

ORDINANCE # 037-17; ADOPTED 11/21/2017

AN ORDINANCE OF THE COMMISSIONERS OF COWETA COUNTY, GEORGIA TO AMEND CHAPTER 10. ANIMALS, ARTICLE I. IN GENERAL OF THE COWETA COUNTY CODE OF ORDINANCES

NOW THEREFORE BE IT ORDAINED by the Commissioners of Coweta County, Georgia and;

IT IS HEREBY ORDAINED by the authority of the same that Chapter 10. Animals, Article I. In General be amended as follows:

AMEND Section 10-1. Definitions as follows:

Animal Control to read as *Animal Services*: The person(s) or office designated to enforce this chapter.

AMEND Section 10-1. Definitions *Vicious or dangerous animal*: any animal that: (3) to read as follows: Is, in the opinion of an agent of animal services, a potential danger to persons or property.

AMEND Section 10-2. Animal control: Authority; powers and duties to read as follows:

10.2 - Animal services: Authority; powers and duties.

Animal services operates under the Coweta County Board of Commissioners and is under the direction of the director of the corrections division or their designee and shall be responsible for:

AMEND Section 10-2. Animal control: Authority; powers and duties (1), (3), (4), and (5) to read as follows:

- (1) Ensuring that all animals in the county or city that has adopted the county ordinance and has a signed agreement with the county for animal services are duly licensed and are inoculated against rabies as required by this chapter.
- (3) Investigating all complaints with regard to dogs, cats and other animals based upon written and signed complaint by a person willing to testify in cases that may be heard in the appropriate court. In case of animal cruelty the animal services officer may investigate based upon what he feels is reliable anonymous information without requiring a written complaint from the person reporting the alleged animal cruelty.
- (4) Obtaining a search warrant to enter any premises upon which there is probable cause to believe that a violation of this chapter exists - with the search warrant, the animal services officer may enter the premises to examine and take custody of animals whenever the animal services officer determines that the action is appropriate to achieve the purpose of this chapter.
- (5) Pursuit of animals. In exigent circumstances the animal services officer shall be authorized to follow and enter upon any enclosure or lot, public or private, within the county when the animal services officer has probable cause to believe that an animal is rabid, abused, neglected, aggressive, dangerous, vicious, or an imminent threat to the health, welfare or safety of the general public, and to take custody of the animal, when appropriate, to achieve the purpose of this chapter.

AMEND Section 10-3. Interference with animal control officer to read as:
Sec. 10.3 - Interference with animal services officer

AMEND Section 10-3. Interference with animal control officer (a) and (b) to read as follows:

- (a) It shall be unlawful for any person, knowingly and willfully, to obstruct or hinder an animal services officer in the lawful discharge of his/her official duties; to seek to release any animal within the animal services officer's custody without his/her consent; to attempt to assist the animal services officer without his/her consent; or to provide, knowingly and willfully, false information to the animal services officer.
- (b) It shall be unlawful for any person to interfere with, damage, move or remove any traps or restraining devices used by animal services officers or contracted agencies that may be used from time to time or to release any animals from any such traps or restraining devices.

AMEND Section 10-4. Nuisance animals and aggressive dogs (b) and (c)(1) and (c)(2) to read as follows:

- (b) Animal services has the authority to order the confiscation and holding of any animal that, in the opinion of the animal services officer, constitutes a nuisance animal or aggressive dog. The animal services officer's decision to confiscate an animal may be appealed within two business days of the confiscation to the county warden who shall set a hearing within three business days of written notice of the appeal. The county warden shall investigate the circumstances surrounding the confiscation prior to the hearing and at the hearing, shall hear evidence from the owner, keeper, responsible person, or custodian. At the conclusion of the hearing, the warden shall confirm or reverse the animal services officer's decision to confiscate and hold the animal.
- (c) Upon finding that an animal is an aggressive animal by the magistrate court, the animal's owner, keeper, responsible person or custodian shall be required within 30 days to:
 - (1) Confine the animal in a proper kennel approved by animal services and post the said premises where the animal is located with a clearly visible sign warning that there is an aggressive animal located on the premises; and
 - (2) Register the animal with the animal services office. The annual fee for the registration shall be \$500.00. The animal shall be registered annually. At the time of registration, an animal services officer shall require evidence from the owner and make investigation as may be necessary to verify that the aggressive animal is continuing to be confined in a proper kennel and that the owner, keeper, responsible person or custodian is continuing to comply with the provisions of this section.

AMEND Section 10-7. Running at large (1) to read as follows:

- (1) The owner or keeper of any animal that runs at large in the county or within the city limits of any city that has contracted with the county to provide animal services shall be in violation of this section.

AMEND Section 10-8. Impoundment (1), (3), (4), (5), (6), (7), and (11) to read as follows:

- (1) The animal services officer or other law enforcement agency shall take unrestrained and nuisance or dangers animals to the animal shelter for humane confinement.

- (3) Any owner or potential owner of any animal impounded in the county animal shelter must show identification to animal shelter personnel prior to release showing the individual's photograph, full name and current address. Animal shelter personnel shall photocopy this identification and attach it to the impoundment/adoption certificate for further reference. All animals adopted from the shelter shall be accomplished by an adult of at least the age of 18 years. If a person is considered a renter or tenant in a property owned by other parties such as an apartment or mobile home park, the written approval of the landlord or tenant representative must be obtained and presented to animal services prior to adoption.
- (4) Notwithstanding any provision of this chapter to the contrary, animal services may humanely destroy any animal impounded in the animal shelter upon the verifiable opinion of a veterinarian that destruction of the animal is necessary to prevent disease or injury to the animals or to humans, the presence or threatened presence of contagious disease, the likelihood of danger or injury to humans or animals, or any other condition and/or due to overcrowding at the animal shelter.
- (5) Notwithstanding any provision of this chapter to the contrary, a veterinarian has determined that he/she may humanely destroy any animal impounded in the animal shelter when animal services reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and/or severe suffering or death.
- (6) No person shall adopt from more than four animals in a 12-month period from animal services. Any person who adopts an animal from the shelter and does not complete the requirements of the adoption may be prohibited from adopting any further animals from the shelter unless the person can show cause as to why the animal adoption agreement could not be completed. Failure to comply with the adoption agreement is a violation of the provisions of this chapter and subject to the issuance of a citation and prosecution in magistrate court.
- (7) If any animal is identifiable by means of a tag, tattoo, microchip, or other means, the owner or keeper shall be notified by an impound notice conspicuously left upon the premises of the owner or keeper or by telephone by an animal services officer or shelter personnel, at the earliest practical time.
- (11) It shall be the animal services officer's discretion to return any animal in violation of this section to its owner or keeper, provided that the owner or keeper is present and is able to safely and humanely confine or restrain the animal, provided that the officer is still in the vicinity of the owner's location.

AMEND Section 10-9. Adoption (1) to read as follows:

- (1) Animal services may convey ownership (permit adoption of) or transfer any animal which has become the property of animal services to a responsible person subject to such conditions as may be prescribed by animal services and enforcement including, but without limitation, the following:

AMEND Section 10-9. Adoption (1)(c) to read as follows:

- (c) For other animals, the fee is to be set by the director for animal services based upon fair market pricing.

AMEND Section 10-9. Adoption (1)(e) to read as follows:

- (e) Should the county commissioners approve a spay/neuter program, animal services will charge a fee for the service prior to delivering the animal to the adopting owner. Spay/neuter and rabies vaccines will be completed prior to an adoptive owner receiving their new pet. The cost of which will be determined by an agreement with the veterinarian and the director of corrections on a yearly basis.

AMEND Section 10-9. Adoption (2), (3), (4), (6) and (8) to read as follows:

- (2) Evidence must be presented to animal services that the animal has been examined by a veterinarian and vaccinations against rabies and other disease have been administered within seven days of the adoption date.
- (3) Evidence must be presented to animal services that the animal adopted has been neutered or spayed by a veterinarian within 14 days of the adoption date. The only exemption to this requirement is if a sworn statement from a veterinarian is presented that explains in detail that, for health or age reasons, the animal cannot be spayed or neutered and that shows a new date for spaying or neutering the animal.
- (4) Any person adopting an animal from animal services shall be required to sign an adoption agreement and abide by its provisions.
- (6) The director of animal services shall be allowed to make adoptions waiving all or part of the fees for cause. Cause must be stated in the adoption agreement but does not waive any other requirements for spay and neuter nor does it waive the requirement for veterinary care or microchipping.
- (8) Animal services officers may impound any animal adopted from the shelter for failure to comply with adoption agreements.

AMEND Section 10-11. Acceptance of animals for euthanasia and disposal to read as follows:

The following policy for the acceptance of animals for euthanasia and disposal is adopted: This policy pertains only to cities within Coweta County and who are requesting their animals be euthanized and/or disposed. Large agricultural animals which exceed 250 pounds will not be accepted by an animal services facility or the transfer station for disposal.

AMEND Section 10-12. Right of entry (a) and (b) to read as follows:

- (a) The animal services officers, county code enforcement officers, sheriff's deputies and other enforcement officers of the county are hereby authorized to enter upon any premises or parcel of land for the purpose of seizing and impounding any animal found therein or thereon to be in violation of this chapter, including, but not limited to, an animal that has bitten a person within ten days.
- (b) Animal services may take all necessary steps to remove any animal locked in a closed vehicle if the animal is subject to danger of injury because of temperature. The operator of the vehicle will be charged with cruelty to animals as defined in this chapter. No injunction or claim for damages may be placed against animal services or its officers for this action.

AMEND Section 10-13. Summons to read as follows:

Animal services officers, code enforcement officers, and deputies of the county sheriff's office are hereby authorized to issue a summons to any person for violation of any provision of this ordinance. The summons shall be in a form approved by the county magistrate court, shall designate the offense charged, and shall require the person so charged to appear before the county magistrate court on a date certain to answer the charges therein contained.

AMEND Section 10-15. Prohibited animals (a) to read as follows:

- (a) No person shall keep or maintain any wild animal or exotic pet within the county or within any city so contracted to provide animal services unless the person has applicable state and federal licenses.

AMEND Section 10-16. Mistreatment of animals (c) to read as follows:

- (c) If an animal services officer finds a violation of this section, the officer shall seize and impound the animal and leave written notice of impoundment in a conspicuous location about the premises. The animal will remain as evidence at the animal shelter pending the court's decision. If an owner or keeper has not claimed the animal after a three-day impoundment period, the animal will irrevocably become the property of the animal shelter.

AMEND Section 10-20. Animal fighting and training (2) to read as follows:

- (2) No person shall train, have equipment to train, or permit the training of, any animal to attack, fight, or cause injury to any domestic animal or human on any property, public or private within the county or within any city so contracted to have animal services provided by the county. Examples of training include, but are not limited to:

AMEND Section 10-22. Rabies control; proof of vaccination required to read as follows:

No owner or keeper shall allow any dog, cat or ferret over four months of age on any premises within the county or contracted city for animal services by the county, unless the dog, cat, or ferret has been vaccinated against rabies. The vaccination shall be administered by a licensed veterinarian and the tag shall be securely attached to a collar or harness and be visible. The tag must match the dog, cat or ferret for which it was issued. In the absence of a tag, the certificate of rabies will suffice.

AMEND Section 10-26. Performing animal exhibits (c) to read as follows:

- (c) Animal services officers may inspect any animal exhibit or circus to ensure compliance to this chapter.

AMEND Section 10-27. Commercial animal establishments (a) and (d) to read as follows:

- (a) It shall be required that any and all commercial animal establishments have a license issued by the county or city to conduct business within the county or those cities that have contracted for animal services within their respective city limits.
- (d) As a condition of the issuance of the license, the animal services officer is granted permission to inspect the establishment to ensure all animals meet the standards set forth in this chapter.

AMEND Section 10-29. Animal breeders to read as follows:

Any person or business entity that owns unaltered animals for the purposes of breeding must be registered with animal services and licensed by the Georgia Department of Agriculture with a copy provided to the animal services office within 30 days of issuance. This shall be recorded when licenses are issued and will be subject to an additional charge.

AMEND Section 10-30. Disposition of feral or dangerous animals to read as follows:

Any animal that is feral, wild or otherwise dangerous to the animal shelter staff, and in the opinion of animal services, is dangerous to the safety and welfare of the animal shelter staff to provide basic sustenance and shelter, the three-day hold period may be waived and the animal shall be humanely euthanized. Except for the following:

SO ORDAINED IN OPEN SESSION, LAWFULLY ASSEMBLED AFTER PUBLIC NOTICE AND HEARING AS PROVIDED BY GEORGIA LAW, THIS 7th DAY OF NOVEMBER, 2017.

CHAIRMAN

Attest: _____
County Clerk