

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA  
WITH RESPECT TO **ANIMAL CONTROL**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Chapter 4-1 of the Code Athens-Clarke County, Georgia, entitled “*Animal Control*,” is hereby deleted in its entirety and the following new Chapter is inserted in lieu thereof so that it now reads as follows:

**“CHAPTER 4-1. – ANIMAL SERVICES.**

**ARTICLE 1. - GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

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

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

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

*Ear-tip* means a straight-line cutting of the tip of a cat's ear by a licensed veterinarian to indicate that an unowned cat is sterile and vaccinated at least once against rabies.

*Electronic confinement system* is a system designed to confine a domestic animal in a designated area using an electronic signal from a transmitter to a receiver worn by the animal that provides a shock, or other behavior correction method, to the confined animal when the animal approaches the perimeter of the confinement area.

*GDA* means the Georgia Department of Agriculture.

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

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

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

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

*Livestock* means all animals kept as farm animals or raised for food production, including, but not limited to, goats, sheep, mules, horses, hogs, cattle, other grazing animals, farmed rabbits, fowl, bison, water buffalo, farmed deer, llamas, and alpacas, but excluding any animal that is held and possessed legally in a manner that is not in conflict with the provisions of O.C.G.A. title 27, chapter 5 (dealing with wild animals).

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

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

*Owner* means any person who (1) has legal title to an animal, (2) knowingly permits any domestic animal or livestock animal to be harbored, possessed, or otherwise kept upon such person's premises for a period of 14 days or more, or (3) has any animal under such person's care or responsibility, either temporarily or permanently, at any time. "Owner" does not include a caretaker or the lawful possessor of the premises where a community cat colony is located.

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

*Potentially dangerous dog* means any dog that, without provocation, causes severe injury to a domestic animal or any livestock, except that a dog shall not be a potentially dangerous dog within the meaning of this definition if it inflicts such an injury when the dog is (1) being used by a law enforcement officer to carry out the law enforcement officer's official duties, or (2) under control as defined in section 4-1-2 of this code and within the property limits of its owner.

*Proper enclosure* means an enclosure for keeping a 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, or, 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 or from under the fence. Such enclosure must be approved by the Animal Services Director.

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

*Severe injury* means any physical injury to a domestic animal or livestock, including but not limited to broken bones, injury that requires surgery or multiple sutures to repair, life-threatening injuries, or death.

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

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

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

## **ARTICLE 2. - DUTIES AND PROHIBITIONS RELATING TO CONTROL OF ANIMALS**

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

(a) An owner of a domestic animal or of any livestock shall control such animal at all times through one of the following means:

- (1) On a leash and attended by its owner;
- (2) Temporarily confined within an appropriately-sized crate and attended by its owner;
- (3) Within the passenger area of a vehicle driven or parked on the streets;
- (4) Within the property limits of its owner and attended by its owner; or
- (5) Confined within the property limits of its owner or of another property with the permission of the lawful possessor of the property;

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

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

(b) Electronic confinement systems.

- (1) Electronic confinement systems shall not be considered an adequate means of confinement if the system is improperly installed, malfunctioning, in disrepair, damaged, switched off, or otherwise deactivated or nonoperational.
- (2) Any animal confined by means of an electronic confinement system must wear at all times an appropriate and properly functioning receiving device while within the confines of the system.
- (3) The behavior correction provided to the animal by the receiving the device shall be of sufficient effect to prevent the animal from leaving the confinement area.
- (4) Signage indicating the presence of an electronic confinement system must be placed around the perimeter of the system at regular intervals in sufficient quantity and of sufficient size so as to be clearly visible to anyone approaching the property.
- (5) No guard dog, offending animal under section 4-1-6(a)(2), classified dog, or dog that is currently being reviewed for classification as a potentially dangerous, dangerous, or vicious dog pursuant to state or local law may be confined by means of an electronic confinement system.

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

- (1) A domestic animal or livestock may only be tethered if:

- (i) such tethering is on a temporary basis while the animal is in the immediate physical presence and line of sight of its owner, and
  - (ii) the tether is attached to a properly-fitted collar or harness.
- (2) The following are not permitted at any time when tethering an animal, regardless of whether the animal is attended by its owner or not:
  - (i) Use of a choke, prong, pinch, martingale, or similar collar or a slip lead;
  - (ii) Wrapping the tether directly around the animal's neck;
  - (iii) Use of a tether that weighs more than one-tenth of the body weight of the animal, including all collars, harnesses, weights, locks, and other tethering accessories that have their weight borne by the animal;
  - (iv) Use of a tether that restricts the animal's range of movement to less than 10 feet, after taking into consideration (A) the length of the tether, (B) the height at which the tether is attached to a thing, (C) any tangling, wrapping, or other shortening of the useful length of the tether, (D) any obstacles, or (E) any other circumstances reducing the animal's range of movement;
  - (v) Confinement in an outside compartment of a running vehicle; or
  - (vi) Confinement in an inside compartment of a running vehicle when the tether is attached to the animal's collar and any part of the vehicle.
- (3) Subsection (c)(iv) is not intended to be applied to (i) livestock that are being temporarily tied out for typical husbandry purposes, including, but not limited to, grooming or medical treatment, or (ii) animals in the immediate physical proximity and line of sight of an owner and in spaces open to the public, such as cafés or parks, where a longer tether would be inappropriate or unsafe.
- (d) This subsection shall apply to the owner of a cat or dog that is in violation of subsection (a), (b), or (c) of this section 4-1-2 at the time of the injury or damage described below.
  - (1) Each of the following shall constitute a separate violation:
    - (i) An owned cat or dog scratches, bites, or otherwise physically harms a person or another domestic animal or livestock;
    - (ii) The cat or dog described in subparagraph (i) above does not have a current rabies inoculation or is not wearing its current rabies tag; and
    - (iii) An owned cat or dog causes physical damage to the property of another person.
  - (2) The owner of a cat or dog otherwise in violation under subparagraph (1) above shall not be in violation of this section if:
    - (i) The animal causes the offending harm or damage while it is being used by a law enforcement officer to carry out the officer's official duties; or
    - (ii) The cat or dog causes the offending harm to a person or another animal which was abusing, attacking, tormenting, provoking, or physically injuring the animal,

or had previously abused, attacked, tormented, provoked, or physically injured the animal.

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

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

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

- (1) to confine the animal;
- (2) to protect the animal from injury;
- (3) with sufficient open ground space, not occupied by a shelter or other items, free of excrement, and not covered in asphalt or other harmful surfaces or materials, to allow for adequate exercise for such animal;
- (4) to provide shade separate from the shelter described in section 4-1-4.

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

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

(c) *Exemptions.*

- (1) Except as otherwise set forth in section 4-1-28, caretakers are exempt from the requirements of this section with respect to the community cats for which they care.
- (2) This section shall not apply to owners of poultry that are GDA licensees as Poultry Sales Establishments or Poultry Dealers or Brokers.

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

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

(b) Examples of inadequate shelter include, but are not limited to: lean-tos, metal or plastic drums, boxes, crates, vehicles, the area on or beneath exposed porches or decks, and any

structure that does not have walls fully surrounding it, a roof, a floor, and a doorway through which the animal can walk naturally.

- (c) The shelter shall be kept free of wet bedding, spoiled food, unpalatable water, garbage, feces, urine, and other unsanitary or unsafe items.
- (d) Nothing in this section shall be construed to prevent the transportation and temporary confinement of a domestic 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.
- (e) *Exemptions.*
  - (1) Except as otherwise set forth in section 4-1-28, caretakers are exempt from the requirements of this section with respect to the community cats for which they care.
  - (2) This section shall not apply to owners of poultry that are GDA licensees as Poultry Sales Establishments or Poultry Dealers or Brokers.

#### **Sec. 4-1-5. - Minimum care requirements for domestic animals and livestock.**

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

- (a) All such animals shall have access to clean, potable water at all times;
- (b) All such animals shall be provided an appropriate amount of unspoiled, species-appropriate food at least once during every 24-hour period;
- (c) All confinement areas, shelters, or other property the owner controls, which are accessible by one or more of the owner's domestic animals, shall have animal excrement and food waste and debris removed and disposed of at least once during every 24-hour period so as to minimize vermin infestation, contamination, odors, and disease hazards;
- (d) All such animals shall be provided with veterinary care as needed to maintain health and for their humane care; and
- (e) Any collar or harness worn by such animal shall be properly-fitted.
- (f) *Exemptions.*
  - (1) Except as otherwise set forth in section 4-1-28, caretakers are exempt from the requirements of this section with respect to the community cats for which they care.
  - (2) This section shall not apply to owners of poultry that are GDA licensees as Poultry Sales Establishments or Poultry Dealers or Brokers.

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

- (a) It shall be unlawful for any owner to permit such owner's domestic animal or livestock to:
  - (1) Go upon the property of any person other than its owner without the express consent of such property's lawful possessor; provided, however, this subsection (1) shall not apply to livestock which are covered by O.C.G.A. title 4, chapter 3 (dealing with livestock straying or running at large);
  - (2) Attack or act so as to menace pedestrians or other persons using public ways or on the property of another. Any person convicted of violating this subsection, in addition to penalties provided for in section 4-1-15, shall be required to maintain the offending animal in a proper enclosure, as defined in this chapter; or
  - (3) Disturb the peace of any other person by loud, persistent, habitual barking, howling, growling, yelping, whining, crowing, or other similar noise, provided, however, that
    - (i) no person shall be charged with violating this subsection unless a written warning has previously been issued to such person within 90 days of the charged violation, and
    - (ii) no citation for violation of this subsection shall be issued unless there are at least two complaining witnesses who shall have signed a written statement stating the address of the animal's owner, a description of the animal and of the offense, and the date, time, and location of the offense.
- (b) It shall be unlawful for any person to permit any domestic animal under such person's ownership to be sexually intact and not be controlled as required under section 4-1-2.
- (c) *Exemption.* Caretakers are exempt from the requirements of this section with respect to the community cats for which they care.

#### **Sec. 4-1-7. - Control and removal of animal wastes.**

- (a) It shall be unlawful for the owner of any animal to refuse or fail to immediately remove any feces deposited by such animal upon public sidewalks, public streets, public parks, or other public property in Athens-Clarke County, or upon any private property within Athens-Clarke County not under the exclusive use and control of the animal's owner.
- (b) It shall be unlawful for the owner of any animal to permit such animal to defecate or urinate upon any private property except that which such owner lawfully possesses, unless such owner has the permission of the lawful possessor of such other private property.
- (c) *Exemption.* Caretakers are exempt from the requirements of this section with respect to the community cats for which they care.

#### **Sec. 4-1-8. - Guard dogs.**

- (a) It shall be the duty of the lawful possessor of any residential or commercial property on which a guard dog is kept to post a sign in a prominent and conspicuous location on such



property. Such sign shall contain both a clear depiction of a guard dog and the words “Warning Guard Dog” and shall be legible and in clearly contrasting color. Such letters shall be not less than one inch in width and not less than five inches in height.

- (b) If the guard dog is stationed on a property other than an occupied residential property, the sign required by this section shall also include the name, address, and phone number of a person responsible for responding to a notification of any problem with such guard dog during any hour of the day or night.
- (c) If a guard dog is confined within a fenced area, the sign required by this section shall be conspicuously posted upon such fence at every entrance and exit of the fence.
- (d) No classified dog may serve as a guard dog.
- (e) Failure to comply with any provision of this section shall be an offense.

#### **Sec. 4-1-9. - Identification and inoculation.**

- (a) It shall be unlawful for any person to own, possess, or maintain:
  - (1) any dog, cat, or ferret 3 months of age or older that does not have a current rabies inoculation; or
  - (2) any dog or cat 3 months of age or older that does not wear at all times a properly-fitted collar about its neck or a properly-fitted harness around its body, displaying its current rabies tag.
- (b) If a domestic animal or livestock is housed on a property other than an occupied residential property, it shall be the duty of such animal’s owner to post a sign in a prominent and conspicuous location on such property that shall include the name, address, and phone number of a person responsible for responding to a notification of any problem with such animal during any hour of the day or night.
- (c) Caretakers are exempt from the requirements of this section with respect to the community cats for which they care.

#### **Sec. 4-1-10. - Animal giveaway.**

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

- (a) as a prize for, or as an inducement to enter, any contest, game, or other competition, including a contest to win the right to a no-fee or nominal-fee adoption;
- (b) as an inducement to enter a place of amusement or business; or
- (c) as an incentive to enter into any business arrangement whereby the offer was for the purpose of attracting trade separate from the animal itself.

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

- (a) It shall be unlawful for any person to hinder, interfere, harass, or otherwise obstruct the performance of any employee of the Animal Services Department in the official performance of such employee's duties as provided for in this chapter.
- (b) It shall be unlawful for any person to relocate, interfere with, or alter the operation of any device, equipment, or item of the Animal Services Department without permission of an employee of such Department.
- (c) It shall be unlawful for any person to place any animal into, or remove any animal confined within, a trap, cage, or vehicle owned by the Animal Services Department without permission of an employee of such Department.
- (d) It shall be unlawful for any person to give a false name, address, or date of birth to any employee of the Animal Services Department in the lawful discharge of such employee's official duties with the intent to mislead such employee in any way.

**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.

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

- (a) The entire area embraced within the limits of the urban service area of Athens-Clarke County is hereby designated as a bird sanctuary.
- (b) It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot, or molest in any manner any bird or fowl or to rob a bird's nest or wild fowl's nest.
- (c) Notwithstanding anything in the foregoing to the contrary, if starlings or similar birds not protected by the Migratory Bird Treaty Act are found to be congregating in such numbers in a particular locality so as to constitute a nuisance or a menace to health or property in the opinion of the proper health authorities in Athens-Clarke County, then such health authorities shall meet with representatives of the Audubon Society, Animal Services Department, and garden club, or as many of such organizations as have representatives available on at least five days' actual notice of the time and place of such meeting, to determine whether and how to abate the nuisance. If as a result of such meeting the birds are deemed to be a nuisance or menace, and no satisfactory alternative is found to abate such nuisance or menace, then such birds may be destroyed as humanely as possible in such numbers and in such manner as is deemed advisable by such health authorities under the supervision of the police department.

### **ARTICLE 3. - FEES AND PENALTIES**

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

- (a) Any person reclaiming an animal from the Animal Services Department shall:
  - (1) pay a reclaim fee, which may include an impound fee, a daily boarding fee, a microchip fee, a veterinary services fee, and/or license fee, as well as any other fee set by the Athens-Clarke County Board of Commissioners at any time or from time to time; and

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

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

(c) There shall be a registration fee for each potentially dangerous dog, dangerous dog, and vicious dog in Athens-Clarke County. Such registration is to be renewed on an annual basis.

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

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

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

(a) Except as otherwise provided in paragraph (b) or (c) below, any person violating this chapter shall be punished pursuant to the provisions of section 1-1-5 of this code.

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

### **ARTICLE 4. - OFFICIAL POWERS AND AUTHORITY OF ANIMAL CONTROL**

#### **Sec. 4-1-16. - Enforcement.**

(a) Officers of the Animal Services Department, the code enforcement division, and the police and sheriff's departments are authorized to issue a summons or citation relative to the enforcement of this chapter. A citation or summons which has been prepared in accordance with this chapter and signed by an Animal Services Officer may be personally served by any employee of the Animal Services Department who is not less

than 18 years of age and who has been authorized to do so by the Animal Services Director.

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

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

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

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

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

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

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

- (i) The person seeking the warrant has established under oath or affirmation that there is probable cause for believing that there is a condition, object, activity, or circumstance that legally justifies search or seizure for the purposes of enforcing this chapter; and
  - (ii) The issuing judge determines that the issuance of the warrant is authorized by this chapter.
- (5) *Warrant valid.* The inspection or search warrant, as applicable, shall be validly issued only if it meets all of the following requirements:
- (i) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
  - (ii) The warrant describes, either directly or by reference to the affidavit, (A) the property or animal(s) to be inspected, (B) the property to be searched, (C) the animal(s) or thing(s) to be seized, and/or (D) the location where each such animal(s) or thing(s), as applicable, is expected to be found, and is sufficient for the executor of the warrant and the owner of the property or animal(s) to reasonably determine from it what is to be inspected, searched, or seized;
  - (iii) The warrant indicates the conditions, objects, animal(s), activities, or circumstances that the inspection is intended to check or reveal;
  - (iv) The warrant refers, in general terms, to the ordinance provision sought to be enforced; and
  - (v) The warrant specifies the dates and times for making such inspection.
- (c) The Director and any authorized officer of the Animal Services Department shall be authorized to enforce the provisions of the Georgia Animal Protection Act.

#### **Sec. 4-1-17. - Impoundment of animals.**

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

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

- (a) If it appears that any impounded animal for which the stray hold period under section 4-1-19 has not expired:
  - (1) is suffering great pain (whether from disease, injury, or other cause); and
  - (2) one of the following applies:
    - (i) after reasonable inquiry or investigation undertaken in a timely fashion, no determination as to the owner can be made;

- (ii) the owner, although known, cannot reasonably timely be contacted; or
- (iii) the owner refuses to claim the animal immediately after notification and accept financial responsibility for necessary veterinary treatment,

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

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

- (b) If an animal remains unclaimed within the amount of time set forth in section 4-1-19 or is surrendered to the Animal Services Department under section 4-1-20, the Director of the Animal Services Department, or such person's designee(s), shall be authorized to offer the animal for adoption in accordance with section 4-1-21, place such animal in a foster home acting under the authority of the Animal Services Department, transfer such animal to an appropriate animal rescue group or shelter, or humanely euthanize such animal.
- (c) No live animal in the possession of the Animal Services Department shall be released, sold, or given to any individual, institution, or private firm for the purpose of medical or scientific research.
- (d) When calculating the prescribed amount of time for the execution of rights or responsibilities in this chapter, each day that the Animal Services Department is open for reclaims, whether on a walk-in or appointment basis, shall be counted, except for the first day that an animal is impounded.

#### **Sec. 4-1-19. - Reclaim of impounded animals.**

- (a) It shall be the responsibility of the Animal Services Department to attempt to notify the owner or caretaker, if known or reasonably ascertainable, of every animal impounded other than those whose ownership was surrendered to the Animal Services Department, within two working days of the impoundment, whether by telephone, door card, or other means reasonably calculated to provide notice.
- (b) The owner or caretaker of an animal may reclaim and take custody of the animal within five days of such impoundment, paying all required fees and costs, and providing proof of ownership or caretaker status, as applicable, satisfactory to the Animal Services Department. Notwithstanding anything in the foregoing to the contrary, the Animal Services Director may require evidence that any defect associated with the humane and appropriate housing and care of the animal (sections 4-1-2 through 4-1-5 of this code)

that led to the impound of the animal has been corrected prior to releasing the animal from the Animal Services Department.

- (c) If not reclaimed within five days of impoundment, an impounded animal shall be deemed abandoned and shall be the property of Athens-Clarke County.
- (d) All animals other than community cats reclaimed under this section shall be microchipped before leaving impoundment at the Animal Services Department, with the identification number from the animal's microchip recorded in Animal Services Department records.
- (e) From and after September 1, 2017, no dog or cat shall be released to its owner by the Animal Services Department more than once unless, prior to release, it is sexually sterilized at the owner's expense, unless the reclaiming owner:
  - (1) Shows proof that the owner is a GDA Pet Dealer licensee, that the animal being reclaimed is part of the GDA-licensed business, and the person has obtained all local business permits or certificates applicable to a commercial dog or cat breeding business and a sales tax identification number; or
  - (2) Provides written certification from a licensed veterinarian citing a high likelihood that the reclaimed dog or cat will suffer serious bodily harm or death due to age or specified infirmity if the dog or cat is sexually sterilized and the date, if any, on which such restriction shall end, in which case the owner shall, in writing, agree that such dog or cat will be sterilized within 30 days from such date with proof provided promptly to the Animal Services Director. If timely proof of sterilization is not received, the dog or cat shall be subject to confiscation unless prior to the expiration of the agreed period the owner provides an updated veterinary certification as set forth above and the owner enters into a new sterilization agreement under the same terms.
- (f) Any person reclaiming a dog or cat that, after September 1, 2017, has been impounded for the first time shall acknowledge in writing prior to taking custody of the dog or cat the requirements of this ordinance that, upon any subsequent impound, the dog or cat shall not be released unless it is sexually sterilized at the owner's expense in accordance with paragraph (e) of this section.

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

- (a) Except as set forth in subsection (b) or (c) below, only a resident of Athens-Clarke County may surrender ownership of an animal to the Animal Services Department. Surrendered animals become the property of Athens-Clarke County.
- (b) Except as provided in subsection (c) below, any owner who has adopted or reclaimed an animal who fails to take possession of such animal within 24 hours of such animal's availability shall be deemed to have surrendered such animal to the Department, unless prior written arrangements for such continued custody have been made with and



consented to by the Director of the Animal Services Department. This subsection shall apply specifically to instances where the animal has been adopted or reclaimed, but possession was retained by the Animal Services Department until the animal is sexually sterilized.

- (c) Any owner who has reclaimed an animal, but possession was retained by the Animal Services Department until the owner provides evidence of compliance with the provisions of this chapter, shall have 10 days after the reclaim to provide proof of such compliance to the Animal Services Department and take possession of such animal. Any owner who fails to show such compliance and take possession of such animal within such period of time shall be deemed to have surrendered such animal to the Department, unless prior written arrangements for such continued custody have been made with and consented to by the Director of the Animal Services Department.

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

- (a) The Animal Services Department may offer for adoption any animal deemed abandoned pursuant to section 4-1-19(c) or any animal that has been surrendered to the Department by its owner.
- (b) Potential adopters must make application for adoption with the Animal Services Department, pay the required fee, and meet requirements associated with the humane housing and care of the animal as determined by the Director of the Animal Services Department.

#### **Sec. 4-1-22. - Escape, injury, or theft.**

Employees of the Animal Services Department shall exercise reasonable care to prevent the escape, injury, or theft of any animal which is in their custody or which they are attempting to bring into their custody under the provisions of this chapter, but they shall not be responsible for any such occurrence.

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

- (a) Any animal capable of transmitting rabies, including, but not limited to, dogs, cats, ferrets, raccoons, 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.
- (e) If a quarantined animal develops signs or symptoms of rabies during the quarantine period, it shall be humanely euthanized. An animal that dies or is humanely euthanized during the period of quarantine shall have its brain tissue submitted to an approved laboratory for testing and control of rabies.
- (f) The Director of the Animal Services Department may order the owner of any dog that is believed to be subject to classification as potentially dangerous under this chapter or dangerous or vicious under the Responsible Dog Ownership Law to submit the dog to the Animal Services facility for quarantine under this section. All expenses incurred for such confinement and observation shall be paid by the owner of such animal.

- (g) All quarantined animals will be managed in accordance with the guidelines established in the most current edition of the Compendium of Animal Rabies Control.
- (h) Failure to comply with the quarantine requirements of this section by the owner of a quarantined animal constitutes a violation of this chapter and may result in the impoundment and humane euthanasia of the animal. In that event, the owner remains responsible for all veterinary, boarding, and other expenses incurred on behalf of the quarantined animal.

#### **Sec. 4-1-24. - Records.**

It shall be the duty of the Animal Services Department to keep accurate records showing the final disposition of all animals impounded thereby, the date of impoundment, the description and other identifying data of the animal, the fees collected, and the date of disposition of the animal.

#### **Sec. 4-1-25. - Regulation of classified dogs.**

- (a) The Animal Services Director shall be the designated authority to carry out the duties of dog control officer as provided for in O.C.G.A. § 4-8-22(b).
- (b) It shall be the duty of the Judge of the Probate Court to conduct hearings and make determinations concerning the regulation and disposition of potentially dangerous dogs as required in this chapter and dangerous and vicious dogs as required by the Responsible Dog Ownership Law and this chapter.
- (c) During the period while classification is pending and during the amount of time that such classification is eligible for or under appeal by the owner, the dog will be impounded at the Animal Services Department unless the Animal Services Director confirms, after inspection, that all of the applicable requirements of the Responsible Dog Ownership Law and of this chapter have been met.
- (d) Whenever a classified dog is present in Athens-Clarke County, the following apply:
  - (1) Before the dog may be housed anywhere within Athens-Clarke County other than at the Animal Services Department, or at veterinarian facility for the purpose of satisfying the procedures required in this section, the owner and property proposed for housing the dog must meet all of the requirements of the Responsible Dog Ownership Law and of this chapter and be issued a certificate of registration.
  - (2) The dog must be sexually sterilized and microchipped. The owner must provide written proof of the sterilization and the identification number from the dog's microchip to the Animal Services Director before a certificate of registration may be issued. The Animal Services Director or the Director's designee (including, but not limited to, an employee of the Animal Services Department or a veterinarian) may administer the microchip and shall confirm the microchip placement and number by scanning the dog. The microchip number shall be included on the certificate of registration, and it shall be unlawful for any person to tamper with or remove the microchip.

- (3) The owner of a classified dog shall confine the dog only in a proper enclosure, as set forth in the Responsible Dog Ownership Law and this chapter, that has been inspected and approved by the Animal Services Director or a designee of the Director. Such inspection shall occur prior to issuance or renewal of a certificate of registration and must be updated if the location at which the animal is being kept is changed at any time, including if a previously classified dog is brought into Athens-Clarke County. The Animal Services Director or a designee of the Director is authorized to update the inspection at other times in such person's discretion.
- (4) If the owner has not already met the requirements for issuance of a certificate of registration at the time the dog is classified or at the time a previously classified dog is brought into Athens-Clarke County, the dog shall be impounded at the Animal Services Department and remain in the custody of the Animal Services Department until such time as the requirements are met. The dog's owner must meet the requirements for keeping the classified dog no later than five days after the date the classification becomes effective or after a previously classified dog is brought into Athens-Clarke County. If the requirements are not met or the dog is not retrieved from the Animal Services Department within such time, then the dog shall be deemed unclaimed and subject to the provisions of section 4-1-18 of this chapter.
- (5) The owner of a classified dog must renew the certificate of registration annually. The Animal Services Director or a designee of the Director shall inspect and approve the proper enclosure for the dog prior to renewing a certificate of registration as well as re-scan and verify the dog's microchip identification number.
- (6) The owner of a classified dog shall immediately orally notify the Animal Services Department if the dog is not confined in the approved location or by the approved method, if the dog is stolen or missing or if the dog is otherwise loose, if the dog is transferred, or if the dog is deceased. The owner thereafter must submit within two business days a notarized, sworn statement describing the circumstances of the dog's death or disappearance, or the name, address, and telephone number of the person to whom the dog was transferred.
- (7) Whenever outside the proper enclosure, the classified dog must be restrained by a leash not to exceed six feet in length and under the immediate physical control of a person who knows of the classification and associated restrictions and is capable of preventing the dog from engaging with any other human or animal.
- (8) Whenever a classified dog is subject to confiscation, the owner of the dog must submit the dog to the Animal Services Department without delay. A classified dog is subject to confiscation under this chapter if it is not validly registered, not maintained in a proper enclosure, is outside the proper enclosure and not on leash, or is transferred in violation of this chapter.
- (9) A classified dog that is in the custody of the Animal Services Department may only be disposed of as follows:
  - (i) if classified as vicious: euthanized or reclaimed by an owner complying with all requirements of this chapter and of the Responsible Dog Ownership Law;

- (ii) if classified as dangerous: euthanized, reclaimed by an owner complying with all requirements of this chapter and of the Responsible Dog Ownership Law, or transferred to an animal shelter licensed by the GDA or other applicable authority if authorized by the Animal Services Director; or
  - (iii) if classified as potentially dangerous: euthanized, reclaimed by an owner complying with all requirements of this chapter and of the Responsible Dog Ownership Law, transferred to an animal shelter licensed by the GDA or other applicable authority if authorized by the Animal Services Director, or offered for the purpose of adoption with the written permission of the Animal Services Director.
- (e) Whenever a potentially dangerous dog is present in Athens-Clarke County, the following apply:
  - (1) The dog must be housed in a proper enclosure; and
  - (2) The owner of the dog shall post on the premises where the dog is kept a clearly visible sign warning that there is a potentially dangerous dog on the property. A sign shall be placed at every entrance and exit to the property, including at every entrance and exit of any fence which is used to contain the potentially dangerous dog.
- (f) Investigations by Animal Services Director; notice to owner; hearings; determinations by hearing authority.
  - (1) Upon receiving a report of a dog believed to be subject to classification as a potentially dangerous dog as defined in this chapter, the Animal Services Director shall make such investigations as necessary to determine whether such dog is subject to classification as a potentially dangerous dog.
  - (2) When the Animal Services Director determines that a dog is subject to classification as a potentially dangerous dog, the Animal Services Director shall send a dated notice by certified mail to the owner at the owner's last known address or the Animal Services Director or such person's designee shall provide personal notice to the owner. Such notice shall include a summary of the Animal Services Director's determination and shall state that the owner has a right to request a hearing from the Judge of the Probate Court, concerning the Animal Services Director's determination, within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that, if a hearing is not requested within the allotted time, the Animal Services Director's determination shall become effective for all purposes under this chapter. If an owner cannot be located within five business days of the Animal Services Director's determination that a dog is subject to classification as a potentially dangerous dog, the dog shall be deemed unclaimed and subject to the provisions of section 4-1-18 of this chapter.
  - (3) To request a hearing in accordance with this section, the dog owner must file a Dog Classification Appeal Request with the Probate Court and pay all applicable filing fees.
  - (4) When a hearing is requested by a dog owner in accordance with this section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the Judge of the Probate Court for good cause shown. At least ten days prior to the hearing, the Judge of the Probate

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

- (5) Within ten days after the hearing, the Judge of the Probate Court shall mail written notice to the dog owner of such Judge's determination on the matter. If such determination is that the dog is a potentially dangerous dog, the notice of classification shall specify the date upon which that determination shall be effective.
- (g) As set forth in sections 4-1-2(b)(5) and 4-1-8(d) of this chapter, no classified dog may be confined by an electronic confinement system or serve as a guard dog.
- (h) Notwithstanding any other provisions of this chapter to the contrary, any dog that causes a fatality to a human will not be released to the owner until the end of any appeals process.
- (i) Failure to comply with any applicable provision of this section shall be a violation.

## **ARTICLE 5. – COMMUNITY CATS**

### **Sec. 4-1-26. - Authorization for TNR and care of community cats.**

In order to care for and decrease the size of the free-roaming cat population in Athens-Clarke County over time, any member of the public may:

- (a) Capture in a humane manner any free-roaming cat such person reasonably believes to be unowned for the purpose of TNR or receiving veterinary care without being considered its owner; provided, however, the cat must be sexually sterilized, ear-tipped, and rabies-vaccinated before being released at the location where it was originally found or it must be taken to the Animal Services Department;
- (b) Perform TNR by having any free-roaming cat such person reasonably believes to be unowned sexually sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian, and return the cat to the location where it was found, unless illness or injury present an imminent danger to public health or safety, or the health or safety of the cat, in which case the cat must be taken to a licensed veterinarian for care or euthanasia or to the Animal Services Department instead of returned;
- (c) Act as a caretaker for one or more community cats without being deemed an owner and without being subject to sections 4-1-2 through 4-1-9 and any licensing provisions of this chapter, except as otherwise specifically provided in this chapter;
- (d) Temporarily retain possession of a free-roaming cat such person reasonably believes to be unowned for the purpose of recovering from veterinary care without becoming the cat's owner; provided that the cat shall not be controlled or confined for longer than is reasonably necessary under the circumstances, and during any such period of confinement the cat must be cared for in such a way that the applicable provisions of this chapter even

though otherwise exempted are complied with; provided, further, that the cat must be sexually sterilized, ear-tipped, and rabies-vaccinated before being released at the location where it was originally found or it must be taken to the Animal Services Department; and/or

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

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

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

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

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

- (i) Reduce the local population of free-roaming cats, including by promptly engaging in TNR with respect to all potential community cats estimated to be twelve weeks of age or older for which such person cares. TNR shall be considered prompt if begun within two weeks of the person beginning to care for the cats and pursued as diligently as is reasonable given the number of cats, weather, and availability of sexual sterilization surgery appointments;
- (ii) Take possession of free-roaming kittens that such person feeds that are reasonably estimated to be less than twelve weeks of age and deliver them to the Animal Services Department for domestication and placement;
- (iii) Take possession of any sick or injured community cat for which such person cares for the purpose of immediate veterinary care, humane euthanasia by a veterinarian, or impound at the Animal Services Department without being considered the cat's owner;
- (iv) Ensure that all community cats for which such person cares receive food and water year round; and
- (v) Identify a replacement caretaker if such person is unable to continue to care for one or more community cats.

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

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

#### **Sec. 4-1-28. - Prohibitions.**

No person shall:

- (a) Leave a trap such person has set for the purpose of catching a cat unattended in excess of 12 hours;
- (b) Release a cat outdoors that is known to be positive for feline leukemia or FIV, that is more than superficially ill or injured, or that is not known to be sexually sterilized, currently vaccinated for rabies, and ear-tipped;
- (c) Release a cat to any outdoor location, other than a community cat that (1) is returned to its original location after TNR or veterinary care, or (2) was trapped or otherwise caught within Athens-Clarke County that is rehomed as part of a program established by the Animal Services Department; or
- (d) Knowingly interfere with or obstruct the care of a community cat that has a known caretaker, unless the cat is, or the caretaking is performed, on such person's lawfully possessed property. Interference or obstruction includes, but it not limited to:
  - (1) Trapping a seemingly healthy and uninjured community cat;
  - (2) Luring a cat onto property lawfully possessed by such person, unless such cat is established by photographic or video evidence (or the written statement of two or more persons describing the cat to be trapped) to be roaming on such person's property and the luring is accomplished through the provision of food in a humane trap under ordinary cat trapping procedures;
  - (3) Poisoning, polluting, or removing food or water for a community cat;
  - (4) Removing, damaging, or destroying a shelter for a community cat; or
  - (5) Committing an otherwise unjustifiable act that negatively affects the community cat;or
- (e) Control or confine a community cat for any purpose other than as described in this chapter without complying with the requirements of sections 4-1-2 through 4-1-9.
- (f) Each action set forth in this section shall be a separate violation.

#### **Sec. 4-1-29. - Limitations.**

Nothing shall prohibit:

- (a) A property owner from taking lawful steps to control or restrict community cats within the limits of the owner's property including, but not limited to, taking the cat to the Animal Services Department; or
- (b) The Animal Services Department from seizing and removing community cats for public health or public safety concerns, including an outbreak of rabies, other zoonotic disease epidemics, and animal-to-animal diseases identified by the Animal Services Director.



**Sec. 4-1-30. - Voluntary registration program.**

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

- (a) Notified by the Department if an ear-tipped cat from the general vicinity specified in the registration is impounded at the Animal Services Department;
- (b) Permitted to take possession of a community cat for which such person was caring prior to such cat's impound by the Animal Services Department during the period of time set forth in section 4-1-19 without establishing ownership of the cat; and
- (c) Prioritized for participation in any TNR or other applicable program established by Athens-Clarke County, if otherwise qualifying under the terms of such program.

The Animal Services Director may deny a registration or revoke any prior registration in the Director's reasonable discretion.

**ARTICLE 6. – ANIMAL TRANSFERS AND SALES**

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

- (a) Any offer to transfer, acceptance of an offer to transfer, or transfer of any dog or cat in Athens-Clarke County is subject to the following provisions. Failure to comply with any applicable provision of this section shall be a violation.
- (b) Any dog or cat transferred independent of its mother must be at least eight weeks old at the time of transfer. The mother of such an animal may not be transferred independent of such animal(s) prior to the juvenile dog or cat attaining the age of eight weeks. An offer to transfer a dog or cat that is under the age of eight weeks must clearly state that the transfer may not occur prior to the age of eight weeks and must include the date on which the animal turns eight weeks of age, and if applicable, the animal's microchip number.
- (c) Any individual or entity offering to transfer or transferring:
  - (1) any dog or cat that is at least three months of age must have proof that such animal is currently vaccinated for rabies;
  - (2) any dog must have proof that such animal is currently vaccinated for canine distemper and parvovirus;
  - (3) any cat must have proof that such animal is currently vaccinated for feline viral rhinotracheitis, calicivirus, and panleukopenia; and

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

Whether an animal is (i) currently vaccinated against rabies shall be determined in accordance with the Compendium of Animal Rabies Control, and (ii) currently vaccinated against other diseases and dewormed appropriately shall be determined in accordance with the most recent vaccination and deworming schedules issued by the American Veterinary Medical Association but such dog or cat shall, in any event, have no less than one vaccination and deworming every four weeks beginning at six weeks of age (or when the transferor obtained the animal, if older), with no more than three such dewormings or vaccinations required unless otherwise indicated by symptoms or a licensed veterinarian.

- (d) An offeror, upon request, must show proof of such vaccination to any offeree and to any agent of the Animal Services Department. A transferor must provide such proof to the transferee at the time of transfer of the animal.
- (e) Dogs and cats at least eight weeks of age and up to six months of age offered for transfer or transferred must have an original CVI issued within the 30 days prior to the date of offer or transfer, as applicable.
- (f) Any individual offering to transfer or transferring any domestic animal in exchange for consideration must also comply with all local ordinances and state laws involving sales of animals, including, but not limited to, any required Occupational Tax Certificate, zoning requirements, any applicable sales and income tax laws, section 9-15-16 of this code, and, if applicable, be a GDA Pet Dealer licensee.
- (g) Any transferor of a dog or cat other than a GDA Pet Dealer licensee must keep a written record of the transfer for a minimum of 1 year, which record shall include the name, address, phone number, and signature of the transferee, the amount of any consideration paid, a description of the transferred dog or cat including any microchip number, the license number for the dog or cat that whelped the litter, if applicable, and a copy of all offers to transfer and paperwork transferred, including proof of vaccination and, if applicable, deworming status, with such dog or cat. Such person shall make the record available for review by any agent of the Animal Services Department upon request.
- (h) Any GDA Pet Dealer licensee that is offering to transfer or transferring a dog or cat in Athens-Clarke County shall make all records required by the GDA in connection with such offer to transfer and/or transfer available for review by any agent of the Animal Services Department upon request. Failure to maintain such records as required by the GDA shall be a violation.
- (i) Failure to comply with any applicable provision of this section shall be a violation.
- (j) *Exemptions.*
- (1) Offers and transfers to a GDA Animal Shelter licensee, and transfers between GDA Animal Shelter licensees, are exempt from this section.

- (2) Offers and transfers by a GDA Animal Shelter licensee to a transferee other than another GDA Animal Shelter licensee are exempt from the requirements of subsection (e).
- (3) Current GDA Pet Dealer licensees are exempt from subsection (g).

#### **Section 4-1-32. - Transient sales prohibition.**

- (a) It shall be unlawful for any person to transfer for consideration, offer to transfer for consideration, lease or offer to lease, or display for a commercial purpose (for purposes of this section 4-1-32, collectively a “transfer”) any dog, cat, or domestic rabbit on any roadside, public right-of-way, parkway, median, park, other recreation area, fair, flea market, outdoor market, or commercial or retail parking lot, regardless of whether such activity is otherwise authorized by any person.
- (b) This section shall not apply to:
  - (1) A transfer of a dog, cat, or domestic rabbit at an established retail location that routinely provides adoption space for such purpose, with written permission from the property owner or lawful possessor of the retail location for such activity, by an entity that has and is displaying a valid animal shelter license issued by the GDA;
  - (2) The transfer of a dog, cat, or domestic rabbit by a paid entrant as part of a nationally-sanction event or fair show, 4-H program, or similar agricultural exhibition; or
  - (3) A prearranged transfer between a dog, cat, or domestic rabbit seller and a specific purchaser that takes place at a police department, sheriff's office, or other similar peace officer facility during daylight hours, unless otherwise prohibited.
- (c) In addition to any fine imposed, any Animal Services officer, the Director of the Animal Services Department, and any law enforcement officer is authorized to impound any animal transferred in violation of this section.

### **ARTICLE 7. – ANIMAL ABUSE, NEGLECT, AND ABANDONMENT**

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

- (a) Except as expressly preempted by O.C.G.A. § 16-12-4, it shall be unlawful for any person to abuse any animal. Any person who abuses an animal, or aids another person in abusing an animal, or causes or permits an animal to abuse another animal, by acting or failing to act, shall be in violation of this section. Abuse to animals includes, but is not limited to:
  - (1) failing to provide reasonable remedy or relief for any injured or diseased animal such person owns;
  - (2) causing unnecessary suffering of, or unnecessary physical pain to, any animal;

- (3) intentionally or recklessly causing any domestic animal or livestock to be poisoned, or intentionally or recklessly poisoning any other animal other than as part of accepted pest control practices;
- (4) beating, torturing, tormenting, or mutilating any animal;
- (5) attaching, or for an owner to fail to loosen, a collar, harness, or other item fixed to an animal's body that is tight enough that it chokes or causes visible injury to the animal;
- (6) dyeing, coloring, or displaying a living baby chick, duckling, other fowl, amphibian, reptile, or rabbit in connection with any transfer or offer to transfer such animal or for entertainment purposes;
- (7) intentionally and unnecessarily separating puppies or kittens from their mother before the age of eight weeks; and
- (8) otherwise treating any animal in an inhumane manner.

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

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

- (1) fail to provide the animal with humane/adequate care, including reasonably necessary veterinary care;
- (2) house or otherwise keep the animal in unsanitary conditions that constitute a health hazard to the animal, other animals or any person residing on the same property, and/or the animals or residents of any adjacent property; or
- (3) fail to ensure the welfare of such animal at least daily by physically checking on, or having another person physically check on, the animal at least once in each 24-hour period. An owner will be presumed to have violated this subsection if such person fails to contact the Animal Services Department within 24 hours after a door card or other notice concerning this requirement is placed on a door to any residence on the property where the animal is housed or an entrance to any enclosure in which the animal is housed.

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

- (1) train, breed, possess, harbor, keep, or otherwise have custody or control of any animal for the purpose of animal fighting;
- (2) stage or otherwise engage in animal fighting; or
- (3) be a spectator at or bet on an animal fighting activity.

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

- (e) Any Animal Services officer, the Director of the Animal Services Department, or other officer empowered to act by law may impound any animal found to be abused, neglected, or involved in animal fighting in any manner set forth in this section.
- (f) *Exception.* A licensed veterinarian or an employee of the Animal Services Department who acts lawfully and humanely in euthanizing an animal in the course of such person's professional duties shall not be guilty of a violation under this section.

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

- (a) Except as expressly preempted by O.C.G.A. § 4-8-3 or § 4-11-15.1, it shall be unlawful for any person to knowingly abandon any domestic animal or livestock within the boundaries of Athens-Clarke County, willingly permit such abandonment, or aid in such abandonment.
- (b) *Exceptions.*
  - (1) A deemed abandonment under section 4-1-19(c) shall not be unlawful under this section.
  - (2) Except as otherwise set forth in this chapter, a person serving as a caretaker, ceasing to serve as a caretaker, or engaging in TNR as authorized by this chapter is not deemed to be abandoning the community cats for which such person is a caretaker.

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

- (a) Any person injuring or killing any domestic animal, by any means, shall immediately notify the animal's owner or the Animal Services Department and give the approximate location and description of the injured or dead animal.
- (b) After its death, an owner is responsible for properly disposing of any animal such person owns, as required by this chapter or under state law.
- (c) Failure to comply with any applicable provision of this section shall be a violation.

**Sec. 4-1-36. - Limitations on ownership.**

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

abandonment as provided in this chapter or pursuant to any state's law, or has been legally required to relinquish ownership of livestock, may not own, possess, or have on such person's premises in Athens-Clarke County any livestock for two years from the date of conviction or surrender, as applicable; provided, however, that this period shall be increased to five years for any conviction for felony animal cruelty or animal fighting.

- (c) Any person who has been convicted of failure to keep a domestic animal under control as provided in section 4-1-2 of this chapter and has been required to provide additional confinement requirements and has not complied with the court's order or plea bargain agreement may not own, possess, or have on such person's premises in Athens-Clarke County a domestic animal of the same species as that to which the conviction and noncompliance relates for one year from the date of conviction.
- (d) A nolo contendere plea is considered a conviction for the purpose of this section.
- (e) Nothing in this section shall prohibit a court from imposing a greater length of time or extending a prohibition to other species of animals.

SECTION 2. Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby issued shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

SECTION 3. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

**SO ORDERED AND ORDAINED** this \_\_\_\_ day of October, 2022.

**THE UNIFIED GOVERNMENT OF ATHENS-  
CLARKE COUNTY, GEORGIA**

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\_\_\_\_\_  
Kelly Girtz, Mayor

Attest: - - - - -

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Jean Spratlin, Clerk of Commission