

RESOLUTION AND ORDINANCE OF THE BOARD OF COMMISSIONERS OF CARROLL COUNTY TO AMEND SECTIONS 14-51, 14-53, 14-54, 14-57 AND 14-60 OF CHAPTER 14 – ANIMALS OF THE CODE OF ORDINANCES OF CARROLL COUNTY, GEORGIA TO UPDATE CARROLL COUNTY’S ANIMAL CONTROL ORDINANCES AND FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners of Carroll County, Georgia, has the duty to protect the health, safety and welfare of persons and property within its jurisdiction limits; and

WHEREAS, the Board of Commissioners has determined a need to regulate and enforce Chapter 14 – Animals of the Code of Ordinances of Carroll County, Georgia, to protect the health, safety and welfare of persons and property within the unincorporated areas of the County;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that Sections 14-51, 14-53, 14-54, 14-57, and 14-60 of Chapter 14 – ANIMALS of its Code of Ordinances be amended as follows:

Section 14-51.- Definitions.

1. The following defined terms shall be added, alphabetically, under Section 14-51:

A. *Adequate shelter* means a protective cover for a pet, appropriate for the species and breed, which will also include the necessary space to maintain the pet in good condition, preventing a significant risk to the pet’s health. “Adequate shelter” includes sufficient coverage to protect a pet from severe weather elements that could cause it harm, which includes: (i) reasonable protection to keep a pet dry; (ii) sufficient shade and ventilation to prevent a pet from overheating and/or dehydrating; and (iii) appropriate bedding or resting area to protect from extreme cold temperatures.

B. *Community cat* means an unowned, free-roaming cat that has been marked by surgical ear-tip pursuant to a community cat program or a TNR (Trap, Neuter, Return) program approved and operated by the department.

C. *Department* means the Carroll County Animal Control Department or other department designated by the governing authority.

D. *Feral cat* means a cat that is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

E. *Feral cat caregiver* means any person who, in accordance with a community cat program or a TNR program approved and implemented by the department:

- (1) Provides care, including food, shelter or medical needs to the cat;
or

(2) Has temporary custody of the cat.

F. *Pet* means any animal kept for pleasure, excluding livestock.

G. *Premises* means any establishment, facility, land or parts thereof.

2. The definition of “*Tethering*” under Section 14-51 shall be stricken in its entirety and the following substituted therefor:

Tether or tethering means the restraint and confinement of an animal by use of a chain or similar restraint device.

Section 14-52.-Purpose; scope.

1. The incorrect section number of 11-52 shall be corrected to 14-52.

Section 14-53.- Animal Control.

1. Subsection (c) of Section 14.53 shall be amended by adding a new subsection (4) to read as follows:

(4) *Proper tethering device.* An animal may be restrained by a tethering or a tethering device but such tethering area must also be maintained in a proper, clean and sanitary condition and the tethered animal must have access to adequate food, water and shelter while on such tether. A tethering device must be attached to both the animal and the anchor using a swivel or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the animal. The chain or tether must be at least four times the body length of the animal measured from the tip of the nose to the base of its tail. The area where the animal is tethered must be clear of debris and clear of any object that would entangle the chain or tether. The chain or tether must be of adequate size and strength for the animal. Logging chains or such devices are prohibited. A trolley system or a tether attached to a pulley in a cable run is also allowed, provided these listed conditions are met. Chaining or tethering an animal to a vehicle, dog house, tree, or pole will not be permitted.

2. Section 14.53 shall be amended by adding a new subsection (h) to read as follows:

(h) *Stray Cats.* Any stray cat without any traceable form of identification that is impounded or brought to the animal shelter and deemed eligible may be transferred immediately to a community cat program, TNR program, placed for adoption, or disposed of by the department or designee of the County.

Section 14-54.- Impoundment.

1. Section 14.54 shall be amended by adding the following new subsections:
 - (9) Feral cats, kittens younger than four months, and puppies younger than four months may be impounded for a period of less than three days at the discretion of the department.
 - (10) No healthy community cat shall be impounded unless it:
 - (a) Damages the personal or private property of a person or legal entity that seeks its impoundment; or
 - (b) Creates unsanitary conditions, offensive or objectionable odors.

Section 14-56.-Adoption.

1. Subsection (1) of Section 14.56 shall be stricken in its entirety and the following substituted therefor:
 - (1) Payment of an adoption fee to be set by the board of commissioners and any vaccination, licensing or veterinary costs;

Section 14-57.-Cruelty to Animals.

1. Subsection (8) of Section 14.57 shall be stricken in its entirety and the following substituted therefor:
 - (8) Knowingly or willingly permit or aid in the release of any animal on any property with the intention of abandoning the animal, except for feral cat caregivers or pursuant to a community cat program or TNR program approved and implemented by the department.
2. Section 14.57 shall be amended by adding new subsection (9) as follows:
 - (9) Fail to provide a proper tether device or proper tethering area in accordance with this article.

Section 14-59.-Animal establishments.

1. Subsection (b)(3) of Section 14.59 shall be stricken in its entirety and the following substituted therefor:

- (3) Upon receipt of a completed application, the 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 article. The department shall be permitted to make the inspection at any reasonable time during normal business hours. A nonrefundable inspection fee in an amount set by the board of commissioners shall be paid directly to the department prior to the inspection.

2. Subsection (b)(5) of Section 14.59 shall be stricken in its entirety and the following substituted therefor:

- (5) Any animal establishment denied a permit may not reapply for a period of at least ten days. Each reapplication shall describe any previous denial or revocation. A nonrefundable fee set by the board of commissioners shall be paid to the department for reinspection prior to each reinspection.

Section 14-60. Interference with duties of department; right of entry onto property and into vehicles; equipment.

1. Subsection (c) of Section 14.60 shall be stricken in its entirety and the following substituted therefor:

- (c) The department may use any force necessary to remove any animal in distress locked in an unattended vehicle. The operator of the vehicle will be charged with cruelty to animals as defined in this article. No injunction or claim for damages may be placed against the department or its officers for this action.

Section 14-64. Penalties for violations.

1. Section 14.64 shall be stricken in its entirety and the following substituted therefor:

Any person convicted of a violation of this article shall, upon conviction, be punished as provided in Section 1-13 and/or perform public service work not to exceed 100 hours, or any combination thereof. If such violation is continued, each day's violation shall be a separate offense.

This Resolution and Ordinance shall be effective on _____, 2019.

Adopted this _____ day of _____, 2019.

Michelle Morgan, Chairman of
Board of Commissioners of Carroll County

Attest: _____
Susan A. Mabry, Clerk