

ORDINANCE TO AMEND CHAPTER 14 OF THE JONES COUNTY CODE PERTAINING TO ANIMALS

WHEREAS, the Jones County Board of Commissioners currently has in place ordinances pertaining to animal welfare; and

WHEREAS, the Jones County Board of Commissioners now desires to amend said ordinances;

NOW, THEREFORE, BE IT RESOLVED in a regular meeting assembled as follows:

Section 1.

That Chapter 14 be deleted in its entirety and replaced with a new Chapter 14 to read as follows:

Sec. 14-1. Definitions.

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

Abandon means the act of releasing or placing an animal on public property, including the right of way, or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation, or shelter, for a period in excess of 36 hours, regardless of where such animal may be found or kept.

Animal Services Officer means an agent of the county assigned to enforce state laws and county ordinances pertaining to animals.

Classified, Dangerous or Vicious Dogs means any dog as defined in O.C.G.A. §§ 4-8-21.

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

Livestock means cattle, swine, equines, sheep, goats, ratites, nontraditional livestock, and ruminants.

Nontraditional livestock means the species of Artiodactyla (even-toed ungulates) listed as bison, water buffalo, farmed deer, llamas, and alpacas that are held and possessed legally and in a manner which is not in conflict with the provisions of O.C.G.A. Title 27, Chapter 5 dealing with wild animals.

O.C.G.A. shall mean and refer to the Official Code of the Georgia Annotated published under the authority of the State of Georgia.

Owner means any person who owns, keeps, harbors, possesses, or otherwise keeps any domestic, nontraditional livestock, or livestock animal for a period of seven days, or any person who knowingly permits any domestic, nontraditional livestock, or livestock animal to be kept, harbored, possessed, or otherwise kept upon their premises for a period of seven days,

or who has any animal under their care or responsibility, either temporarily or permanently, at any time, within Jones County.

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. Should any ordinance herein refer to a Person as 'his' or 'her', it is not intended that the pronoun used excludes the non-referenced gender from being subject to said Ordinance. Any reference herein to a gender specific pronoun shall be intended to apply to all persons regardless of gender.

Proper Enclosure/ Adequate Shelter 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 an Animal Services Officer. The Animal Services Officer shall have some discretion to determine whether or not the enclosure / shelter is adequate based upon this definition, their training and the circumstances at hand.

Severe and/or Serious injury to another domestic animal or person means any unprovoked physical injury that results in broken bones, disfigurement, or severe lacerations requiring multiple sutures, hospitalization, impairment of bodily organ or other body part, transmission of contagious disease, or surgery or a physical injury that results in death. Serious Injury shall additionally include any terms detailed under O.C.G.A. §§ 4-8-21

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.

Sec. 14-2.1. – Care and control of animals.

(a) It shall be unlawful for any owner of a dog, cat or other animal considered a domestic animal to not have immediate control of the animal at all times through one of the following means:

- (1) On a leash when off the property of the owner;
- (2) Within the passenger area of a vehicle driven or parked on the streets;
- (3) Within the property limits of its owner and attended by its owner; or

(4) Confined within the property limits of its owner or of another with the permission of the person in control of the property.

(b) "Confined" means in a building, pen or fenced area, or other structure built to prevent intrusion or escape by any dog. Confined also means restrained by use of a suitable tether

which is designed to prevent cruelty to the dog and which is otherwise in compliance with this chapter.

(c) It shall be the duty of the owner, caretaker, or possessor of any animal to provide adequate shelter, food, water, and sanitary conditions for said animals at all times, and to provide said animal with necessary medical care.

(i) An Animal Services Officer reserves the right to take possession of an animal who is not given proper (as determined by the Officer) medical care or humane treatment until the owner comes into compliance with the provisions of this section or unless otherwise ordered by the Court.

(d) "Medical care" means maintaining routine up-to-date preventative treatments, routine physicals, and seeking immediate veterinary care in cases of emergency.

(e) It is further provided that any Officer of Animal Services may take possession of an animal when, in the Officer's opinion, the animal requires humane treatment. Any animal taken into custody for inhumane treatment may be reclaimed by the owner upon compliance with the regulations set by Animal Services, subject to and/or unless otherwise ordered by the Court.

(f) It is further provided that any dog found to be chasing vehicles or bicycles is a failure of the owner in keeping said dog under control, in compliance with this section.

(g) A person who is convicted or who pleads guilty or nolo contendere to a violation of this section shall suffer the following minimum punishments:

- i. First offense – a minimum fine of \$ 140.00.
- ii. Second offense within a one-year period, a minimum of \$ 240.00

Third and subsequent offenses within a one-year period, a minimum fine of \$ 340.00, with a mandatory appearance in Municipal Court.

Sec. 14-2.2 - Nuisance

(a) It shall be unlawful for any person to feed stray and/or feral cats, where such feeding causes a nuisance to neighbors or businesses, or creates a condition contrary to the health, safety and welfare of the community.

(b) It is further provided that any nuisance arising from the care, control, or engagement with an animal which tends to the immediate annoyance of the public in general or is manifestly injurious to the public health or safety may be alleviated by an order from the Court.

(c) Where a person has created a nuisance consistent with subsection (b) above an Animal Services Officer may issue a Must Appear citation, requiring the alleged violator to appear in a court of this county. Persons who repeatedly violate provisions of this section are subject to higher fines and/or animal welfare's refusal to allow for future animal adoptions consistent with Section 14-12 of this Chapter.

Sec. 14-3. - Specific requirements for confinement.

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

- (a) Any tether used to confine an animal while attended by its owner shall be a minimum of ten feet in length, shall be attached to a collar or harness, and shall not be wrapped directly around the animal's neck. Such tethers shall not be excessively heavy or weighted so as to inhibit the animal's movement.
- (b) All domestic animals shall be provided with clean, potable water and sanitary shelter, which includes the prompt removal and disposal of debris, animal, and food waste. Said shelter shall be designed, constructed, and maintained to confine the animal, to protect the animal from injury, harsh natural conditions, such as rain, snow, ice, excessive heat, or excessive cold, and of a sufficient space to allow for adequate exercise and movement suitable to the age, size, species, and breed of animal. Examples of inadequate shelter include, but are not limited to, lean-tos, metal drums, boxes, vehicles, or the area on or beneath exposed porches or decks. Nothing in this subsection 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.
- (c) All domestic animals shall be confined in a crate or similarly confined when being transported in an "open air" portion of a vehicle. 'Similarly confined' includes the animal being safely restrained by a harness manufactured for the purpose of restraining animals by means other than neck restraints.

Sec. 14-4. - Prohibitions for dogs

- (a) It shall be unlawful for any person to permit a dog under his or her ownership or possession to do the following:
 - 1. Go upon the property of any person other than its owner or keeper without the express consent of such other owner or occupant;
 - 2. Attack or act so as to menace pedestrians or other persons using public ways or on the property of another;
 - 3. Disturb the peace of any other person by loud, persistent, habitual barking, howling, growling, yelping or whining; or
 - 4. Be in heat and not be confined in an enclosure to the property of its owner or keeper.
- (b) Pending an adjudication for any citation for a violation of paragraph (a) (2) of this section, the person cited shall be required to maintain the dog in a proper enclosure, as

defined in this chapter. Any person convicted of violating this subsection, in addition to penalties provided for in [section 14-11](#), shall be required to maintain the dog in a proper enclosure, as defined in this chapter.

(c) For purposes of paragraph (a)(3) of this section, the "loud, persistent, habitual barking, howling, growling, yelping, or whining" must be plainly audible to a person of normal hearing ability not located on the same property as the dog making such vocalizations for more than 15 minutes without interruption or more than 30 minutes if such vocalization is intermittent.

(d) No person shall be charged with violating paragraph (a)(3) of this section unless written warning has previously been issued within 120 days of the charged violation.

(e) No citation for violating paragraph (a)(3) shall be issued unless there is at least one witness in addition to the complaining witness, who do not reside in the same household, who shall have signed a written statement stating the address of the dog owner, a description of the dog and of the offense and the date, time and location of the offense

Sec. 14-5. - Livestock running at large.

It shall be unlawful for the owner or keeper of any hog, cattle, mule, sheep, goat, or any other livestock or nontraditional livestock animal to permit it to run at large or to stray from the property of the owner or keeper, including straying upon public roadways, or to go upon the premises of any other person, except by express permission of the owner of such property. Owners of fowl and other animals deemed domesticated shall also comply with this section regarding animals being prohibited from 'running at large'.

Sec. 14-6. - 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 Jones County, or upon any private property within Jones County not under the exclusive use and control of said owner or keeper.
- (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 upon which he or she resides or owns unless he or she has the permission of the owner of such other private property.

Sec. 14-7. - Identification and inoculation.

It shall be unlawful for any person to own, possess or maintain any dog or cat that does not have a current rabies inoculation by a licensed veterinarian upon the animal reaching the age of three (3) months. A dog or cat over the age of three (3) months shall remain current on rabies inoculation so long as said animal is found, kept, or enters the boundaries

of Jones County and any such dog or cat shall wear at all times a securely attached collar about its neck displaying such current rabies tag.

Sec. 14-8. - Obstruction of an Officer.

- (a) It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any Jones County Animal Services in the official performance of his or her 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 Jones County Animal Services.
- (c) It shall be unlawful for any person to place an animal into or remove any animal confined within a trap or cage operated by Jones County Animal Services.
- (d) It shall be unlawful for any person to give a false name, address, date of birth, ownership information, or information regarding vaccinations or other requirements under these ordinances to any Jones County Animal Services Officer in the lawful discharge of his or her official duties with the intent to mislead such Officer, employee or agent in any way.

Sec. 14-9. - Abuse of animals.

Jones County Animal Services Officers shall be authorized to enforce the provisions of O.C.G.A. § 4-11-1, entitled "the Georgia Animal Protection Act (O.C.G.A. § 4-11-2 et seq.).

- (a) No person shall knowingly abandon, or aid in the abandonment of any animal on any property, public or private.
- (b) An Animal Services Officer or any law enforcement officer who is responding to the notification of an abandoned animal may enter the property by reasonable means under the circumstances to remove or render aid to the abandoned animal.
- (c) An Animal Services Officer may issue a citation to a person or persons who violate provisions of this subsection.
- (d) Any person who has been convicted of cruelty, neglect, or abandonment of any animal as provided in this article, or state law, and has been required to or has voluntarily relinquished ownership of such animal shall not be allowed to own a pet in their household in Jones County for a minimum of one year from the date of conviction.

Sec. 14-10 Fees.

Any person reclaiming or adopting an animal or registering a dangerous or vicious dog shall pay all appropriate fees according to the fee schedule maintained by Jones County Animal Services.

Sec. 14-11. - Penalty.

Any person violating this chapter shall be punished pursuant to the provisions of Section 1-19 of the Jones County Code, which may include a fine of up to \$1,000.00; imprisonment in

the county prison or in the county jail; work and labor on the streets or public works of the county, whether within or without the corporate limits, not exceeding 180 days; and/or both a fine and sentence of imprisonment and labor. All sentences may be in the alternative and fines may be imposed with the alternative of sentence to imprisonment and labor if the fines are not paid. Each day any violation of this chapter shall continue, shall constitute a separate offense.

Sec. 14-12. - Jones County Animal Services Officers.

It shall be known that the Animal Services Officers for Jones County are authorized agents of Jones County, entrusted with the duties of enforcing all state laws and county ordinances pertaining to the management, welfare, and control of all animals within Jones County, and shall have the authority to procure and serve citations as may be deemed appropriate to properly perform the duties of a Jones County Animal Services Officer.

Sec. 14-13. - Power to issue citations.

Citations for violations of this chapter may be issued by Jones County Animal Services Officers or by officers or deputies of the Jones County Sheriff's Office.

Sec. 14-14. - Field euthanasia.

Jones County Animal Services Officers have the right and authority to perform field euthanasia when it is determined by such Officer that an injured or sick animal is in pain and is beyond hope of recovery. If such is needed, Jones County Animal Services may also request assistance from the Jones County Sheriff's Department or veterinarian in a situation when field euthanasia is required or necessary.

Sec. 14-15. - Injured impounded animals.

- (a) Agents and Officers of Jones County Animal Services shall have the authority to humanely dispose of impounded animals which are diseased or injured whenever it shall appear that any such animal is suffering great pain and whenever one of the following applies:
- (b) No determination as to the owner can be made after a reasonable inquiry or investigation; or
- (c) The owner cannot be contacted within a reasonable amount of time; or

- (d) The owner refuses to claim the animal immediately and accept financial responsibility for necessary veterinary treatment.

Sec. 14-16. - Impoundment of animals.

Except as otherwise provided for by state law, any domestic, nontraditional livestock or livestock animal that is in violation of this chapter, whether the animal is on public or private property, may be, but are not required to be, impounded by Jones County Animal Service.

Sec. 14-17. - Disposition of impounded animals.

- (a) Any animal which remains unclaimed after five (5) days of being impounded may be disposed of by agents or Officers of Jones County Animal Services on the sixth (6th) day. Officers are authorized either to dispose of such animal in as humane a manner as possible or to donate such animal to a nonprofit institution or agency for the purpose of humane placement or rescue.
- (b) If the impounded animal is a feral cat, and therefore would have no owner, Animal Services may dispose of such animal in a humane manner to prevent harm and danger which may arise from such animal if such animal is considered by a veterinarian to have a temperament or condition such that euthanasia is the only reasonable course of action.
- (c) Notwithstanding the foregoing, animals in need of medical attention, nursing mothers and unweaned animals may be immediately released to nonprofit or rescue organizations. In the event that an owner attempts to claim an animal within the stray hold period that has been released to a nonprofit or rescue organization under this provision, the nonprofit or rescue organization must return said animal to the owner. The owner shall not be billed for any medical expenses incurred by the nonprofit or rescue organization. Medical expenses incurred in association with treatment provided under this provision are the sole responsibility of the nonprofit or rescue organization.
- (d) No live animal in the possession of Jones County Animal Services shall be released, sold or given to any individual, institution, or private firm for the purposes of medical and scientific research.
- (e) When calculating the prescribed amount of time for the execution of rights or responsibilities in this chapter, the first day that an animal is impounded shall not be counted.

Sec. 14-18. - Enforcement.

This chapter shall be enforced by Jones County Animal Services and by the Jones County Sheriff's Office. Upon information known to, or a signed written statement lodged with,

a Jones County Animal Services Officers or an officer or deputy of the Jones County Sheriff's Officer that any owner of an animal is in violation of this chapter, a citation may be served upon the owner of the animal to appear before the Jones County Magistrate Court on a day and time certain to stand trial for violation of this chapter. If such violation has not been witnessed by an officer or deputy, a subpoena may be issued to the person supplying the information on which a formal charge may be made to appear at said time and date to testify on behalf of Jones County. Jones County Animal Services Officers and officers or deputies of the Jones County Sheriff's Office are authorized to use necessary means to obtain subpoenas from the magistrate court for the purpose of enforcing this chapter.

Sec. 14-19. - Confinement of biting animals.

(a) Any animal that is known to have bitten or scratched a person shall be confined for the purposes of rabies observation to the Animal Services facility, to a veterinary facility or to such other facility as may be directed by the Jones County Health Department for a period of ten (10) days after the date of the bite or scratch. All expenses incurred for such confinement and observation shall be paid by the owner of such animal.

(b) The Animal Services Officer shall be authorized to order the owner of any dog that is known to have bitten a person or to have caused severe injury or death to another dog or cat to submit the dog for rabies observation to the Animal Services facility, to a veterinary facility or to such other facility as may be approved by the Jones County Health Department. All expenses incurred for such confinement and observation shall be paid by the owner of such animal.

Sec. 14-20. – Failure to reclaim dogs or cats.

- a) It shall be the responsibility of Jones County Animal Services to attempt to notify the owner, if known, or can be reasonably ascertained, of every animal impounded, by telephone if possible, or by mail or by written notice at the residence of the owner within two working days of the impoundment. The owner of the animal may claim and take custody of the animal within five (5) days of such impoundment by the payment of required fees and the cost of inoculations and veterinary services.
- b) Any dog or cat impounded under the provisions of this chapter and not reclaimed by its owner within five (5) days may be disposed of by Animal Services or will be available on the sixth (6th) day to be placed for adoption with a person deemed to be a responsible and suitable owner, who agrees to comply with the provisions of this chapter and any other regulations as shall be fixed by Animal Services. If the dog or cat is one to which the respective rights of the owner and the person in possession or custody thereof are determined by state law, such law shall be complied with.

Sec. 14-21. - Adoption of animals.

- (a) Jones County Animal Services may offer for adoption any animal unclaimed after five (5) days following impoundment.
- (b) Potential persons who want to adopt an animal must make application for adoption with Jones County Animal Services and meet requirements associated with the humane housing and care of the animal as determined by Jones County Animal Services and by the payment of the required fees.
- (c) No unclaimed animal or otherwise adoptable animal which is not neutered or spayed shall be released or adopted from the Jones County Animal Services facility without the animal first being spayed or neutered. The adoption fee for said animal shall include the cost for the spay or neuter.
- (d) Non-profit, licensed rescue agencies are exempt from certain provisions contained in this Section as allowed by law.

Sec. 14-22. Escape, injury, or theft.

Employees of Jones County Animal Services shall exercise reasonable care to prevent the injury, escape 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. 14-23. - Records.

It shall be the duty of the employees, agents, and officers of Jones County Animal Services to keep accurate written 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, the disposition of the animal and the date thereof, which record shall be open and available for public inspection at a reasonable place during the regular business hours for a period of 24 months after the date of impound. "Public Inspection" for the purpose of this section is intended to address the inspection by the Agricultural Inspector of Georgia. Any other records shall be governed by Georgia's Open Records Request laws.

Sec. 14-24. - Regulation of dangerous and vicious dogs.

- (a) Jones County Animal Services Officers shall be designated to carry out the duties of Animal Services Officers under O.C.G.A. § 4-8-22 and as provided for in this chapter.
- (b) No dangerous or vicious dog shall be permitted to remain within the county without a certificate of registration issued in accordance with the provisions of this section. The owner of a dangerous or vicious dog shall pay an annual registration fee and shall register such owner's dog as a dangerous or vicious dog as classified under O.C.G.A. § 4-8-20 et seq.

- (c) No dangerous or vicious dog shall be registered unless the owner can provide sufficient evidence that all of the applicable provisions of this article have been and are being met.
- (d) Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile. The cost of registration is \$ 100.00, which shall be renewed annually or upon the earlier transfer of ownership or possession of a dangerous dog or a change in the location of the dangerous dog's primary habitat. At the time of renewal of a certificate of registration for a dangerous or viscous dog, the Animal Services Officers shall verify that the owner is continuing to comply with the provisions of this section. Failure to renew a certificate of registration within ten (10) days of the renewal date or initial classification date shall constitute a violation of this article.
- (e) The owner of a classified dog who moves from one jurisdiction within the State of Georgia to the county shall register the classified dog with the county within ten (10) days of becoming a county resident. The owner of a similarly classified dog who moves into the county from another state shall register the dog as required by this article within 30 days of becoming a county resident.
- (f) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
- (g) No person shall be the owner of more than one dangerous or vicious dog.
- (h) It is further provide that an owner of a registered dangerous or vicious dog shall post on the premises where the dog is kept a clearly visible sign warning that there is a dangerous or vicious dog on the property. The sign shall conform substantially to the uniform design and symbol created by Jones County Animal Services and may be purchased from Jones County Animal Services.
- (i) It is further provided that an owner of a registered dangerous or vicious dog must purchase a dangerous or vicious dog tag issued by Jones County Animal Services, and secure said tag as identification on the registered dog. It shall be unlawful for any person to tamper with or remove such identification.
- (j) A dangerous or vicious dog is subject to confiscation under this chapter or O.C.G.A. § 4-8-27 if it is not validly registered in accordance to this section, not maintained in a proper enclosure in accordance with O.C.G.A. § 4-8-27, or is outside the proper enclosure in violation of this chapter.
- (k) Notwithstanding any other provisions of this chapter to the contrary, any dog that causes a fatality to a human or another dog will not be released to the owner until the end of any appeals process.
- (l) Notwithstanding any other provision of this chapter, it is intended that all requirements for classifying a dangerous or vicious dog and all requirements for the owner of an animal classified as dangerous or vicious dog shall mirror and comply with the provisions as detailed in O.C.G.A. § 4-8-20 et seq.

Sec. 14-25. - Exemption for hunting dogs.

Any hunting dog, as defined under O.C.G.A. § 4-8-1.2, and while under the direct control of its owner, shall be exempt from Section 14-2.1(a) while hunting game during a lawful open season for such game or while training said hunting dog in accordance with O.C.G.A. § 27-3-16, provided that a valid rabies vaccination can be proven.

Sec. 14-26. – Cost of Care

Jones County Animal Services shall have the authority as is granted and detailed under O.C.G.A. § 4-11-9.8 to pursue Cost of Care for impoundment and costs of care of animals.

Section 2.

That this ordinance shall take effect immediately after its adoption on two separate readings.

Section 3.

That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Approved this _____ day of _____, 20____ by the Jones County Board of Commissioners.

Chris Weidner, Chairman

Attest:

Shannon Wagner, County Clerk

1st Reading: _____

2nd Reading: _____