

AN ORDINANCE OF THE COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF AMENDING THE CODE OF BARTOW COUNTY, CHAPTER 14, ARTICLE II, THE ANIMAL CONTROL ORDINANCE; ADOPTING PROVISIONS FOR COMMUNITY CAT PROGRAMS; AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON THE 5<sup>TH</sup> DAY OF FEBRUARY, 2020.

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**WHEREAS**, Bartow County has previously adopted and amended Animal Control Ordinance, contained in the Code of Bartow County as Article II of Chapter 14, providing for the regulation of animals, including animals at large on and off their premises; and

**WHEREAS**, the Ordinance does not have provisions relating to community cat colonies; and

**WHEREAS**, the Commissioner has determined it is in the best interests of the public health, safety and welfare to adopt the amendments set forth below; and

**NOW THEREFORE BE IT ORDAINED, AND IT IS HEREBY ORDAINED**, by virtue of the authority vested in the Commissioner by law, that Article II of Chapter 14 of the Code of Bartow County is amended as follows:

**I. Section 14-13 is amended to add, or amend, the following definitions:**

*Community cat* means any free-roaming cat, lacking discernible evidence of ownership, that may be cared for by one or more residents of the immediate area who is/are known or unknown.

*Community cat caregiver* means a person who, in accordance with trap-neuter-vaccinate-return provides care, including food, water, shelter or medical care to a community cat. A community cat caregiver shall not be considered the owner, harbinger, controller, provider, processor or keeper of a community cat.

*Owner* any natural person or legal entity including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping or having custody of an animal. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. This definition is intended to include any person that is the custodian of an animal. Provided however, an owner does not include a community cat caregiver.

*Trap-neuter-vaccinate-return (TNR)* means the process of humanely trapping, sterilizing (spay/neuter), vaccinating for rabies, ear tipping and returning community cats to their original location.

## II. New Section 14-44 is added as follows:

### Section 14-44. Community Cat Programs

a) Purpose. Research and experience have shown that achieving a “no-kill” status as a community requires a variety of strategies, and that community cats pose unique challenges. Community cat populations can be reduced by an effective TNR program, calling for cats to be trapped, sterilized, vaccinated and returned to the original outside home. Over time, such programs have been shown to reduce the population of feral cats.

b) Bartow County seeks to cooperate with non-profit organizations and community cat caregivers to facility community cat programs and TNR programs. To that end, the following listed sections of Chapter 14 contain provisions that cannot logically apply to community cats or community cat caregivers:

1. Section 14-14 regarding Control of Animals shall not apply to community cats.
2. Community cats that have been though a TNR program shall not be considered Public Nuisance Animals under Section 14-16 simply by virtue of being a community cat.
3. Maximum cat number restrictions of Section 14-17 shall not apply to community cats with no known owner. Persons may not violate cat number restrictions from Sec. 14-17 on their own property by claiming they maintain a community cat colony.
4. Section 14-41(c), (d) and (f) shall not apply to community cats that are part of a trap-neuter-vaccinate-return program or a shelter-neuter-vaccinate-return program or the respective community cat caregivers.
5. Community cats shall not be subject to impoundment under Sec. 14-82 solely by virtue of being a community cat.
6. Nothing in the foregoing is meant to imply that community cats cannot be impounded or being deemed public nuisances by virtue of, for example, becoming diseased, attacking and injuring persons or domestic pets, creating a neighborhood nuisance, etc.

## III. Section 14-86(a) is amended as follows:

(a) *Disposal of unclaimed animals.* Except as provided below, after ~~five~~ three business days, any animal unclaimed by its owner, after such owner has been notified of the impoundment of such animal or the conclusion of proceedings before the animal control board, shall become the property of the county and be placed for adoption or humanely destroyed in accordance with O.C.G.A. § 4-11-5.1.

**IV. Section 14-86(b) is amended as follows:**

(b) *Disposal of animals without known owners.* Except as provided below, after three business days, any animal whose owner cannot be ascertained shall become the property of the county and shall be available for adoption or humane destruction in accordance with O.C.G.A. § 4-11-5.1.

**V. Section 14-16(2) is amended as follows:**

(2) Any dog or cat in any section of a park or public recreation area, unless the dog or cat is controlled by a leash or similar physical restraint, or unless the dog is in a designated dog park;

All other Ordinances and Resolutions, or parts of said Ordinances or resolutions, in conflict herewith are hereby repealed, except to the extent said Ordinances are more restrictive than this Ordinance.

**SO ADOPTED** this 5<sup>th</sup> day of February 2020, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

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Kathy Gill, County Clerk

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Steve Taylor, Sole Commissioner