

ORDINANCE AMENDING CHAPTER 5 (ANIMALS AND FOUL)

WHEREAS, the Douglas County Board of Commissioners has determined that it would be advantageous to create a board to advise the Board of Commissioners on various animal issues.

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.

Chapter 5 of the Douglas County Code relating to animal control committees is amended by striking **Article I** through **Article VIII** and inserting in lieu thereof the following:

Chapter 5 - ANIMALS AND FOWL

ARTICLE I. - IN GENERAL

Sec. 5-1. - Short title.

This chapter may be cited as the "Douglas County Animal Control Ordinance."

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 twenty-four (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.
- d. Returning a community cat that has been sterilized and vaccinated for rabies to the location at which was found shall not be considered abandonment.

(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, other than a community cat, 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) *Community cat* shall mean any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat shall be distinguished from other cats by being sterilized, vaccinated at the time of sterilization against the threat of rabies, and ear-tipped (removing approximately a quarter-inch off the tip of the cat's left ear in a straight line cut), the universal sign of a sterilized, unowned cat. If these requirements are met, the community cat is exempt from licensing, certain stray and at-large provisions of this chapter and may be exempt from other provisions directed toward owned animals.

(17) *Community cat caretaker* shall be any person or persons, who shall agree to act in accordance with the policies and procedures promulgated by the Animal Control Department, as may be amended from time to time, and which shall include, but not be limited to, regular water and feeding throughout the year, insuring sanitary conditions at all times; making bonafide efforts to ensure that all healthy, unowned cats are sterilized, vaccinated, and ear-tipped. Community cat caretakers shall not be considered owners, harborers or custodians of community cats.

(18) *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.

(19) *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.

(20) *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.

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

(22) *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.

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

(24) *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.

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

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

(27) *Nuisance*: An animal shall be considered a nuisance if it:

- a. Damages, soils, defiles or defecates on private property (other than the property of the owner of the animal), or public property and recreational areas;

- b. Causes unsanitary, dangerous or offensive conditions;
- c. Causes a disturbance by excessive barking or other noisemaking;
- d. 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
- e. Chases vehicles or attacks other animals.

(28) *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.

Community cat caretakers shall not be considered an "owner" of community cats.

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

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

(31) *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.

(32) *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.

(33) *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.

(34) *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
 1. 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.
 2. 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.

(35) *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.

(36) *Responsible person*: Any accountable human being.

(37) *Restraint*: See "Under control."

(38) *Spayed*: Incapable of sexual reproduction.

(39) *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.

(40) *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.

(41) *Unprovoked attack or without provocation*: An attack that is not provoked as defined by this chapter.

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

(43) *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.

(44) *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..

(Ord. of 10-20-92; Ord. of 1-15-08, § 1)

Sec. 5-3. - Reserved.

Editor's note— An ordinance of May 1, 2007, § 2, amended the Code by repealing former § 5-3 in its entirety. Former § 5-3 pertained to the establishment of an animal control board, and derived from a resolution of October 17, 1995.

Secs. 5-4—5-19. - Reserved.

ARTICLE II. - WILD AND EXOTIC ANIMALS

Sec. 5-20. - Generally.

(a) No person or business shall own, keep, harbor or permit to be kept or harbored a wild or exotic animal within the county, other than licensed animal establishments which are approved in writing by the animal control department, which licenses may granted upon presentation of evidence satisfactory to the animal control department that appropriate safeguards for protection of the public are maintained.

(b) The provisions of this section for licensure shall not apply to any person or business that is required to be licensed and permitted by state and/or federal agencies for keeping and maintaining wild or exotic animals, where it appears that such person or facility is in fact continuously so licensed and/or permitted.

Sec. 5-21. - Sales.

Any animal establishment approved by the animal control department for offering for sale any wild and exotic animal shall post conspicuously at the place of sale or display a notice in form and substance approved by the animal control department that no person may lawfully own, keep, harbor or permit to be kept or harbored, any wild and exotic animal within the county, including any monkey or other nonhuman primate, raccoon, skunk, wolf, wolf-hybrid, squirrel, fox, leopard, panther, tiger, lion, lynx, ferret, bear, wild rabbit and wild rodent, and reptiles including but not limited to crocodiles, alligators, caiman, and gavials, and any other animals so designated by the animal control department.

(Ord. of 10-20-92)

Sec. 5-22. - Impoundment.

(a) The animal control department may impound any wild or exotic animal that is owned, kept or harbored in violation of this chapter, and may destroy or rehabilitate any such animal upon conviction of its owner or other responsible person for a violation of this article, notwithstanding the impoundment provisions of this chapter, provided no such animal may be destroyed without first obtaining approval of the board.

(b) Any wild or exotic animal impounded pursuant to the provisions of this article shall remain impounded or confined by the animal control department until a final order of disposition is entered by a court of competent jurisdiction with respect to the violations of the provisions of this chapter.

Sec. 5-23. - Penalties for violations.

Any person in violation of this article shall be guilty of a misdemeanor and shall be fined in the sum of one hundred dollars (\$100.00) for each day such violation continues, together with all costs of court and a ten-dollar fee per day for board for each day the animal is impounded in the animal shelter.

Secs. 5-24—5-29. - Reserved.

ARTICLE III. - VACCINATION

Sec. 5-30. - Generally.

(a) No person shall own, keep or harbor any dog or cat within the county unless such dog or cat is vaccinated as herein provided.

(b) The animal control department shall maintain a record of all certificates issued.

Sec. 5-31. - Rabies vaccination.

(a) All dogs and cats over three (3) months of age within the county shall be vaccinated against rabies and all owned dogs and owned cats shall be revaccinated as recommended by the current State of Georgia Rabies Control Compendium by a licensed veterinarian according to the type of vaccine and the duration of its effectiveness. The veterinarian will issue to the owner a durable metal tag and a certificate of vaccination approved by the Georgia Department of Human Resources. Tags must be attached to the collar or harness of owned dogs and be worn at all times. Tags are not transferable from one dog or cat to another dog or cat.

(b) The animal control department may adopt such other rabies control regulations as it deems necessary for the protection of the public health and safety.

(Ord. of 11-2-15, § 1)

Sec. 5-32. - Health regulations incorporated.

All rules and regulations of the county board of health and the Georgia Department of Human Resources presently existing or as adopted in the future pertaining to rabies control and vaccination are incorporated herein by reference as though fully set forth herein.

Sec. 5-33. - Kennel license fees.

Applicants for kennel licenses shall pay fees annually in accordance with the following schedule:

(1) Kennel, per kennel: Twenty-five dollars (\$25.00);

(2) During "Responsible Pet Owners Month," the applicant for a kennel license shall pay one-half of the fee provided in the applicable category provided in subsection (1) of this section.

Secs. 5-34—5-39. - Reserved.

ARTICLE IV. - RESTRAINT

Sec. 5-40. - Maintenance of premises and disturbing noises.

(a) An owner of an animal shall maintain the area in which such animal is kept in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens or any areas in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing within a reasonable distance of said premises, and the animals themselves shall be restrained in such a fashion that noise emanating therefrom shall not be disturbing to such persons.

(b) Any animal which barks, whines, howls or causes other objectionable noise in succession for a period, although not necessarily constant or continuous, of twenty (20) minutes or more on more than one (1) occasion, or which is at large or chases or runs after persons or vehicles, or which destroys or damages any property of another person, or which causes serious annoyance to a neighboring resident and interferes with reasonable use and enjoyment of his property, or which is otherwise offensive so as to create a nuisance, shall be deemed to be a nuisance and a hazard to the health, safety and welfare of the citizens of the county.

(c) If any two (2) citizens of the county, not residing in the same household, shall sign and file with the magistrate court an affidavit stating that an animal, which resides or is commonly kept or housed within audible distance of their residences or places of business has become a nuisance as defined in subsection (b) of this section, the owner or keeper of that animal shall be summoned into the magistrate court to answer the charge made by the affidavits and show cause why such animal owner should not be found in violation of this section.

(1) After such an affidavit is filed in the magistrate court, the court shall notify animal control.

An animal control officer or other agent of the county authorized by the county governing authority will personally serve a summons to appear in magistrate court upon the animal owner.

(2) The summons shall state the offense alleged, the name of the accused, the time and place of the trial, the date of the offense, the date of service; shall bear an identifying number by which it is filed with the court and be signed by the county agent who completed and served it.

(d) The owner of any animal found by the court to be in violation of this section may be punished in accordance with section 1-8 of this Code.

(Ord. of 9-19-00(1))

Sec. 5-41. - Animal or fowl enclosures.

It shall be unlawful for any person to have, control or possess any pasture or enclosure for livestock or fowl in any fashion not authorized by the zoning ordinances of the county. See Appendix A, containing the Douglas County Zoning Ordinance. All pastures or enclosures shall at all times be kept and maintained in a proper, clean and sanitary condition.

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

(a) An owner of a domesticated animal, whether vaccinated or not vaccinated, shall confine such domesticated animal 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 restraint. No animal shall be left unattended on a chain, lead, runner, cable, rope, leash or similar tethering device.

(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' 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 (18) 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.

(Ord. of 12-2988, § 2; Ord. of 11-21-89; Res. of 6-19-90; Ord. of 1-15-08, § 2)

Sec. 5-43. - Rabid animals or animals suspected of having rabies.

(a) Every veterinarian shall report promptly to the Georgia Department of Human Resources and the animal control department all cases of rabies in animals treated by such veterinarian, giving the name and address of the owner. Every veterinarian shall also report the names and addresses of the owner of any animals bitten by such rabid animal, so far as known.

(b) Any person who knows that an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knows that an animal has been bitten by a rabid animal, shall promptly report such information, to the extent known, to the Georgia Department of Human Resources and the animal control department.

(c) It shall be the duty of the owner, the health department, physicians, hospitals or other person or agency gaining information that any domestic animal or person has been bitten or is probably infected with rabies, to incarcerate or impound the animal in the facility of some competent veterinarian within this county, where the animal shall be held for observation for such period of time as may be reasonably necessary to determine whether the animal is infected with rabies.

Secs. 5-44—5-49. - Reserved.

ARTICLE V. - CRUELTY

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 adequate food and veterinary care;
 - (3) Fail to provide any animal with access to adequate shelter consisting of not less than three 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 adequate water at all times;
 - (5) Abandonment of an 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.
- (Ord. of 1-15-08, § 3)

Secs. 5-51—5-59. - Reserved.

ARTICLE VI. - ANIMAL ESTABLISHMENTS

Sec. 5-60. - Permit required; term; removal; one per establishment; display.

(a) No person shall operate an animal establishment without first obtaining a permit from the animal control department in compliance with this chapter, nor may any person operate an animal establishment in a manner in violation of any provision of this chapter.

(b) The license period shall begin with the first day of the calendar year and shall run for one (1) year. Renewal application for permits shall be made thirty (30) days prior to and up to sixty (60) days after January first of each year. Application for a permit for a new establishment under the provisions of this chapter shall be made within sixty (60) days of the start of business or operation.

(c) Every facility regulated by this article shall be considered a separate enterprise, requiring an individual permit (e.g., two (2) kennels at different locations but owned by the same person shall be considered as two (2) animal establishments).

(d) Permits obtained in accordance with this article shall be displayed in a prominent location on the premises of the animal establishment.

(e) It shall be unlawful for any person to sell, barter or gratuitously distribute any animal, fowl or reptile in a public place without a license or permit as set forth in this article. This prohibition shall include but shall not be limited to such distribution in commercial areas and along public roadways. Nothing in this section shall be construed to prohibit the gratuitous distribution of pets from private residential areas.

(Res. of 4-16-91)

Sec. 5-61. - Application procedure.

(a) Each animal establishment shall annually file an application for permit with the animal control department within the time periods provided by this chapter, provided that all preexisting establishments shall have ninety (90) days from the effective date of this chapter to file such application.

(b) The permit application shall be made on a form provided by and available from the animal control department.

(c) Upon receipt of a completed application, the animal control department shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of this chapter. The animal control department shall be permitted to make such inspection at any reasonable time during normal business hours.

(d) The animal control department shall either issue or decline to issue a permit to the applicant. If a permit is not granted, it shall notify the applicant in writing of the reasons for denial.

(e) Any animal establishment denied a permit may not reapply for a period of at least thirty (30) days. Each reapplication shall describe any previous denial or revocation.

(f) If an applicant is shown to have withheld or falsified any material information on any application, the animal control department may refuse to issue or is entitled to revoke any permit.

Sec. 5-62. - Revocation of permits.

(a) The animal control department may revoke any permit if the person holding the permit refuses or fails to comply with this chapter, or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this article.

(b) Whenever a permit is revoked for cause, or pending any proceedings to contest such action, the animal control department shall have power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that

reasonably shall be allowed for removal of animals from such premises and shall state the specific reasons for revocation. In the event any such owner shall fail to remove such animals as directed, the animal control department may impound such animals pursuant to the impoundment provisions of this chapter.

Sec. 5-63. - Compliance with Code.

- (a) An animal establishment shall not sell, trade or give away any dog or cat over three (3) months of age unless the dog or cat has been vaccinated as required by this chapter.
- (b) The animal control department shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept, other than those animal establishments exempted by section 5-66 hereof, at any reasonable time during normal business hours to ensure compliance with all provisions of this chapter.
- (c) Animal establishments exempted as provided in section 5-66 may be inspected by the animal control department upon receipt by the animal control department of a request to make inspection from any state and/or federal agencies which license and/or permit such establishments, which inspection may be made at any reasonable time during normal business hours to ensure compliance with all regulations pertaining thereto.

Sec. 5-64. - Standards for kennels.

All kennels shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for kennels are as follows:

- (1) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
- (2) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
- (3) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.
- (4) Cages are to be of material and construction that permit cleaning and sanitizing.
- (5) Cage floors shall be of concrete, unless radiantly heated, and shall have a resting board or some type of bedding.
- (6) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
- (7) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- (8) The food shall be free from contamination, and shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- (9) All animals shall have fresh water available at all times.

Sec. 5-65. - Standards for pet shops.

All pet shops, including pet shops operated in conjunction with another holding facility, shall in addition to the other requirements of this chapter comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for pet shops are as follows:

(1) *Water.* There shall be available hot water at a minimum temperature of one hundred sixty (160) degrees for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water for consumption shall be available to all species of animals at all times. Containers are to be cleaned and disinfected each day.

(2) *Room temperature.* The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

(3) *Cages and enclosures.* All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to such animal's full length.

Sec. 5-66. - Exemptions.

Any animal establishment as defined herein that is required to be licensed and permitted by state and/or federal law, and which is in fact continuously so licensed and/or permitted, shall be exempt from sections 5-60, 5-61 and 5-62 of this article.

Secs. 5-67—5-69. - Reserved.

ARTICLE VII. - ANIMAL-DRAWN VEHICLES

Sec. 5-70. - Health of the animal.

No animal shall be permitted to pull any carriage unless the animal is in good health and meets at least the following requirements:

(1) All draft animals must weigh at least one thousand (1,000) pounds.

(2) The animal must have no major open sores or wounds and not be lame or have any other ailment, unless a veterinarian states in writing that the animal shall not be affected unduly by the proposed work.

(3) The hooves of the animal must be properly shod and trimmed.

(4) The animal must be groomed daily and not have fungus, dandruff or a poor or dirty coat.

(5) The animals must have adequate flesh and muscle tone.

Sec. 5-71. - Animal working conditions.

(a) No animal shall be worked under any of the following conditions:

(1) No animal shall be permitted to draw a carriage equipped with ball bearing wheels which hauls more than twelve (12) people (including the driver) or a carriage equipped with bushing wheels which hauls more than nine (9) people (including the driver).

(2) Total hours worked may not exceed eight (8) in any twenty-four-hour period, with fifteen-minute rest periods between each trip, if the animal is used to haul people or goods.

(3) Between the dates of June first and August thirty-first, total hours worked by any animal shall not exceed six (6) in a twenty-four-hour period with a fifteen-minute rest for every hour worked.

(4) The animal pulling a carriage shall not move at a speed faster than a slow trot.

(5) No animal shall work with equipment causing an impairment of vision, other than normal blinders.

(6) No animal shall be subject to any condition which will impair the good health and physical condition of the animal.

(b) The animal control department may order the temporary suspension of the operation of any animal-drawn vehicle upon a determination that special circumstances exist which jeopardize the safety of the animal, such as bad weather or other environmental problems.

Sec. 5-72. - Equipment and facilities.

Equipment and facilities with respect to animal-drawn vehicles must meet the following minimum standards:

- (1) The harness and bit shall be of standard construction and appropriate for the animal. It shall be properly fitted, padded and maintained, and kept free of makeshift wire, sisal rope and chain. The harness must be oiled and cleaned so as to be soft at all times.
- (2) Carriages must be properly lubricated and wheels must spin freely.
- (3) No driver may whip any animal with more than a light touch by a light whip.
- (4) Adequate water shall be provided in the working area and stables at all times.
- (5) Drivers of animal-drawn vehicles shall maintain stands in a sanitary condition at all times.
- (6) Stalls and stables must comply with the following:
 - a. Ceilings in stalls and stables must be at least ten (10) feet high from bedding and flooring. Bedding therein must be at least six (6) inches deep and dry enough so as not to show wetness under the pressure of the animal's hoofs. Sharp surfaces shall not be permitted in any area or building where they may come in contact with the animals.
 - b. Roofs must be kept free of leaks.
 - c. Each animal must have a stall large enough for the animal to turn around.
 - d. Food must be kept free of contamination.
 - e. Animal areas must be treated to exterminate and repel insects.
 - f. Ventilation must be provided in hot weather.

Sec. 5-73. - Inspections.

The animal control department shall be permitted to inspect all animals, carriages, stalls and stables at any reasonable time to ensure compliance with all provisions of this chapter.

Secs. 5-74—5-79. - Reserved.

ARTICLE VIII. - IMPOUNDMENT; ADOPTION

Sec. 5-80. - Impoundment.

- (a) Any animal at large, with the exception of a community cat, or otherwise in violation of the provisions of this chapter may be impounded in the animal shelter in a humane manner, for a period of not less than three (3) days. If within such time an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this chapter, such animal shall become the absolute property of the animal control department, which may convey ownership of such animal to any responsible person on such conditions as the animal control department may prescribe, or the animal control department may humanely destroy such animal. Any impounded free roaming cat without discernible identification shall not be subject to the three (3) day holding period if the cat is returned to the location where it was found following sterilization, rabies vaccination and ear tipping .
- (b) An animal control officer may follow an animal that has been seen by that officer running at large onto private property to capture and impound that animal, with the exception of community

cats. No injunction, action or claim for damages may be brought against the animal control department or its officers, agents or employees with respect to actions herein contemplated.

(c) The animal control department shall make a reasonable effort to notify the owner or community cat caretaker of any animal impounded in the animal shelter that the animal has been impounded, the manner by which the animal may be reclaimed, and that the animal may be destroyed and shall become the property of the animal control department as provided herein.

(d) Following the impoundment of an animal found at large which animal has on it its owner's address and prior to its destruction, the animal control authority shall give the owner five (5) days' notice of the proposed destruction by certified letter, return receipt requested.

(e) Notwithstanding any provision of this chapter to the contrary, the animal control department may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for such time period as the animal control department may determine.

(f) Notwithstanding any provision of this chapter to the contrary, the animal control department may humanely destroy any animal impounded in the animal shelter when the animal control department reasonably believes that destruction of the animal is necessary to prevent disease or injury to the animals or to humans due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, the likelihood of danger or injury to humans or animals, or any other condition.

(g) Notwithstanding any provision of this chapter to the contrary, the animal control department may humanely destroy any animal impounded in the animal shelter when the animal control department reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and/or severe suffering or death.

(Ord. of 12-29-88, § 3)

Sec. 5-81. - Reclaiming impounded animals.

(a) The owner of an animal impounded in the animal shelter may reclaim the animal, upon presenting evidence satisfactory to the animal control department of compliance with all provisions of this chapter, and upon payment of fees and charges as hereinafter provided, credited to the account of the animal control department, and which fees and charges shall not be in lieu of any fine or penalty otherwise provided by law.

(b) Fees for reclaiming impounded animals shall be as follows:

(1) Vaccinated dogs or cats:

First offense 25.00

Second offense 35.00

Third offense 70.00

Subsequent offense 100.00

(2) Unvaccinated dogs or cats:

First offense 35.00

Second offense 70.00

Third offense 200.00

Subsequent offense 250.00

(3) Rabbits, poultry and birds:

Each offense 25.00

(4) Other animals:

Each offense 45.00

(5) Animals impounded for rabies quarantine or for use as evidence in a criminal prosecution:
Per day 10.00

(6) In addition to the foregoing fees, the per-day board for each day the animal is impounded in the animal shelter 5.00

(c) The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.

(Ord. of 7-15-97)

Sec. 5-82. - Adoption.

The animal control department may convey ownership (permit adoption of) any animal which has become the property of the animal control department to a responsible person subject to such conditions as may be prescribed by the animal control department, including, but without limitation, the following:

(1) Evidence satisfactory to the animal control department that the animal has been, or will be, examined by a veterinarian and vaccinations against rabies and other disease administered;

(2) Evidence satisfactory to the animal control department that the animal has been, or will be, neutered or spayed.

(Ord. of 5-1-07, § 3)

Secs. 5-83—5-89. - Reserved.

Section 2.

All ordinances in conflict are hereby repealed.

Section 7.

This ordinance shall become effective on April 2, 2019.

Dr. Romona Jackson Jones, Chairman

Henry Mitchell III, District I

Kelly Robinson, Vice Chair, District II

Tarenia Carthan, District III

Ann Jones Guider, District IV

Attest:

Lisa Watson, County Clerk