

## ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE

WHEREAS, the Douglas County Board of Commissioners, upon receiving recommendations from the Animal Control Advisory Board, has determined that certain amendments to the Animal Control Ordinance are needed.

NOW THEREFORE BE IT ORDAINED by the Douglas County Board of Commissioners that the following amendments to Chapter 5 of the Douglas County Code relating to animals be enacted:

### Section 1.

Article I of Chapter 5 of the Douglas County Code relating to animals and fowl is amended by striking Section 5-2 relating to definitions and inserting in lieu thereof the following:

“Sec. 5-2. Definitions.

The following words and phrases have the following meanings for the purpose of this chapter:

(1) Abandonment (of an animal): the act of any person who:

- a) Abandons an animal by leaving an animal unattended for a period of time in excess of 24 hours without food, water, adequate ventilation or shelter on public or private property, including but not limited to the property of the owner/custodian.
- b) Puts out, leaves, abandons, or in any other way discards any animal on public or private property, including but not limited to the property of the owner/custodian, and including but not limited to leaving an animal contained in a box, bag, fence, house or other structure or tethered; or
- c) Places an animal in the custody of a state licensed entity, such as but not limited to a veterinary clinic, grooming facility, boarding or other care, and fails to reclaim the animal by the agreed upon time. The entity shall abide by the requirements of O.C.G.A. § 44-14-490 in disposing of the animal.

(2) Adequate: Sufficient; commensurate; equally efficient; equal to what is required; suitable to the case or occasion; satisfactory.

(3) Adequate Exercise: Bodily exertion suitable to the age, size, species and breed of animal to maintain normal good health, muscle tone, non-aggressive temperament, and normal behavior.

(4) Adequate or Humane Care: Attention to the needs of an animal, including but not limited to, the provision of adequate water, food, shelter, bedding, sanitary conditions, ventilation, heating/cooling (temperature control) , space, exercise, and veterinary medical attention necessary to maintain the health of the animal with regard to the specific age, size, species, and breed of animal.

(5) Adequate Shelter: Protective cover for a domestic animal appropriate for the species and providing adequate space to maintain the animal in good health, which also prevents pain, suffering or a significant risk to the animal's health.

Adequate shelter includes but is not limited to the following: sufficient coverage and insulation to protect an animal from extreme hot and cold temperatures; sufficient protection from the elements to keep the animal dry; sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating; and adequate bedding or resting area suitable for the breed, species, age, size, and medical condition of the animal.

Adequate shelter is structurally sound housing which provides an animal with:

- a) Adequate space;
- b) Four solid walls or an "igloo" type of structure;
- c) A roof;
- d) A dry floor that is either: solid or grids, provided the animal can easily stand, walk, lay and sit on the grids without its feet or body parts being caught, damaged, or injured. The grids and area under the grids must be designed so that they can be cleaned and sanitized.
- e) Adequate ventilation;
- f) An entrance; and
- g) Adequate space for the number of animals on the property.

Materials not suitable for shelters include but are not limited to: inadequately insulated containers; crates with exposed sharp edges; metal or plastic drums; abandoned or parked vehicles; porches or decks; lean-tos; any other structure that fails to provide sufficient protection from the elements; and any other structure that is not safe or suitable for housing the species.

(6) Adequate Ventilation: Fresh air sufficient to provide for the health of an animal.

(7) Adequate Water: Clean, fresh water sufficient to prevent dehydration, properly sustain health, and prevent significant risk to the animal's health. For the purposes of this chapter, snow, ice or rancid/contaminated water are not considered adequate water.

(8) Animal: Any description of vertebrate, excluding Homo sapiens.

(9) Animal Bite: Any physical contact of the teeth, nails, or claws of an animal with human flesh, including but not limited to a scrape, puncture, pierce, scratch or tear, so long as bleeding results.

(10) Animal control department: The Douglas County Animal Control Department.

(11) Animal establishment: Any pet shop, kennel, grooming shop, auction, performing animal exhibition or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

(12) Animal shelter: Any facility operated by any governmental entity, humane society, or other organization for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

(13) At large: Any animal is at large when it is not under control as provided herein.

(14) Auctions: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. Individual sales of animals by owners are not auctions as herein defined.

(15) Breeder: A person or entity that owns an animal and allows it to reproduce, whether planned or unplanned.

(16) Confinement: Restriction of an animal to a home, basement garage, building, pen, or other escape-proof enclosure. Confinement by a rope, chain, tether, fenced yard or other area accessible by other animals or persons, other than the caretaker, is not considered confinement.

(17) Cruelty: Every act, omission or neglect whereby unjustifiable pain, suffering, maiming or death may be caused or permitted to any animal as defined in this section.

(18) Fence: A structure of wire, wood, stone or other materials, including invisible fencing, which is of sufficient height and strength to act as a barrier against the passage of the animal it is intended to enclose.

A fence does not include an “invisible fence” if the fence is:

- a) Turned off or the animal is not wearing a properly operating signaling device;
- b) Ineffective for any animal that has learned it can cross the fence line;
- c) Intended to be a means of keeping people or animals out of an enclosed area; or
- d) Buried in or adjacent to the county right of way.
- e) An invisible fence is not an acceptable means of control for an animal that is classified as vicious, dangerous, potentially dangerous, or is in estrus/heat.

(19) Fowl: Any warm-blooded, feathered, flying or nonflying animal.

(20) Humane manner: Care of an animal to include, but not to be limited to, adequate heat, ventilation, sanitary shelter, wholesome fresh food, and access to fresh, clean, wholesome water at all times, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

(21) Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals.

(22) Licensing authority: The agency or department of the county or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter.

(23) *Livestock*: Any animal that has hooves.

(24) *Neutered*: Incapable of sexual reproduction.

(25) *Nuisance*: An animal shall be considered a nuisance if it: (1) damages, soils, defiles or defecates on private property (other than the property of the owner of the animal), or public property and recreational areas; (2) causes unsanitary, dangerous or offensive conditions; (3) causes a disturbance by excessive barking or other noisemaking; (4) molests, attacks or interferes with persons on public or private property, unless the animal is a guard dog actively performing its duties while confined to the property of the owner or responsible person; or (5) chases vehicles or attacks other animals.

(26) *Owner*: Any person owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

(27) *Performing animal exhibition*: Any spectacle, display, act or event other than circuses, in which performing animals are used.

(28) *Pet*: Any animal kept for pleasure, excluding livestock.

(29) *Pet shop*: Any person engaged in the business of buying or selling two (2) or more species of live animals with the intent that they be kept as pets.

(30) *Potentially dangerous dog means*: Any dog with a known propensity, tendency or disposition to make unprovoked attacks, cause injuries or otherwise threaten the safety of any human being. Potentially dangerous dog shall also mean any dog which, when unprovoked, inflicts a bite upon a human being or chases or approaches a human being on any public property in a vicious or terrorizing manner in an apparent attitude of an attack.

(31) *Primary Enclosure*: Any structure or device used to restrict an animal to a limited amount of space, such as a fence building, room, pen, run, cage, stall, paddock, or pasture, that provides adequate space and shelter.

(32) *Proper Enclosure*: An enclosure for keeping a Dangerous Dog, Potentially Dangerous Dog or Vicious animal securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of another animal or any person other than the owner or caretaker. The enclosure must:

- a) Be designed to prevent the animal from escaping, and
  - a. If the enclosure is a fence, the fence must be high enough to keep the animal from climbing over and must be secured at the bottom to keep the animal from digging under.
  - b. If the enclosure is a pen or structure other than a fence, the pen or structure must have secure sides, top and bottom constructed or secured in such a manner to prevent the animal's escape, and be of a height and strength to maintain the animal within it.
- b) Provide adequate shelter.

c) Provide adequate space for the animal.

(33) Provoked Attacked: An attack resulting when a domestic animal is placed in a situation such that an expected reaction would be to bite or attack.

(34) Responsible person: Any accountable human being.

(35) Restraint: See "Under control."

(36) Spayed: Incapable of sexual reproduction.

(37) Tether: Any chain, rope, leash, tie out or wire designed to restrain an animal which is attached to an animal's collar or halter and is also attached to a stationary object.

(38) Under control: Any animal shall be considered under control if it is confined by fence, pen, cage or secure enclosure to the premises of its owner, or is secured by a leash, chain or lead of sufficient strength to prevent it from escaping from the premises of its owner, or is restrained by leash, chain or lead or confined in an automobile when away from the premises of the owner.

(39) Unprovoked Attack or Without Provocation: An attack that is not provoked as defined by this chapter.

(40) Veterinary clinic or hospital: A clinic or hospital operated by a licensed veterinarian.

(41) Vicious animal: Any animal that attacks or attempts to attack without provocation a human being or domestic animal. This phrase shall not be construed to include dogs that are part of a governmental operation, nor a professionally trained certified guard dog in the performance of its duties while confined to the property of the owner or responsible person.

(42) Wild and exotic animals: Include any monkey or other nonhuman primate, such as raccoon, skunk, wolf, wolf-hybrid, squirrel, fox, leopard, panther, tiger, lion, lynx, ferret, bear, wild rabbit, tarantula, wild rodent, and reptiles, including, but not limited to, crocodiles, alligators, snakes, caiman, and gavials, and any other animal so designated by the animal control department."

## **Section 2.**

Article IV of said Chapter is further amended by striking Douglas County Code § 5-42 relating to confinement of animals and inserting in lieu thereof the following:

"Sec. 5-42. Confinement of animals generally, vicious animals, etc.

(a) An owner of a domesticated animal ~~dog or cat~~, whether vaccinated or not vaccinated, shall confine such domesticated animal ~~dog or cat~~ within an adequate fence or enclosure or within a house, garage or other building to prevent the animal from running at large. No animal shall be tied or tethered as a permanent measure of restrain. No animal shall be left unattended on a chain, lead, runner, cable, rope, leash or similar tethering device. ~~in an unfenced area where people or other animals can wander into the tethered animal's proximity.~~ ~~, or shall confine~~

~~such dog by a chain or leash affixed to the dog's or cat's collar and attached to some substantial stationary object adequate to prevent the dog or cat from running at large.~~

(b) An owner of a dog or cat, whether vaccinated or not vaccinated, shall prevent such dog or cat from becoming a danger to persons or property at any location, or trespassing upon another persons's property without that person's permission.

(c) An owner of a dog or cat, whether vaccinated or not vaccinated, shall prevent such dog or cat from running at large upon the streets, sidewalks, alleys, parks or other public places in the county.

(d) An animal, whether vaccinated or not vaccinated, not under control as provided in this chapter which attacks or attempts to attack without provocation a human being or domestic animal is hereby declared a public nuisance and may be impounded pursuant to the provisions of this chapter and/or ordered confined by the animal control department for a period of thirty (30) days, provided that, if an action is brought in any court of competent jurisdiction concerning the attack or attempt to attack by such animal, the period of confinement may be extended until the entry of a final order of disposition in such action. Further, in any prosecution of an owner or a responsible person of any such animal for any violation of this chapter, the court may, upon conviction entered against the owner or responsible person, order that such animal be humanely destroyed.

(e) Any owner of a vicious animal, whether vaccinated or not vaccinated, shall confine it within a building or secure enclosure sufficient to prevent the animal from escaping and to prevent a person or another animal from entering the enclosure and not release it therefrom unless it is securely muzzled and under restraint by a person who is at least eighteen years of age or older. Any vicious animal not under control as provided in this chapter is hereby declared a nuisance and may be impounded pursuant to the provisions of this chapter and/or confined by the animal control department for a period of thirty (30) days, provided that, if an action is brought in any court of competent jurisdiction concerning the attack or attempt to attack by such animal, the period of confinement may be extended within the discretion of the animal control department until the entry of a final order of disposition in such action. Further, in any prosecution of an owner or a responsible person of any such vicious animal for any violation of this chapter, the court may, upon conviction entered against the owner or responsible person, order that such animal be humanely destroyed.

(f) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat, except for intentional breeding purposes.

(g) It shall be unlawful for any owner to allow such owner's dog or cat to enter any food store or place where food is exhibited for sale, except those animals trained for the blind and hearing impaired.

(h) It shall be unlawful for any person owning or having control of any chickens, ducks, horses, cows, goats, pigs or any other type of animal, livestock or other fowl within the county to permit them to run at large or be a menace or nuisance to such person's neighbors or the public in general.”

### **Section 3.**

Article V of said Chapter is further amended by striking Douglas County Code § 5-50 relating to prohibited treatment of animals and inserting in lieu thereof the following:

**“Sec. 5-50. Prohibited treatment; removal of mistreated animals; payment of expenses.**

(a) It shall be unlawful for any person, either by commission or omission, to:

(1) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal;

(2) Fail to provide any animal with ~~proper~~ adequate food and veterinary care;

(3) Fail to provide any animal with access to adequate shelter consisting of not less than three (3) walls and a roof adequate to protect it from all types of weather, twenty-four (24) hours daily;

(4) Fail to provide any animal access to ~~good and wholesome fresh~~ adequate water at all times;

(5) Abandon any animal;

(6) Intentionally poison any animal;

(7) Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in such person's possession or under such person's control;

(8) Allow an animal to be kept in unsanitary conditions;

(9) Keep or confine an animal in other than a humane manner;

(10) No animal may be transported in the back of a pickup truck without the pickup truck bed being enclosed or the animal confined so that it may not jump, fall or be injured in any manner.”

### **Section 4.**

All ordinances in conflict are hereby repealed.

### **Section 5.**

This ordinance shall become effective on \_\_\_\_\_.