of O.C.G.A. §2-2-11.

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

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

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

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

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

#### **SECTION XVIII ANIMAL CONTROL BOARD**

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

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

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

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

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

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

#### **SECTION XIX HEARINGS; APPEALS**

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

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

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

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

## **SECTION XX VIOLATIONS AND PENALTIES**

a. It shall be a violation of this Ordinance to:

1. Fail to comply with any provision of this Ordinance;
2. Fail to comply with any lawful order of an Animal Control Officer, law enforcement official, or other authorized enforcement officer enforcing this Ordinance unless such order is lawfully stayed or reversed; or
3. Fail to pay fees, expenses, or costs imposed by this Ordinance unless payment thereof is lawfully stayed or reversed.

b. Each day's, or part thereof, violation of any provision of this Ordinance shall be a separate offense under this Ordinance.

c. Any person who violates any provision of this Ordinance or who fails to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of Lowndes County and, upon conviction, shall (except where a different penalty is otherwise specifically provided in this Ordinance) be punished by a fine not to exceed \$1,000.00 or by confinement in the County jail not to exceed sixty (60) days, or both, in the discretion of the Court. In lieu of, or in addition to, any fine or incarceration, the Court as punishment for a violation of this Ordinance may order community service. Said community service shall be not less than twenty (20) hours but not more than two hundred fifty (250) hours, which must be performed within one (1) year from the date of conviction for a violation of this Ordinance. Any person placed on community service, or otherwise placed on probation, for a violation of this Ordinance shall pay such supervisory fees as may be authorized by law.

## **SECTION XXI FEES**

Notwithstanding anything in this Ordinance to the contrary, the fees and charges imposed by this Ordinance shall be the higher of the amounts set forth in this Ordinance or those fees and charges for substantially the same item as may from time to time be specified in County Ordinances Chapter 7.5 Public Health, Safety and Welfare, Section 9 (or its successor) setting forth various administrative service fees and costs.

## **SECTION XXII PARTICIPATING MUNICIPALITIES**

Any municipality within the County may by reciprocal ordinance or resolution acceptable to the County, or through joint service agreement with the County, participate in a "Joint Animal Control Program" with the County utilizing the County's Animal

Shelter, Animal Services Officers and Animal Control Board. Such reciprocal ordinances or resolutions or joint service agreement must provide for animal control requirements at least as stringent as the County's and authorize the administration and enforcement of the provisions of such reciprocal ordinance or resolution or joint service agreement within such municipality by those authorized to enforce this Ordinance in addition to the law enforcement officials and other authorized enforcement officers of such municipality. Participating municipalities must provide funding for its share of operational expenses of the County's animal control program and Animal Shelter on a per capita basis, based upon the 2000 U.S. census and adjusted after each subsequent census.

**SECTION XXIII      REMEDIES**

In the event any provision of this Ordinance has been violated or is being violated, in addition to any other remedies, the County may institute injunction, mandamus, or other appropriate action or proceeding to prevent or abate such violation.

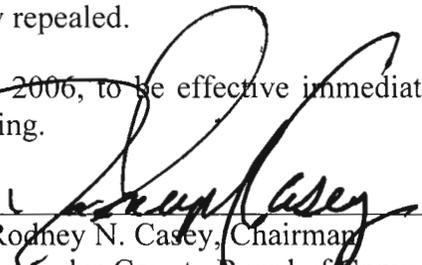
**SECTION XXIV      SEVERABILITY**

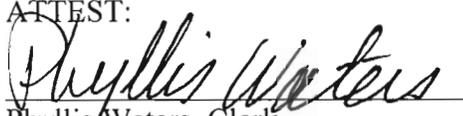
If any paragraph, subparagraph, sentence, clause, phrase or any provisions, part or portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any paragraph, subparagraph, sentence, clause, phrase or any provisions, part or portion of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby declared to be the intent of the Commission to provide for separable and devisable parts and the Commission does hereby readopt any and all parts hereof as may not be held invalid for any reason.

**SECTION XXV      REPEALER**

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

**SO ADOPTED** this 23<sup>rd</sup> day of May 2006, to be effective immediately, the public health, safety, and general welfare demanding.

  
\_\_\_\_\_  
Rodney N. Casey, Chairman  
Lowndes County Board of Commissioners

ATTEST:  
  
\_\_\_\_\_  
Phyllis Waters, Clerk  
Lowndes County Board of Commissioners