

**ORDINANCE NO. 2016-15**

**CITY OF VALDOSTA ANIMAL CONTROL ORDINANCE  
CHAPTER 14 TITLED ANIMALS**

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF  
THE CITY OF VALDOSTA, GEORGIA**

**BE IT ORDAINED** by the Mayor and Council of the City of Valdosta, Georgia, and is hereby ordained by authority of same, as follows:

That Chapter 14, Animals, of the *Code of Ordinances* of the City of Valdosta, Georgia is hereby amended by striking it in its entirety Chapter 14, Articles I-II, and substituting in lieu thereof as follows:

**CHAPTER 14 – ANIMALS**

**ARTICLE I. IN GENERAL**

**SEC. 14-1. DOMESTIC ANIMALS RUNNING AT LARGE**

It shall be unlawful for any person owning or keeping any horses, mules, cattle, goats, chickens, ducks, geese or other domestic animals or fowl to allow or permit them to run at large within the City; and any such person who allows or permits any such domestic animals or fowl to trespass upon the premises of any person, or to injure or damage his property, shall be guilty of a violation of this Section. (Code 1976, § 11-6001)

**Sec. 14-2. IMPOUNDING STOCK RUNNING AT LARGE**

All horses, heifers, cows, bulls, calves, and yearlings running at large on the streets of the City shall be impounded by the Police, and a fee as set forth in the schedule of fees and charges on file in the office of the City Clerk for each such animal so impounded shall be collected. In all cases where any of such stock is in the custody of the Police, such fees shall be collected before the stock is released. A fee as set forth in the schedule of fees and charges on file in the office of the City Clerk for each sheep or goat so impounded shall be collected. All stock shall be advertised and sold after ten days advertising before the City Hall; and if the stock is advertised, the advertising cost shall be added to the fees and shall likewise be collected as provided in this Section. (Code 1976, § 11-6002)

**Sec. 14-3. REGULATIONS FOR KEEPING FOWL**

Any person who shall have fowl in the City shall be required to provide suitable coops, pens, and enclosures for such fowl and keep them confined there so that such fowl cannot escape. (Code 1976, § 11-6003)

#### **Sec. 14-4. CITY DECLARED A BIRD SANCTUARY**

The City is declared to be a bird sanctuary, and the City Manager is authorized to post notice of such designation at appropriate locations within the City. (Code 1976, § 11-6004)

#### **SEC. 14-5. PIG PENS PROHIBITED**

No person shall keep or maintain within the corporate limits of the City any pig pen, or other enclosure, room or building, in which one or more pigs, potbellied pigs, or hogs are kept. (Code 1976, § 11-6005)

#### **SEC. 14-6. VERMIN HARBORAGE**

It shall be unlawful for any person to store or accumulate on any premises, improved or vacant, in the City, any abandoned, decayed, or deteriorated buildings, automobiles, trucks, house trailers, appliances, building materials, trash, rubbish, debris, or any other material which is conducive to the spread of rodent infestation which would create a place of vermin harborage hazardous to the health and welfare of the residents of the City. (Ord. No. 97-16, § 11-6006, 4-10-1997)

#### **SEC. 14-7. TRAPPING IN CORPORATE LIMITS**

It shall be unlawful to inhumanely trap an animal (except for non-domesticated animals for which the person conducting such trapping possess a valid and currently in effect permit for such trapping of such animal issued by the Georgia Department of Natural Resources) with any trap, other than a live trap which is checked at least every 24-hour period, provided also the following trapping requirements are followed:

- (a) Trapping is not allowed with the intention to harm any animal or to abandon or relocate any animal upon public or private property (except, in each case, to the extent specifically authorized by a valid and currently in effect permit for trapping of such animal issued by the Georgia Department of Natural Resources to the person conducting such trapping).
- (b) Any domesticated animal trapped must be relinquished to Animal Services if said animal is not returned to the owner or in cases where no owner exists and the animal is not retained for ownership. Any non-domesticated animal (except for non-domesticated animals for which the person conducting such trapping possesses a valid and currently in effect permit for such trapping of such animal issued by the Georgia Department of Natural Resources) trapped while attempting to live trap a domesticated animal shall be surrendered to Animal Services. (Code 1976, § 11-6007; Ord. No. 80-9, 3-5-1980)

## **SEC. 14-8. REPORT OF BITE CASES BY PHYSICIANS AND VETERINARIANS**

- (a) It shall be the duty of every physician or other practitioner to report to the proper health officials the names and addresses of all persons treated for bites inflicted by animals, together with such other information as may be reasonably requested in order to locate and detain or have detained the animal inflicting the bite.
- (b) It shall be the duty of every licensed Veterinarian in the City to report to the proper health official his diagnosis of any animal observed by him as a rabies subject. (Code 1976, § 11-6025; Ord. No. 81-9, 2-19-1981)

## **SEC. 14-9. HUMANE TREATMENT OF ANIMALS**

It shall be unlawful for any person having ownership or custody of any animal to fail to furnish that animal with adequate food, water, shelter and protection from the elements. It shall be unlawful for any person to treat any animal in a cruel manner, to abandon any animal, or to release any animal upon public or private property with the intention of abandoning it. (Code 1976, § 11-6026; Ord. No. 81-9, 2-19-1981)

## **SECS. 14-10-14-40. RESERVED**

## **ARTICLE II. - ANIMAL CONTROL**

### **Sec. 14-41. Title.**

This article shall be known as the "Valdosta Animal Control Ordinance." (Ord. No. 2008-9, 2-21-2008)

### **Sec. 14-42. PURPOSE AND INTENT**

Together with the purposes set forth in the preamble of the Ordinance from which this Article derives, the purpose of this Article is to provide humane treatment of animals by regulating the care and control of animals within the City of Valdosta, to provide for the classification of dangerous dogs and potentially dangerous dogs, to provide for the prohibition and investigation of cruelty to animals, and to make such cruelty unlawful, to provide for prohibitions, procedures and enforcement pertaining to sick, injured, abandoned or free roaming or running animals, to provide for an Animal Control Board, and other matters set forth herein, and to promote the public health, safety and general welfare of the citizens of Valdosta. (Ord. No. 2008-9, 2-21-2008)

### **SEC. 14-43. DEFINITIONS**

When used in this Article, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Abandoned animal* means an animal that is owned or stray, unattended and uncared for and additionally:

- (1) Has been placed or is found on public property or within a public building; or
- (2) Has been placed or is found on private property or within a private building without the consent of the private property's owner, custodian or tenant; or
- (3) Is on or within the property of the animal's owner or custodian and has remained unattended or uncared for in excess of 36 hours.

*Adequate food and/or water* means wholesome food and water which is sufficient in quality and quantity and consisting of essential materials for good health, growth, and general life functions, and is appropriate for the particular type of animal consistent with the normal requirements and feeding habits of the animal's size, age, species, breed, and physical condition. This shall also include clean water in sufficient quantity and quality to sustain vital functions of the animal and provide sufficient hydration consistent with the normal requirements and drinking habits of the animals' size, age, species, and breed, and to which the animal has constant access. Both such food and water must be in containers designed and situated to allow the animal easy access to them. Adequate food and water shall also mean food and water which is sufficient in quality, quantity and accessibility so as to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of proper quantity and quality of food or water.

*Adequate shelter* means a pen, structure, lean-to, animal house, or other provision to provide shelter to the animal from the extreme cold, heat, sun, or other climatic elements, and designed to keep the animal off the ground. It must be of sufficient size, design, and dimensions to allow the animal reasonable ability to stand up and turn around, to permit sufficient ventilation, and which is otherwise adequate given the animal's size, age, species, breed, and physical condition. Such shelter must at a minimum have three sides, a roof, and a floor. Examples of inadequate shelter include, but are not limited to:

- a. Underneath outside steps, decks and stoops
- b. Underneath houses
- c. Inside or underneath motor vehicles
- d. Inside metal or plastic barrels
- e. Inside cardboard boxes
- f. Inside temporary animal carriers or crates
- g. Located in flood prone areas

*Animal* means any live creature, both domestic and wild, except humans. "Animal" also includes birds, fish, and reptiles.

*Animal control* means the Animal Control Department of Lowndes County.

*Animal Services Officer* means an employee of Animal Control designated to administer and enforce the provisions and requirements contained within this Article. An Animal Services Officer shall be considered and is designated a "Dog Control Officer" for purposes of the Georgia Dangerous Dog Control Law. Any sworn Police Officer or

Marshal for the City of Valdosta is authorized to perform the duties of an Animal Control Officer for enforcement and animal impoundment purposes.

*Animal nuisance* means any nuisance arising out of the keeping, maintaining, or owning of, or failure to exercise sufficient control over an animal.

*Animal shelter* means the Lowndes County Animal Shelter where animals impounded under the terms of this Article shall be kept (unless otherwise provided herein).

*At heel* means that a dog is directly behind or next to a person and is obedient to that person's command under all circumstances.

*At large* means that an animal is off the premises of its owner or custodian and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

*Cat* means any member of the animal species *felis catus* or *felis domesticus*.

*Certificate of registration* means a current valid certificate of registration for the possession of a dangerous dog or a potentially dangerous dog issued pursuant to this article.

*Classified Dog* means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this Ordinance.

*Council* means City Council of the City of Valdosta, Georgia.

*City* means City of Valdosta, Georgia.

*Cruelty* means any act of commission or omission whereby unjustifiable physical or mental pain or suffering, abuse, overwork, maiming, disfigurement, or death of an animal is caused or permitted including, without limitation, failure to provide nutritious and adequate food, clean and adequate water, clean and adequate air for breathing, proper and adequate ventilation, proper and adequate space, shelter and protection from the elements, a sanitary and safe living environment, or necessary veterinary care. In the case of bona fide activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary, and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

*Dangerous dog* means any dog that has been classified as a potentially dangerous dog with the owner being notified of the classification and:

- (a) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this Ordinance;

- (b) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this Ordinance; or
- (c) While off the owner's property, kills a pet animal; provided, however, that this dog shall not be a dangerous dog where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

*Disposition* means adoption, quarantine, voluntary or involuntary custodianship, or placement, or euthanasia humanely administered to an animal in accordance with O.C.G.A. § 4-11-5.1. "Disposition" also includes placement or sale of an animal to the general public.

*Dog* means any member of the animal species *canis familiaris*.

*Domestic animal* means any dog, cat, domesticated sheep, horse, cattle, goat, swine, fowl, duck, goose, chicken, turkey, livestock, confined domestic hare and rabbit, pheasant, bird, or other domesticated animal regularly or customarily raised and/or maintained in confinement.

*Equine* means any member of the *equidae* species, including horses, mules, and asses.

*Exotic animal* means any monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*), or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals. Exotic animal also means those animals as defined in O.C.G.A. Title 27, Ch. 5.

*Georgia Dangerous Dog Control Law* means the State of Georgia's Dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.

*Georgia Responsible Dog Ownership Law* means the State of Georgia's Responsible Dog Ownership Law, O.C.G.A. § 4-8-20 et seq.

*Governing authority* means the Mayor and Council of the City of Valdosta.

*Guard or attack dog* means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

*Hopelessly disabled animals* means any animal which is the subject of any disease, injury, or condition which is a cause of immediate and significant suffering by the animal and from which there is no reasonable probability of recovery.

*Household pet* means any domesticated animal commonly kept at a residence primarily for pleasure and companionship and not for work or utility purposes. Household pet include dogs, domestic cats, domestic caged birds, canaries, parrots, rabbits, hamsters, guinea pigs and similar rodents, fish, and reptiles so long as such animals are kept to supplement food supplies or for any commercial purpose whatsoever. Household pet does not include livestock or potbellied pigs.

*Humane care* means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter and wholesome and adequate food and water, in each case consistent with the normal requirements and feeding habits of the animal's size, age, species, breed, and physical condition.

*Humane society* means any non-profit organization or entity existing for the purpose of promoting the welfare, protection, and humane treatment and care of and prevention of cruelty to animals.

*Impound or impoundment* means the taking into custody of an animal by any Law Enforcement Official, Animal Services Officer, or any authorized representative thereof.

*Livestock* means all animals of the equine, bovine, fowl, or swine class, including, but not limited to, chickens, roosters, goats, sheep, mules, horses, donkeys, hogs, cattle and other grazing animals, and all ratites, including, but not limited to, ostriches, emus, and rheas.

*Mail* means to send by certified mail or statutory overnight delivery to the recipient's last known address.

*Malice* means:

- (a) An actual intent, which may be shown by the circumstances connected to the act, to cause the particular harm produced without justification or excuse; or
- (b) The wanton and willful doing of an act with an awareness of a plain and strong likelihood that a particular harm may result.

*Owner* means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of an animal. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.

*Person* means any person, firm, corporation, partnership, association, or other legal entity, any public or private institution, the State of Georgia, or any County, municipal corporation, or political subdivision of the State.

*Pet dealer* means any person who sells, offers to sell, exchanges or offers for adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only animals that he or she has produced and raised, not to exceed 30 animals a year, shall not be considered a pet dealer unless such person is licensed for a business by a local government or has a Georgia sales tax number. Operation of a veterinary hospital or clinic by a licensed Veterinarian shall not constitute the Veterinarian as a pet dealer.

*Potentially dangerous dog* means any dog that, without provocation, bites a human being on public or private property or acts in a threatening or aggressive manner towards a person that places said person in reasonable apprehension of immediately receiving a violent injury.

*Proper enclosure or proper, secure enclosure* means an enclosure for keeping a dangerous dog or potentially dangerous 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, and 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, through, or from under the fence. Any such enclosure shall also provide protection from the elements and sufficient ventilation for the dog.

*Public nuisance animal* means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include but not be limited to:

- (1) Any animal that is repeatedly found running or roaming at large.
- (2) Any dog or cat in any section of a park or public recreation area, unless the dog or cat is under restraint by way of a leash or similar physical restraint; however, this provision shall not apply to any park or recreation facility specially designed or provided for the purpose of a dog or animal park, whether such designation is temporary or permanent.
- (3) Any animal that repeatedly damages or destroys any property other than that of its owner.
- (4) Any animal that repeatedly soils, defiles, or defecates on any property other than that of its owner.
- (5) Any animal that repeatedly makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.



- (6) Any animal that causes or is left in unsanitary or unhealthy conditions created by an accumulation of excreta, or that cause fouling of the air by noxious or offensive odors due to unsanitary or unhealthy conditions and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- (7) Any animal in heat that is not confined so as to prevent attraction or contact with other animals of the same species or breed.
- (8) Any animal, whether or not on the property of its owner that: (i) without provocation, molests, attacks, threatens, or otherwise interferes with the freedom of movement of persons in a public right-of-way; (ii) creates a traffic obstruction by their presence in the public right-of-way for vehicular traffic, bicyclists or pedestrians.
- (9) Any animal that, without provocation, attacks or threatens domestic animals.
- (10) Any animal that is a danger to the public health, safety or welfare by virtue of the number of animals maintained at a single location or the inadequacy of the facilities for such animals.

*Rabies control tag* means a valid tab evidencing the currently in effect annual inoculation against rabies (as defined in O.C.G.A. § 31-19-5) of a dog, cat, or ferret, as the case may be, by a licensed Veterinarian or other rabies inoculator approved under the rules and regulations of the County board of health or the Georgia Department of Health or Agriculture (or their respective successor agencies).

*Records of an appropriate authority* means records of any State, County or municipal Law Enforcement Agency, records of any Federal or State Department of Agriculture, records of any State, County, or municipal Board, or Department of Health, records of any Federal, State, or local court, or records of an Animal Services Officer or of a Dog Control Officer provided for in Georgia's Dangerous Dog Control Law provided for in this article.

*Responsible person* means a competent person of at least 18 years of age.

*Sanitary* means a condition of good order and cleanliness to minimize the possibility of disease creation or transmission and of unhealthy conditions.

*Serious injury* (see severe injury)

*Severe injury* means any physical injury that creates a substantial risk of death; results in death, broken, or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

*Sexually mature animal* means any dog or cat that has reached the age of six months or more or an animal that has come into heat-estrous or has the ability to breed and create a pregnancy.

*Sterilization* means rendering a dog or cat unable to reproduce by the surgical removal of its reproducing organs or by rendering a dog unable to reproduce by intratesticular injection approved by the Federal government pursuant to 21 U.S.C. Section 360 as of March 7, 2014.

*Sterilized* means when a dog or cat has undergone sterilization.

*Stray cat* means any cat which is found off the property of its owner, is not under restraint, and without attached to such cat a valid rabies control tag together with an identification microchip, tattoo, or tag.

*Stray dog* means any dog which is found off the property of its owner, is not under restraint, and without attached to such dog a valid rabies control tag together with an identification microchip, tattoo, or tag.

*Under restraint* means that an animal is secured by a leash, lead, or chain of sufficient tensile strength held by a person of sufficient age who is physically capable of restraining the animal and obedient to that person's commands, is at heel, or is securely enclosed within the real property limits of the owner's property.

*Unsanitary conditions* means any condition which is not sanitary, including, but not limited to, a buildup of excreta, spoiled or moldy food, unclean or stagnant water, pests, vermin, and any health code violation.

*Vicious dog* means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

*Wild animal* means any monkey, non-human primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, livestock, rodents, or any hybrid animal that is part wild and captive-bred species of common cage birds. Wild animal shall also mean those animals as defined in O.C.G.A. Title 27, Ch. 5.

*Without provocation and unprovoked* shall mean that the animal at issue was not or had not been assaulted, teased, tormented, or abused by the person or domestic animal which was the subject of the act by the animal at issue, or that the animal at issue was not coming to the aid of or defending its young or was not acting against a person who was willfully trespassing or committing another willful tort or criminal act on the premises of such animal at issue's owner or custodian. (Ord. No. 2008-9, 2-21-2008)

**CROSS REFERENCE - DEFINITIONS GENERALLY, § 1-2.**

**SEC. 14-44. LICENSE REQUIRED; FEE; DOG LICENSE TAG REQUIRED; RABIES CONTROL TAG REQUIRED**

(a) It shall be unlawful for any owner to keep any dog in the City without having first obtained annually a license therefore from the Clerk or such other agent as the Mayor and Council shall designate.

- 1) A license fee of \$3.00 shall be paid to the City for each dog annually; such license shall be acquired prior to May 1 of each year. The Clerk or designated agent shall issue to the owner a dog license tag which must be securely fastened to the collar or harness of the dog and which must be worn at all times by the dog for which the license was issued.
- 2) Upon satisfactory proof that a license tag has been lost or worn or damages beyond further use the clerk shall issue a new license for the fee of \$0.50.
- 3) It shall be unlawful for any owner to keep any dog in the City unless that dog, at all times and at all places, is wearing a tag indicating that the dog has been inoculated against rabies as set forth in the Georgia Health Code, Control of Rabies and the Rabies Control Rules and Regulations of the County Board of Health.

(b) Procedures required for rabies check:

- (1) The owner or custodian of any animal which has bitten a human or which is suspected of having been exposed to rabies shall immediately confine such animal so it shall not have access to persons or animals, and shall give immediate notice to Animal Control, an Animal Services Officer, or County Health Department official, in order that said animal may be inspected for rabies as follows:
  - a. Upon demand, said owner or custodian must promptly surrender the animal to the Animal Services Officer for quarantine with the expense of such quarantine to be borne by the owner.
  - b. The animal may be home quarantined or quarantined at the owner's expense in a veterinary hospital of the owner's choice at the Animal Services Officer's discretion.
  - c. Quarantine of such animal under this section for inspection for rabies shall be for a minimum of ten days measured in the case of a bite of a human from the date of such bite.

- d. The animal may be reclaimed by the owner or custodian if such animal is determined to be free of rabies, upon payment of all seizure fees and maintenance fees attributable thereto, and upon compliance with all other applicable provisions of this Article (including, without limitation, the requirements regarding an identification microchip and registering the animal's microchip with Animal Control).
- (2) Where any animal has bitten a human where evidence of rabies appears, the Animal Services Officer may, in his discretion, take charge of such animal for the purpose of full inspection required by Subsection (b)(1), this section and other applicable laws, rules and regulations.
  - (3) Any Animal Services Officer, Law Enforcement Officer, or County Health Department official may seize any animal in the City reasonably believed to have rabies and/or may destroy such animal by a reasonably humane method suitable to the circumstances if such destruction is deemed by such official to be reasonably necessary to protect the health, welfare and safety of the City. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-45. EMERGENCIES INVOLVING ANIMALS**

- (a) *Hopelessly disabled animals.* Licensed Veterinarians, Federal, State and local Law Enforcement Officials, Animal Services Officers, and those authorized by the City Manager to administer and enforce the provisions of this Article, in each case while acting within the scope of their authority, are authorized to induce the death of hopelessly disabled animals by an appropriately humane method.
- (b) *Contagious animals.*
  - (1) In any situation deemed appropriate by an Animal Services Officer involving a sick, diseased, or infected animal which sickness or disease, in the opinion of a licensed Veterinarian, or an employee acting within the scope of his authority of the City or Georgia Health Departments or the Federal or Georgia Departments of Agriculture, will likely spread to other animals or humans, an Animal Services Officer may impound and take custody of any such animal, the animal shall be isolated, and the owner or custodian of such animal shall be promptly notified. If the owner or custodian cannot be located, the owner or custodian fails to take immediate steps to remove the animal from impoundment, and take immediate steps to isolate the animal to properly eliminate the likelihood of infecting other animals or humans or otherwise spreading the sickness, disease or infection, or, if in the opinion of a licensed Veterinarian, destroying the animal is the most

reasonable course of action to eliminate the health or safety risk of the animal spreading the sickness, disease or infection, then in any such event, the infected animal shall be humanely destroyed in accordance with O.C.G.A. § 4-11-5.1.

- (2) The owner of any such animal impounded pursuant to this section shall be liable for reimbursement to the County for all expenses related to the impoundment, boarding, treatment, and destruction of any such animal.

(c) *Vicious animals.*

- (1) Any animal that without provocation has: (i) killed, bitten, or otherwise severely injured a person (excluding injuries resulting from an equine or llama activity as defined in O.C.G.A. § 4-12-2 and injuries resulting from activities for which the law similarly provides immunity to the animal's owner or custodian from liability) or another domestic animal; (ii) repeatedly chased or otherwise threatened persons or other domestic animals in a vicious or menacing manner indicating a reasonable likelihood that the animal will cause imminent physical injury; (iii) repeatedly caused significant damage to the property of other than that of its owner or custodian, in each case may be immediately confiscated and held by the Animal Services Officer, any Law Enforcement Official, or those authorized by the City Manager to administer and enforce the provisions of this Article, while acting within the scope of their respective authority and confined in the Lowndes County Animal Shelter pending a hearing by the Animal Control Board, if necessary, to determine whether such animal should be destroyed as a public nuisance and, if not, in the case of a dog, classified as a dangerous dog or potentially dangerous dog. The owner of any animal that has been so confiscated shall be given notice of said animal's confiscation. The notice to the owner shall be in writing and sent by certified mail or statutory overnight delivery to the last known address of the owner. The notice shall give a description of the animal and set forth the reasons that the animal has been confiscated, together with the date, time, and place of the hearing (if so needed) set forth below before the Lowndes County Animal Control Board.
- (2) A hearing before the Animal Control Board shall be scheduled within 15 days from the date of notice to the owner of the animal's confiscation to determine if the animal should be destroyed as a public nuisance. At said hearing, the owner of the confiscated animal shall have the right to present testimony and evidence as to why the animal should not be destroyed as a public nuisance. The Animal Control Board, after receiving all pertinent testimony and evidence on the matter, shall decide whether the animal shall be destroyed as a public nuisance. In making its decision, the Animal Control Board shall

consider whether the animal constitutes such a physical threat to persons or other animals, or of significant destruction or harm to property, by virtue of one or more unprovoked attacks on persons, other domestic animals, or physical property that destruction of the animal is reasonably necessary to protect the health, welfare, or property in the City. If the Animal Control Board decides that said animal should be destroyed, then the owner shall promptly be given written notice thereof, and the animal shall be humanely destroyed any time after five business days after the date of such written notice of the decision of the Animal Control Board in accordance with O.C.G.A. § 4-11-5.1.

- (3) If the Animal Control Board decides the animal should not be destroyed, the Animal Services Officer shall determine whether such animal shall be classified as a dangerous dog or potentially dangerous dog. If the Animal Services Officer determines that such dog shall be classified as a dangerous dog or potentially dangerous dog, the owner shall promptly be given written notice thereof, the dog shall continue to be impounded by Animal Control until the owner shall have complied with the requirements of this Article, after which the animal will be returned to the owner. If the owner fails to meet said requirements within ten business days following written notice of the decision of the Animal Services Officer classifying the dog as a dangerous dog or potentially dangerous dog, or to timely request a hearing appealing such decision, the dog shall be humanely destroyed in accordance with O.C.G.A. § 4-11-5.1, provided however, that the Director of Animal Control may extend said time for up to an additional 15-day period(s) upon payment by the owner of the per diem boarding costs for said dog.
- (4) The owner of an animal confiscated under the provisions of this Section shall pay a fee of \$50.00 and reimburse the County for all costs of housing, feeding, and any medical treatment of said animal.
- (5) It shall be unlawful for an owner or custodian of a vicious dog to permit the dog within the City to be outside a proper, secure enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be constructed and worn in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-46. RESTRAINT, CONFINEMENT AND IDENTIFICATION**

- (a) It shall be unlawful for the owner or custodian of any animal to fail to keep such animal under restraint or to permit such animal to roam or run at large, except as otherwise provided in this article.

- (b) Any dog, while off the property of the owner or upon any private property without the consent of the owner of the property, shall be under restraint by its owner or custodian.
- (c) No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.
- (d) Every female dog or cat, which is not sterilized, during the period it is in heat, shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal of the same species of breed, except for planned breeding.
- (e) Any animal, whether, on or off the property of the owner or custodian, which according to the records of an appropriate authority is vicious, is a potentially dangerous dog, is a dangerous dog, or has without provocation killed, bitten, or otherwise severely injured a person, or repeatedly chased or otherwise threatened persons in a vicious or menacing manner indicating a reasonable likelihood that the animal will cause imminent physical injury, shall at all times have implanted into such an identification microchip and which animal's microchip is registered with Animal Control. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-47. RESTRAINT OF GUARD OR ATTACK DOG**

- (a) Every owner or custodian of a guard or attack dog shall keep such dog confined in a building, compartment or other secure enclosure. Any such enclosure shall be completely surrounded by a fence at least six feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them, and contain flooring sufficiently sturdy to prevent the guard or attack dog from digging out or otherwise escaping. Any such building, compartment or enclosure shall provide adequate shelter.
- (b) All anti-climbing devices required by Subsection (a) above, shall extend inward at an angle of not less than 45 degrees, nor more than 90 degrees when measured from the perpendicular.
- (c) The areas of confinement for a guard or attack dog shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.
- (d) Each entrance and exit location to (or side, on which is not located an entrance or exit) of a building, compartment, structure or fenced area, in which a guard or attack dog is maintained shall at all times have posted on it prominent signage

with the words "DANGER - GUARD [OR ATTACK] DOG" which shall be in size and style easily read at a distance of at least 25 feet.

- (e) The provisions of this Section shall not apply to dogs owned or controlled by government Law Enforcement or Military Agencies. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-48. IMPOUNDMENT**

- (a) In addition to any other remedies provided in this Article, an Animal Services Officer may seize and impound at the animal shelter any of the following animals:
  - (1) Any dog, cat, or ferret not wearing a valid rabies control tag or without an identifying microchip, tattoo or identification tag.
  - (2) Any animal at large and not under restraint.
  - (3) Any public nuisance animal or animal considered a danger to the public welfare, health, or safety.
  - (4) Any animal in violation of any quarantine or confinement order issued by the County Board of Health or the County Public Health Director.
  - (5) Any unattended animal that is ill, suffering, injured, without adequate food, water or shelter, or is otherwise in need of immediate care or attention.
  - (6) Any animal that is reasonably believed to have been the subject of cruelty, abuse or neglect.
  - (7) Any animal that is reasonably suspected of having or having been exposed to rabies.
  - (8) Any animal that is reasonably suspected of having (or having been exposed to) a contagious disease, sickness or illness, which animal could thereby be a threat to the health and welfare of other animals or of the public.
  - (9) Any animal that is charged with being potentially dangerous or dangerous where an Animal Services Officer determines that there is an immediate threat to public welfare, health, or safety.
  - (10) Any exotic or wild animals found to be owned, harbored, or permitted at large in each case in violation of this Article or Georgia or Federal law.
  - (11) Any animal that a court of competent jurisdiction has ordered impounded or destroyed.



- (12) Any animal that is considered unattended or abandoned, as in situations where the owner or custodian is deceased or has been incarcerated or evicted from his regular place of residence and there is no other person who will take custody of and provide adequate care to the animal.
- (13) Any animal that is reasonably suspected to be the subject of a violation or breach of the requirements of this article.
- (b) Any Animal Services Officer or Law Enforcement Official may also, or in lieu of seizure and impoundment, issue to the owner a citation of violation of this Article. Such citation will cite the owner to appear on a date certain before the Municipal Court of the City of Valdosta for adjudication as provided in this article.
- (c) Any person finding an animal at large upon his property may use reasonable means to remove the same to the animal shelter or hold the animal in his own possession, and as soon as possible, notify Animal Control. The property owner shall provide a description to Animal Control of the animal and the name of the owner, if known. Animal Control shall dispatch an Animal Services Officer to impound the animal as soon as possible.
- (d) Any Animal Services Officer or other person authorized under this Article, who seizes and impounds an animal pursuant to this Article that cannot be housed at the animal shelter shall be authorized to contract with and arrange transportation of the animal to a private farm or other appropriate facility which agrees to accept and humanely care for such animal. The disposition of the animal shall be handled in the same manner as though the animal were confined at the animal shelter except that, in addition to the charges imposed for impounding and redemption of the animal or otherwise provided for under this article, the owner shall also pay the actual transportation, boarding, and veterinary care costs incurred while said animal was impounded.
- (e) Any Animal Services Officer or other person who discovers or is notified of livestock (as that term is defined in O.C.G.A. § 4-3-2) running at large, shall notify the Valdosta Police Department. The seizure, impoundment, and disposition of such livestock shall be in accordance with the provisions of O.C.G.A. Title 4, Ch. 3. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-49. IMPOUNDED, ABANDONED AND SURRENDERED ANIMALS**

(a) *Reclaiming.*

- (1) An owner reclaiming an impounded animal shall pay a \$25.00 impoundment fee (or other such fee provided in this Article) plus a fee of \$10.00 for each day the animal is impounded as a boarding fee if impounded at the animal shelter or the actual costs of impoundment and boarding if impounded off-site, and the actual veterinary care costs. The

impoundment fee and daily boarding fee charged for any subsequent impoundment of the same or any other animal when owned or in the custody of the same owner occurring within 12 months of the last impoundment shall be double that which was charged during the last impoundment.

- (2) An owner reclaiming impounded livestock shall pay a \$50.00 impoundment fee plus a fee of \$10.00 for each day the animal is impounded as a boarding fee if impounded at the animal shelter or the actual costs of impoundment and boarding if impounded off-site, and the actual veterinary costs. The impoundment fee and daily boarding fee charged for any subsequent impoundment of the same animal when owned or in the custody of the same owner occurring within 12 months of the last impoundment shall be double that which was charged during the last impoundment.
- (3) Any livestock impounded pursuant to this Article may be subject to testing for contagious diseases as required by the Federal or Georgia Departments of Agriculture or other health officials. Such testing will be at the owner's expense before release of the animal to the owner. Testing may include, but not be limited to: (i) Coggins testing for horses; and (ii) Brucellosis testing for cattle, goats, and other livestock.
- (4) This Section shall not apply to any animal that was an object or instrumentality of a crime which animal shall not be returned to the owner or disposed of without the prior approval of the prosecuting Attorney or Court of competent jurisdiction.

*(b) Unclaimed animals.*

- (1) Except as otherwise provided in this Article, any stray animal which has been impounded and is not taken up by the owner within three business days of the date impounded shall be subject to destruction or other disposition (including adoption) by Animal Control.
- (2) Except as otherwise provided in this Article, any animal reasonably believed to have an owner or custodian which has been impounded and is not taken up by its owner or custodian within five business days of the date impounded shall be subject to destruction or other disposition (including adoption) by Animal Control.
- (3) Animals not wearing traceable ID tags, rabies tags, or microchips when impounded and which are observed to be in agony due to disease, sickness, or injury, or otherwise appear to be hopelessly disable, may be destroyed promptly by Animal Control Staff unless the animal has bitten a person and must be held for observation for rabies pursuant to Section 14-44 of this Article.

*(c) Surrendering of unwanted animals.*

- (1) Any owner or custodian of any animal which is not wanted or who desires to dispose of any animal may do so by surrender of the same to an Animal Services Officer or to the animal shelter.
- (2) All animals so surrendered shall be conclusively deemed abandoned and forfeited by the owner and shall be subject to destruction or other disposition (including adoption) by Animal Control. (Ord. No. 2008-9, 2-21-2008)

**SEC. 14-50. ANIMAL FOUND AT LARGE**

- (a) If the name of the owner of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Services Officer at his discretion may return the animal to the residential address of the owner. If there is no responsible person present, or if the Animal Services Officer determines in his discretion to otherwise not return the animal, the Officer shall impound the animal and leave written notice of whom the owner must contact to reclaim the animal. If the animal is not reclaimed within five business days, then the animal may be disposed of.
- (b) The Animal Services Officer may cite the owner of such animal found at large for a violation of this Article, and in addition if such animal is impounded, the owner shall be liable for fees and costs imposed by this Article in reclaiming an impounded animal. (Ord. No. 2008-9, 2-21-2008)

**SEC. 14-51. KEEPING OF EXOTIC OR WILD ANIMAL**

- (a) It shall be unlawful for anyone to own, keep, maintain, harbor, or permit at large any exotic or wild animal within the incorporated areas of the City except in accordance with all applicable Federal and State laws, including permitting and registration requirements of this Article. Any exotic or wild animal in violation of this Section may be impounded by an Animal Services Officer or any Law Enforcement Official.
- (b) Any person who owns, keeps, maintains, harbors, or permits at large any exotic or wild animal within the incorporated areas of the City is required to notify the Valdosta Police Department in the event said exotic animal escapes from its enclosure or restraint and its whereabouts are unknown, or the location of the animal is known; however, the animal presents a danger to humans or domestic animals. Said notification shall occur within the first 30 minutes from the time that the exotic animal was determined to have escaped or its whereabouts determined to be unknown. Failure by the appropriate person to make a timely notification as required by this Subsection is a violation of this Article and is punishable by a fine of not more than \$200.00, at the discretion of the Judge of the Municipal Court for the City of Valdosta. (Ord. No. 2008-9, 2-21-2008)

## **SEC. 14-52. NUISANCES**

It shall be unlawful for any person to keep any animal on any property located within the incorporated limits of the City of Valdosta when the keeping of such animal constitutes a public nuisance or menace to public health, welfare or safety. (Ord. No. 2008-9, 2-21-2008)

## **SEC. 14-53. DANGEROUS DOG CONTROL**

### *(a) Investigations.*

- (1) Upon receiving a report of a dangerous dog or potentially dangerous dog within an Animal Services Officer's jurisdiction from a citizen, Law Enforcement Agency, other Animal Control Agency, Rabies Control Officer, or County Board of Health, or such Officer's own investigation, an Animal Services Officer shall make such investigations, inquiries, and classifications of a dangerous dog or potentially dangerous dog with regard to such report or investigation as may be necessary to carry out the provisions of this section.
- (2) A dangerous dog, for purposes of this Article, shall not include a bona fide Law Enforcement dog while assisting a Law Enforcement Officer in performance of his official duties.

### *(b) Procedures for classification as a dangerous dog or potentially dangerous dog; notice; hearing.*

- (1) As applied to the owner of a potentially dangerous dog, the procedures provided for in this Section must be carried out as a necessary condition for the enforcement of the provisions of this section against such owner. As applied to the owner of a dangerous dog, the procedures provided for in this section shall not be an essential element of any crime provided for in this section or in the Official Code of Georgia Annotated.
- (2) When an Animal Services Officer classifies a dog as a dangerous dog, reclassifies a potentially dangerous dog as a dangerous dog, or classifies a dog as a potentially dangerous dog, the Animal Services Officer shall notify the dog's owner.
- (3) Such notice to the owner shall meet the following requirements:
  - a. The notice shall be dated, in writing and mailed to the owner's last known address within 72 hours.
  - b. The notice shall include a summary of the Animal Control Officer's findings that formed the basis for the dog's classification as a dangerous or potential dangerous dog.

- c. The notice shall be dated and shall state that the owner, within 7 days after the date shown on the notice, has a right to request a hearing on the Animal Control Officer's determination that the dog is a dangerous dog or potentially dangerous dog.
  - d. The notice shall state that the hearing, if requested, shall be before the Animal Control Board.
  - e. The notice shall state that if a hearing is not requested, the Animal Control Officer's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes under this Article on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing.
  - f. The notice shall include a form to request a hearing before the Animal Control Board and shall provide specific instructions on mailing or delivering such request to Animal Control and will advise the owner that failure to appear at the requested hearing will be deemed a withdrawal of the appeal and consent to the classification.
  - g. If an owner cannot be located within ten days of a Dog Control Officer's determination that a dog is subject to classification as a dangerous or vicious dog, such dog may be released to the animal shelter or humanely euthanized, as determined by the Dog Control Officer.
- (4) When the Animal Control Board receives such timely request for a hearing, it shall schedule such hearing within 30 days after receiving the request; however, such hearing may be continued by the Animal Control Board for good cause shown. Animal Control shall notify the dog owner of the date, time and place of the hearing, and such notice shall be mailed to the dog's owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence and in addition thereto the Animal Control Board shall receive such other evidence and hear such other testimony as the Animal Control Board may find reasonably necessary to make a determination either to sustain, modify, or overrule the Animal Control Officer's classification of the dog.
- (5) Within ten days after the date of the hearing, the Animal Control Board shall notify the dog owner in writing by mail of its determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the notice shall specify the date upon which that determination is effective. If the determination is that the dog is to be euthanized pursuant to this Section, the notice shall specify the date by which euthanasia shall occur.

- (6) Judicial review of the Animal Control Board's final decision may be had in accordance with O.C.G.A. § 50-13-19.
- (7) No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a Law Enforcement or Military Officer to carry out the Law Enforcement or Military Officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was physically or mentally abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. Title 16, Chapter 5.

*(c) Requirements for possessing dangerous or potentially dangerous dogs.*

- (1) It is unlawful for any person to have or possess within the City of Valdosta a dangerous dog or potentially dangerous dog without a certificate of registration issued in accordance with the provisions of this Section.
- (2) The Director of Animal Control shall issue a certificate of registration to the owner or custodian possessing in the City a dangerous or potentially dangerous dog if the owner or custodian presents to the Director of Animal Control or the Director of Animal Control otherwise finds sufficient evidence of:
  - a. A proper enclosure to confine the dangerous dog or potentially dangerous dog.
  - b. The posting of the premises where the dangerous dog or potentially dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the property which sign shall substantially conform to the design provided by the Georgia Department of Natural Resources.
  - c. A policy of insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in this state insuring the owner and custodian of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog, or a surety bond in the amount of \$50,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous dog.
- (3) The owner or custodian of a dangerous dog or potentially dangerous dog shall notify Animal Control within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner or custodian shall also provide Animal Control with the name, address, and telephone number of the new owner or custodian of the dog.

- (4) The owner or custodian of a dangerous dog or potentially dangerous dog shall notify Animal Control if the owner or custodian is moving from the address shown on the registration (or moving such dangerous dog or potentially dangerous dog from such address) and provide Animal Control with the new address. The owner or custodian of a dangerous dog or potentially dangerous dog who is a new resident of the City of Valdosta shall register such dog as required in this section within 30 days after becoming a resident of the City of Valdosta (and of municipalities therein).
  - (5) The Animal Control Officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this Section.
  - (6) An annual fee of \$50.00 shall be charged to obtain or renew a certificate of registration registering a dangerous dog or a potentially dangerous dog as required in this section. At the time of the annual renewal of a certificate of registration, Animal Control shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous dog or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this Article.
  - (7) Issuance of a certificate of registration or the renewal of a certificate of registration by the City of Valdosta does not warrant, guarantee, determine, or indicate that the requirements specified in this Section are being observed or maintained by the owner or custodian of a dangerous dog or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any renewal of such certificate.
  - (8) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of any of the crimes specified in O.C.G.A. §16-12-4 from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.
- (d) *Restrictions on permitting dangerous or potentially dangerous dogs to be outside proper enclosure.*
- (1) It is unlawful for an owner or custodian of a dangerous dog to permit the dog to be outside a proper, secure enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be constructed and worn in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.
  - (2) It is unlawful for the owner or custodian of a potentially dangerous dog to permit the dog to be outside a proper, secure enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the

physical restraint of a responsible person. The muzzle shall be constructed and worn in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.

*(e) Confiscation of dogs; grounds; disposition.*

- (1) A dangerous dog shall be immediately confiscated by the Animal Control Officer or by a Law Enforcement Official if the:
  - a. Owner of the dog does not secure the aforesaid liability insurance or bond;
  - b. Dog is not validly registered hereunder;
  - c. Dog is not maintained in a proper, secure enclosure;
  - d. Dog is outside a proper, secure enclosure in violation of Subsection (d)(1).
- (2) A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:
  - a. Not validly registered hereunder;
  - b. Not maintained in a proper, secure enclosure;
  - c. Outside a proper, secure enclosure in violation of Subsection (d)(2).
- (3) Any dog that has been confiscated under the provisions of this Section shall be returned to its owner upon the owner's compliance with the provisions of this Section and upon the payment of reasonable confiscation costs. In the event the owner or custodian of a dangerous dog or potentially dangerous dog has not complied with the provisions of this Section within 20 days of the date the dog's classification as a dangerous dog or potentially dangerous dog, as the case may be, becomes final or, in the case of a dog previously so classified, 20 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner in accordance with O.C.G.A. § 4-11-5.1; however, upon a showing of good cause, the Director of Animal Control may extend said time, for up to an additional 15-day period(s), upon the payment by the owner of the per diem boarding costs for said dog.
- (4) Violations and penalties are as follows:
  - a. In addition to any other penalties imposed by Georgia law, the owner or custodian of a dangerous dog who violates the applicable provisions of this Section or whose dangerous dog is subject to confiscation



under this Section shall be guilty of a violation of this Article. In addition to any confinement that might be imposed for a conviction under this Subsection, for the second conviction a fine of not less than \$300.00 shall be imposed and for a third or subsequent conviction a fine of not less than \$500.00 shall be imposed.

- b. In addition to any other penalties imposed by Georgia law, the owner or custodian of a potentially dangerous dog who violates the applicable provisions of this Section or whose potentially dangerous dog is subject to confiscation under this Section shall be guilty of a violation of this Article. In addition to any confinement that might be imposed for a conviction under this Subsection, for a second conviction a fine of not less than \$150.00 shall be imposed and for a third or subsequent conviction a fine of not less than \$300.00 shall be imposed. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-54. CARING FOR ANIMALS**

- (a) It shall be unlawful to keep more than two horses, two dogs, or two cats on any one lot; provided, however, that an exception is made and an additional dog may be kept on a lot when the occupant or owner of the premises has a medical need or is handicapped and the dog in question is a trained animal used to benefit or aid a handicapped or medically ill individual. An additional exception shall be made for legitimate Animal Foster Care providers registered with the Valdosta-Lowndes County Humane Society. Prior to issuance of a City Animal Foster Care permit, such individuals shall provide documentation from the Humane Society demonstrating compliance with local and State Animal Foster Care requirements. Such Foster Care providers shall be limited to a total of six (6) cats or six (6) dogs or any combination thereof. (Ord. No. 2008-29, 7-10-2008)
- (b) It shall be unlawful for any owner or custodian of any animal to refuse or fail to provide such animal adequate food and water, adequate shelter, and humane care, including without limitation as reasonably necessary to prevent malnutrition, dehydration, or physical suffering taking into account the animal's size, age, physical condition, breed, and species.
- (c) It shall be unlawful for any owner or custodian of any animal to willfully abandon such animal on any street, road, highway, or public place, or on private property of another person.
- (d) It shall be unlawful for any owner or custodian of any animal to permit the accumulation of waste matter from such animal to collect and remain on the property of the owner or custodian, or on the property of others, so as to cause or create an unhealthy, unsanitary, dangerous, noxious, or offensive living condition for the animal or condition on the owner's or custodian property, or the abutting property of others.

- (e) It shall be unlawful for any owner or custodian of any animal to permit or cause unhealthy, unsanitary, dangerous, noxious, or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities for such animal(s) taking into account each such animal's size, age, physical condition, breed, and species.
- (f) It shall be unlawful for any owner or custodian of any cat to allow the cat to roam free on the property of another without permission of the owner or person in possession of that property, or without such cat wearing a collar with a current rabies tag attached.
- (g) It shall be unlawful for any owner or custodian of any dog to allow the dog to roam or run free on the property of another without the permission of the owner or person in possession of that property, or without such dog wearing a collar with a current rabies control tag attached.
- (h) It shall be unlawful for any owner or lessee of property located in a residential neighborhood, regardless of the designated zoning of said property, to keep or maintain livestock in said residential area, unless the applicable Zoning Ordinance expressly allows otherwise. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-55. CRUELTY TO ANIMALS**

*(a) General care; prohibited acts.*

- (1) It shall be unlawful for any person to inflict, cause or permit cruelty to or upon any animal, including without limitation, to negligently, willfully or maliciously strike, beat, physically or mentally abuse, overwork, overload, maim or disfigure, intentionally chase or run down with a vehicle, bicycle, or motorized or powered implement, or otherwise engage in any act or omission causing, inflicting, or resulting in unnecessary pain, injury, physical or mental suffering, abuse or death to an animal, in each case taking into account the animal's age, size, physical condition, breed, and species, except that reasonable force may be used in self-defense to destroy a vicious or dangerous animals or to drive away trespassing animals as authorized by Georgia law. Examples of such aforesaid prohibited acts or omissions regarding animals include, but are not limited to the following:
  - a. Allowing a collar, rope, chain, or other item to become embedded in or cause injury to an animal's neck or other portion of the body.
  - b. Allowing a slip-type choke, or pinch-type collar to be used as a primary collar to tether an animal.
  - c. Intentionally causing or allowing animals to engage in a fight.

- d. Allowing animals to live in unsanitary conditions.
- e. Allowing animals to live in regularly overcrowded conditions.
- f. Failure or refusal to obtain veterinary medical treatment for an animal when, in a Veterinarian's, Animal Services Officer's, or Law Enforcement Officials opinion, such treatment is needed.
- g. Shooting a domestic animal, either on or off of the owner's property unless such domestic animal is then in the act of attacking or maliciously chasing a human being, horse, hog, goat, poultry, any other domestic animal or sheep or cattle and shooting such domestic animal is then the most reasonable action under the particular circumstance. An exception to this is allowed under the direction of a Veterinarian or Law Enforcement Official where the animal is hopelessly suffering.
- h. Inhumanely trapping an animal (except for non-domesticated animals for which the person conducting such trapping possess a valid and currently in effect permit for such trapping of such animal issued by the Georgia Department Natural Resources) with any trap other than a live trap which must be checked at least every 24 hours. The following trapping requirements must be followed:
  - 1. Trapping is not allowed with the intention to harm any animal or to abandon or relocate any animal upon public or private property (except, in each case, to the extent specifically authorized by a valid and currently in effect permit for trapping of such animal issued by the Georgia Department of Natural Resources to the person conducting such trapping).
  - 2. Any domesticated animal trapped must be relinquished to Animal Services if said animal is not returned to the owner or in cases where no owner exists and the animal is not retained for ownership. Any non-domesticated animal (except for non-domesticated animals for which the person conducting such trapping possesses a valid and currently in effect permit for such trapping of such animal issued by the Georgia Department of Natural Resources) trapped while attempting to live trap a domesticated animal shall be surrendered to Animal Control.
- i. Permitting any exhibit, function, or activity where animals are not receiving humane care, are bring cruelly treated, or such animals run the risk of causing injury to the public or themselves. Animal Control, City, or State Law Enforcement Officials, and representatives acting in their official capacity of the County or State Departments of Health or the State or Federal Departments of Agriculture shall have the authority to inspect and to close down public exhibits in the City of

animals, and/or impound any or all such animals, which are part of fairs, carnivals, festivals, fundraising events, petting zoos, or any other activity or function carried out in the City if it is determined that animals in such activity or function are not receiving humane care, are being cruelly treated, run the risk of causing injury to the public or themselves, or do not in each case have are complying with all applicable lawfully required licenses, registrations, and permits.

(2) It shall be unlawful for any person to intentionally administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass or other harmful substance in any place with the intent to injure any animal. This provision is not applicable to licensed pest control exterminators using poisons as part of an insect pest control program of the use of commercial insecticides, rodenticides, or rodent baits used to control insect and wild rodents, or to licensed Veterinarians using veterinary pharmaceuticals in providing bona fide veterinary services.

(3) All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any person to engage in one or more of the following acts or omissions (in each case taking into account the animal's size, age, physical condition, breed, and species).

(b) *Failure to provide adequate food and water and adequate shelter.* Food, water, and shelter shall be provided by the owner or custodian of an animal as follows:

(1) All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of adequate food.

(2) All animals shall be supplied and have access to a constant supply of adequate water.

(3) All animals shall be provided by its owner or custodian with adequate shelter from the weather at all times. Examples of inadequate shelter include, but are not limited to the following:

a. Underneath outside steps, decks, and stoops.

b. Underneath houses.

c. Inside or underneath motor vehicles.

d. Inside metal or plastic barrels.

e. Inside cardboard boxes.

f. Inside temporary animal carriers or crates.

g. Shelters located in flood-prone areas.

h. Shelters surrounded by debris, obstructions or impediments that may endanger or harm an animal.

(c) *Medical care.*

- (1) It shall be unlawful for any owner or custodian of a sick, diseased, suffering, or injured animal to fail or refuse to provide proper veterinary medical treatment for the animal or to otherwise promptly surrender the animal to Animal Control.
- (2) It shall be the duty of any person who allows a stray or abandoned animal to stay on their property to either:
  - a. Notify Animal Control of its sick, diseased, injured, suffering, or abandoned condition for impoundment; or
  - b. Provide proper veterinary medical treatment, adequate food and water and adequate shelter for the animal.
- (3) It shall be the duty of any person who has knowledge of a sick, diseased, injured, suffering, or cruelly or inhumanely treated animal to notify Animal Control or Law Enforcement Officials as soon as possible.

*(d) Chaining or tethering.*

- (1) It shall be unlawful for any person to chain or tether an animal to a stationary object.
- (2) An animal may be tethered to a cable run system provided:
  - a. The cable is securely affixed between two stationary objects.
  - b. The cable is at least 15 feet in length.
  - c. The cable is a minimum of five feet above the ground.
  - d. The cable is made of galvanized wire, other composite material, or metal.
  - e. The tether is at least ten feet in length.
  - f. The tether is made of galvanized wire, other composite material, metal, or nylon.
  - g. The tether is attached to the cable with a swivel.
  - h. The length and weight of tether are appropriate for the animal's size, age, species, breed, and physical condition in order to allow the animal to move freely along the length of the cable. The weight of the tether shall not exceed ten percent of the animal's body weight. Guidelines for proper tether weight and length can be obtained from Animal Services.
  - i. The tether is attached to the animal by means of a swivel to (i) a harness or (ii) a collar not less than one-half inch for animals up to 20 pounds and one inch for animals exceeding 20 pounds in order to prevent the collar from becoming embedded in the animal. The tether may not be attached to a slip-type choke or pinch type collar.
  - j. The length of the tether may not allow the animal to go beyond the limits of the property of the owner.

- k. The tether allows the animal to move freely and to lie comfortably.
- l. The subject area is free of obstructions with which the tether could become entangled.
- m. The animal has easy access to adequate food and water.
- n. The animal has easy access to adequate shelter.
- o. The subject area is well-drained.
- p. Only one animal is attached to each cable run.
- q. An animal is not tethered to a cable run during extreme weather, including but not limited to, freezing temperatures, lightning, tornadoes, tropical storms, thunder storms, or hurricanes.
- r. The animal is not tethered to a cable run for any duration or durations likely to cause physical or mental suffering.

*(e) Leaving an animal in a closed vehicle or other enclosure.*

- (1) It shall be unlawful for any person to place or leave an animal in a closed vehicle or other enclosure at such internal temperatures (or where the internal temperatures that may reasonably be expected to occur or result) or other conditions and/or lack of air, ventilation, or water will cause or result in, or reasonably be expected to cause or result in, harm or distress to the animal.
- (2) Should an Animal Services Officer or Law Enforcement Official find an animal in a closed vehicle or other enclosure in violation of Subsection (1) above, or otherwise believes that such animal is in eminent danger, harm or distress, and the owner of the vehicle or enclosure is not immediately available to release such animal, then in such event, the Animal Services Officer or Law Enforcement Official may then use such reasonable force as necessary to extract the animal from such closed vehicle or other enclosure.

*(f) Transporting in open bed of vehicles.* Any animal being transported in an open bed, platform, or other open area of a motor vehicle or trailer from which the animal can easily escape or be ejected, shall be confined in a humane manner inside a securely latched or locked animal carrier or restrained by a minimum of two tethers, with one tether each being securely affixed to the opposite site of such open bed, platform or other open area, and both tethers being securely attached to the collar or harness of such animal. It is a violation of this provision for the owner or custodian of an animal, as well as the driver of the motor vehicle being used to transport an animal, to refuse or fail to confine and restrain the animal being transported as required by this provision.

*(g) Impoundment.* An Animal Control Officer, the City of Valdosta Police Department, or other Law Enforcement Officer may seize and impound any animal that is reasonably suspected to be the subject of a violation of this Section. If an animal is impounded pursuant to this Article because of cruelty to an animal or other violation of this article, and the owner thereof refuses to enter

into a written consent agreement with Animal Control of and on behalf of the City that such animal will be given humane care and adequate and necessary veterinary care, the shelter may dispose of the animal in accordance with this Article.

- (h) *Reports to solicitor.* Animal Control shall promptly report to the Solicitor of the Municipal Court for the City of Valdosta cases of violations of this Section. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-56. INVESTIGATIONS, ENFORCEMENT AND INTERFERENCE**

- (a) *Investigations.* Any Animal Services Officer or Law Enforcement Official of the City of Valdosta shall have the authority to investigate any circumstances, facts, conditions, or complaints regarding a possible violation of the requirements or prohibitions of this Article. Any Animal Services Officer may request the assistance of the City of Valdosta's Police Department or other appropriate Law Enforcement Officials with respect to such investigations or violations.
- (b) *Enforcement.*
- (1) Lowndes County Animal Services Officers and Law Enforcement Officials of the City shall be Enforcement Officials for this Article. These Officials shall have the authority to act on behalf of the City and in investigating complaints, impounding, and destroying animals, executing warrants, issuing citations, making arrests and taking other lawful action as required to enforce the provisions of this Article. It shall be a violation of this Article to interfere with any Animal Services Officer or other Law Enforcement Official in the performance of his duties under this Article.
  - (2) Upon the sworn affidavit of any citizen alleging a violation of this Article or upon their own initiative, an Animal Services Officer or Law Enforcement Official may issue a citation to a person to appear before the Municipal Court of the City of Valdosta for an adjudication of the complaint against such person.
- (c) *Interference.*
- (1) It shall be a violation of this Article for anyone to interfere or hamper, or cause the interference or hampering, of the facilities, personnel or operation of the animal shelter or any other property or facilities maintained or operated by the City or the Humane Society or similar organizations, for the confinement or protection of animals by, for, at the request of, or under supervision of the City, or to remove from any such facility without the prior consent of the operator of the animal shelter or similar facility, or an Animal Services Officer, any animal kept therein.
  - (2) It shall be a violation of this Article for anyone to resist, hinder, delay,

interfere with or molest any person, agent, employee, or member of any organization or entity operating the animal shelter or facility of the Humane Society of similar organization in the performance of his duties or responsibilities therewith.

- (3) It shall be a violation of this Article to tamper with, interfere with, remove, remove animals from, harass or harm animals within, damage, remove, or destroy any device for trapping animals owned or operated by Animal Services, Law Enforcement Agency or other City Department. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-57. ANIMAL CONTROL BOARD**

Where necessary and called for throughout this Article, the City shall utilize the Animal Control Board established by Lowndes County. (Ord. No. 2008-9, 2-21-2008)

#### **SEC. 14-58. HEARINGS AND APPEAL**

*(a) Hearings.*

- (1) The Animal Control Board shall conduct hearings when requested under this Article by the owner aggrieved by a decision of an Animal Control Officer with respect to classifying such owner's dog as a dangerous dog or a potentially dangerous dog, the reclassification of a potentially dangerous dog as dangerous dog, or whether a vicious animal confiscated pursuant to Subsection 14-45 (c), shall be destroyed. Except as otherwise provided in this Article, such hearings shall be requested on forms furnished by Animal Control within five business days of receiving a notice of a right to request such hearing.
- (2) Any person who requests a hearing before the Animal Control Board provided for in this Article but who, after receipt of notice of the hearing, fails to appear at said hearing shall be deemed to have abandoned the hearing request and the decision of the Animal Services Officer which was to be the subject of such hearing shall be affirmed and final.
- (3) The owner of an animal requesting a hearing before the Animal Control Board shall pay the additional daily boarding and other fees as established in this Article. Failure to pay the fees and costs assessed against the owner, if affirmed by the Animal Control Board, shall constitute an abandonment of any claim to the animal and will result in the animal being disposed of as otherwise provided in this Article.

- (b) Appeals.* All decisions of the Animal Control Board may be appealed to a judicial court of competent jurisdiction within 20 days of receiving notice of the Animal Control Board's decision. (Ord. No. 2008-9, 2-21-2008)



**SEC. 14-59. SALE OF HOUSEHOLD PETS ON PUBLIC PREMISES**

- (a) The sale, exchange, trade, barter, adoption, gifting, or offering or displaying for sale, exchange, trade, barter, adoption, or gifting, of household pets by any person on or at any public, commercial, or retail parking lot or area, or other exterior premises thereof, road, street, roadside, median, carnival, fair, flea market, garage sale, park, playground, other recreational area, or retail or wholesale food service establishment is prohibited except:
  - (1) On the premises of a pet dealer open to the general public,
  - (2) By a Veterinarian licensed as such by the State,
  - (3) By a humane society or by a member of a humane society at an event sponsored by such humane society,
  - (4) On the premises of Animal Services, or
  - (5) Where the Director of Animal Services has given the owner or lessee occupying and controlling the location of such activity given written permission for such activity.

**SEC. 14-60. VIOLATIONS AND PENALTIES**

*Violations.*

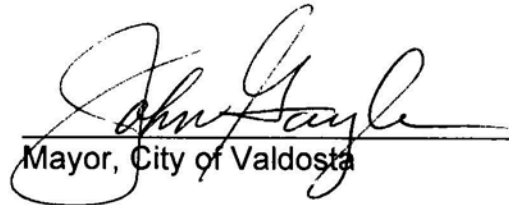
- (a) It shall be a violation of this Article to:
  - 1. Fail to comply with any provision of this Article.
  - 2. Fail to comply with any lawful order of an Animal Control Officer, Law Enforcement Official, or other authorized Enforcement Officer enforcing this Article unless such order is lawfully stayed or reversed.
  - 3. Fail to pay fees, expenses or costs imposed by this Article unless payment thereof is lawfully stayed or reversed.
  - 4. Each day's, or part thereof, violation of any provision of this Article shall be a separate offense under this Article.
  - 5. Any person who violates any provision of this Article or who fails to do anything required by this Article as the same exists or as it may hereafter be amended shall be guilty of a violation of this Article, amenable to the process of the Municipal Court of the City of Valdosta and, upon conviction, shall (except where a different penalty is otherwise specifically provided in this Article) be punished by a fine not to exceed \$500.00 or by confinement in jail not to exceed 60 days, or both, in the discretion of the Court. In lieu of, or in addition to, any fine or incarceration, the Court as punishment for a violation of this Article may order community service. Said community service shall be not less than 20 hours, but not more than

250 hours, which must be performed within one year from the date of conviction for a violation of this Article. Any person placed on community service, or otherwise placed on probation, for a violation of this Article shall pay such supervisory fees as may be authorized by law. (Ord. No. 2008-9, 2-21-2008)

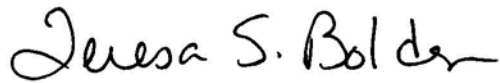
**Sec. 14-61. REMEDIES**

In the event any provision of this Article has been violated or is being violated, in addition to any other remedies, the City may institute an injunction, mandamus or other appropriate action or proceeding to prevent or abate such violation. (Ord. No. 2008-9, 2-21-2008)

**SO ORDAINED**, this 7<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
Mayor, City of Valdosta

ATTEST:

  
\_\_\_\_\_  
Clerk of Council