Chapter 14 - ANIMALS

ARTICLE I. - IN GENERAL

Secs. 14-1—14-30. - Reserved.

ARTICLE II. - ANIMAL CONTROL

Sec. 14-31. - Animal control unit.

There is hereby created an animal control unit for the county under the guidance of the board of commissioners.

Sec. 14-32. - Collar, inoculation tag and identification required.

(a) Collar

~~It shall be unlawful for any owner of a dog to allow such dog in any area of the county without a collar, that shall have attached a valid vaccination tag as required by state law and a tag stating the name and address of the animal's owner.~~ It shall be the duty of each ~~dog~~ animal owner to provide a collar with identification including the name and address of the animal's owner as provided in this article and a rabies inoculation tag for each animal, as required by state law.

(b) Inoculation

Baldwin County Department of Public Health requires all dogs, cats, and ferrets to be vaccinated for rabies at the age of 4 months and each year thereafter. Any animals not in compliance are subject to impoundment, and prior to recovery, all charges for services performed, including but not limited to impoundment, boarding, spay/neuter, vaccinations, etc, shall be paid prior to owner recovery of the animal. Failure to properly vaccinate against rabies is a misdemeanor.

(c) Identification

(1) The dog/cat must always have on identification tags when in any part of Baldwin County.

(2) It is the duty of the owner or custodian to acquire a replacement tag if the tag becomes lost, misplaced, or stolen.

~~Sec. 14-33. - Vicious dogs.~~

~~This section was superseded by state law. See O.C.G.A. § 4-8-20 et seq.~~

Sec. 14-33~~4~~. - Definition of vicious or dangerous dogs as per O.C.G.A. § 4-8-20.

~~This section was superseded by state law. See O.C.G.A. § 4-8-20 et seq.~~

(a) "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.

(b) "Dangerous dog" means any dog that:

(1) 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 subparagraph;

(2) 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 subparagraph; or

(3) While off the owner's property, kills a pet animal; provided, however, that this subparagraph shall not apply 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.

Sec. 14-34. - Vicious and Dangerous dogs.

Georgia's Responsible Dog Ownership Law states O.C.G.A § 4-8-20 et seq:

Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.

(a) When a dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall notify the dog's owner within 72 hours. Such notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing from the authority on the dog control officer's determination within seven days after the date shown on the notice; provided, however, that if an authority has not been established for the jurisdiction, the owner shall be informed of the right to request a hearing from the probate court for such jurisdiction where the dog was found or confiscated within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the dog control officer's determination shall become effective for all purposes under this article. 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 dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the dog control officer.

(b) A law enforcement officer or dog control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.

(c) When a hearing is requested by a dog owner, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the authority or probate court for good cause shown. At least ten days prior to the hearing, the authority or probate court conducting the hearing shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the authority or probate court conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination.

(d) Within ten days after the hearing, the authority or probate court which conducted the hearing shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of

classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to O.C.G.A. 4-8-26, the notice shall specify the date by which the euthanasia shall occur.

(e) Judicial review of the authority's final decision may be had in accordance with O.C.G.A. 15-9-30.9. Judicial review of a probate court's final decision shall be in accordance with O.C.G.A 5-3-2 and costs shall be paid as provided in O.C.G.A. 5-3-22.

(f) The judge of any superior court of competent jurisdiction within this state may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided by O.C.G.A 4-8-23, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:

(1) The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or

(2) Any local governmental authority has filed with the court a civil action requesting the euthanasia of the dog.

(g) All fines and all charges for services performed, including but not limited to impoundment, boarding, spay/neuter, vaccinations, etc, by a law enforcement or dog control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

(h) Under no circumstances shall a local government or any employee or official of a local government be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

Sec. 14-35 - Registration and Ownership Responsibilities of a vicious or dangerous dog

Georgia's Responsible Dog Ownership Law states O.C.G.A § 4-8-20 et seq:

(a) It shall be unlawful for an owner to have or possess within this state a classified dog without a certificate of registration. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.

(b) Unless otherwise specified, a certificate of registration for a dangerous dog shall be issued if the dog control officer determines that the following requirements have been met:

(1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and

(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides.

(c) Except as provided in subsections (e) and (f) of this Code section, a certificate of registration for a vicious dog shall be issued if the dog control officer determines that the following requirements have been met:

(1) The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property;

(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;

(3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and

(4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least $50,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog.

(d) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.

(e) No person shall be the owner of more than one vicious dog.

(f) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:

(1) A serious violent felony as defined in O.C.G.A. 17-10-6.1;

(2) The felony of dogfighting as provided for in O.C.G.A. 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. 16-12-4; or

(3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. 16-13-31 and 16-13-31.1

from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.

(g) Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a vicious dog, a dog control officer shall verify that the owner is continuing to comply with provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

(h) The owner of a classified dog shall notify the dog control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the dog control officer within 24 hours if the dog has died or has been euthanized.

(i) A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.

(j) The owner of a classified dog who moves from one jurisdiction to another within the State of Georgia shall register the classified dog in the new jurisdiction within ten days of becoming a resident and notify the dog control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into this state shall register the dog as required in Code Section 4-8-27 within 30 days of becoming a resident.

(k) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:

(1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;

(2) The dog is contained in a closed and locked cage or crate; or

(3) The dog is working or training as a hunting dog, herding dog, or predator control dog.

(l) It shall be unlawful for an owner of a vicious dog to permit the dog to be:

(1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:

(i.) The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or

(ii) The dog is contained in a closed and locked cage or crate; or

(2) Unattended with minors.

(m) A person who violates subsection (b) of this Code section shall be guilty of a misdemeanor of high and aggravated nature.

(n) An owner with a previous conviction for a violation of this article whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than $5,000.00 nor more than $10,000.00, or both. In addition, the classified dog shall be euthanized at the cost of the owner.

Cross reference— Definitions generally, § 1-2.

Sec. 14-36~~5~~. - Public nuisance animal.

(a) A public nuisance animal is any which:

(1) Repeatedly runs at large;

(2) Damages the property of anyone other than the owner;

(3) Causes unsanitary conditions of enclosures or surroundings in which the animal is kept;

(4) Causes fouling of the air by odor and thereby creates unreasonable annoyance to people who reside in close proximity to the premises where the animal is kept or harbored.

(5) Causes a disturbance or annoyance to others by excessive barking or other noise making.

(6) Is without a current identification, and/or inoculation.

(b) Public nuisance animals may be impounded or the owner warned~~,~~ and the owner or possessor of any such animal may be charged for violation of this article.

Sec. 14-37~~6~~. - Confinement of animal suspected of being rabid when a person has been bitten.

Notwithstanding any other provision of this article, whenever the county health officer, the rabies inspector, or an officer or agent of the county shall receive information that any person has been bitten by a dog, cat or other domestic animal reasonably suspected of being rabid, the county health office, the rabies inspector or officer or agent of the county shall be required to have the animal confined for a period of not less than ten (10) days. It shall be unlawful for any such person having knowledge that any person has been bitten by such dog to refuse to notify promptly one or more of the officers mentioned in this section. All persons are required to comply with the orders of the officials of the county health department in the handling and treatment of such animals, as stated in the Georgia Department of Public Health Rabies Control Manual. Any animal confined under this section shall be housed at the animal control center or at a licensed veterinary hospital. Any expense, including but not limited to impoundment, boarding, spay/neuter, vaccinations, etc., incurred in the handling of any animal under this section shall be borne by the owner of the animal. If confinement or capture of the animal is not possible and practical, the animal shall be destroyed as humanely as possible and the head shall be submitted to one of the health department's laboratories for examination for rabies, as stated in the Georgia Department of Public Health Rabies Control Manual.~~.~~

Sec. 14-38~~7~~. - Disposition of impounded animals.

(a) Except as provided in section 14-42~~1~~, any dog or cat seized and impounded by the animal control unit pursuant to this article shall be detained at the animal control unit, provided that any dog or cat that is suffering from an infectious or contagious disease shall be impounded elsewhere or destroyed. Animals which are seriously injured or incurably ill may be destroyed immediately if the animal control officer determines that this is necessary to avoid significant pain and suffering. If an animal, which would otherwise be impounded, is feral or cannot be impounded without endangering the animal control officer, the employees of the animal control unit or other animals, the animal control officer shall be authorized to have the animal destroyed.

(b) If the owner of an impounded animal is known or can be reasonably ascertained, the officers of the animal control department shall notify the owner of the animal by mail, by telephone, or in person, that the animal has been impounded. The owner of any animal impounded may at any time within five ~~weekdays~~ calendar days after notification reclaim the animal. All owner reclaims are subject to an owner reclaim fee, as well as but not limited to a rabies vaccination and spay/neuter procedure (if applicable). ~~by payment of an impoundment fee of $50.00 and the cost of rabies vaccination if the animal is not current with its vaccination.~~ These fees, as applicable, shall also apply to biting animals held for ~~rabies~~ observation at the animal control department. After the expiration of five ~~weekdays~~ calendar days from notification to the animal's owner, an impounded animal shall become the property of the county. The disposition of vicious animals shall be as provided by Sec. 14-34 and state law, O.C.G.A. § 4-8-20 et seq. Animals impounded pursuant to section 14-36~~5~~ may in the

Commented [al1]: Rabies protocol and regular bite protocol are different so we need to keep the ordinances separate.

discretion of the animal control officer be returned to the owner or may be held until the disposition of the case against the person violating this article. The court, upon a finding of guilty or plea of guilty, may provide for forfeiture of the animals to the county or their return to their owner.

(c) The five ~~weekdays~~ calendar days of impoundment shall not be mandatory if the owner transfers ownership of the animal to the county. This constitutes an owner surrender and there is no charge. In such cases the animal, in the discretion of the animal control officer, may be impounded for such period as he or she deems appropriate; or in the discretion of the animal control staff, the animal may at any time be euthanized or offered for adoption.

Sec. 14-39~~8~~. - Adoption procedures.

After a dog or cat becomes the property of the county, the animal control unit may offer the animal for adoption provided that the person adopting the dog or cat pay the costs ~~provided in this article and pays the cost of rabies vaccination, if applicable.~~ set by policy. These costs cover the mandatory rabies vaccination and mandatory spay or neuter procedure, as required by state law O.C.G.A. § 4-14-3. ~~The animal control officer may, in his sole discretion, waive the costs and fees required in this article; provided, however, that the costs for mandatory rabies vaccination and spay/neuter may not be waived.~~

Sec. 14-40~~39~~. - Humane disposition.

If a dog or cat is not claimed by the owner within five ~~weekdays~~ calendar days of notice to the owner, or if a dog or cat whose owner is not known has not been adopted after five ~~weekdays~~ calendar days of being impounded, then the animal control unit may dispose of the animal in the manner prescribed by state law at the time of disposition. Disposition is not mandatory. Animal control officers shall not perform euthanasia unless they are properly certified by the state to do so. Animals shall be euthanized only in the manner prescribed by state law and regulations. Additionally, Employees must use care when it has been determined an animal must be euthanized. Prior to any animal being euthanized several steps are required to ensure the correct animal is euthanized and that all the information has been verified. If there is any question the animal will not be euthanized until such time as any question has been addressed and all information verified. The following procedures will be used to establish the correct animal has been identified and that all requirements have been met.

(a) The determination on which animals are to be euthanized is a multi-step process requiring at least one animal control officers and the rescue and adoption coordinator or shelter administrator. This responsibility cannot be delegated or abdicated.

1) The staff member pulling the animal from the kennel will make the initial verification that the correct animal is pulled including comparing the euthanasia list to the animal and to the original animal record.

2) The staff member will verify with the rescue and adoption coordinator or shelter administrator that there are no pending rescue or adoption applications or reclaims of ownership.

(b) Two kennels for dogs and two kennels for cats must be made available at any time for emergency intake. If euthanasia is necessary to make space for future intakes, the dogs/cats selected for euthanasia will be based on behavior, temperament and adoptability.

(c) The animal, prior to being humanely euthanized, will thoroughly be scanned to ensure there is no microchip.

(d) In the event an animal is found sick or injured in the field, a two person verification is still required, either by photo or video and veterinarian prior to euthanasia. The animal should be taken directly to the veterinarian, documentation made, and humane euthanasia procedures followed. Documentation must also be entered into the shelter software program.

(e) After the animal has been euthanized and death has been confirmed, all information regarding the euthanasia will be entered in the animal record in the shelter software program.

Sec. 14-41~~0~~. - Summons.

(a) The animal control officer or law enforcement officer may, in his discretion, choose not to impound a dog or other animal found in violation of any section of this article but may return the animal to its owner or possessor and issue or cause to be issued a summons directed to the owner or possessor of the animal to appear before the magistrates court of the county on a date certain to stand trial for violation of this article.

(b) Upon consideration of the offense involved, the officer may, in his discretion, establish a bond in the amount of $50.00 to be paid prior to the date scheduled for hearing before the magistrate judge and the officer may recommend the forfeiture of the bond in the nature of a fine to said judge in lieu of appearance by the owner. In the event that the court declines the recommendation, then the owner shall be notified by the officer to appear at the next scheduled court to answer the charges.

Sec. 14-42~~1~~. - Injured animals.

The animal control officer shall have the authority to ~~humanely cause~~ remove dogs or cats which are injured and lying in the streets, rights-of-way or public ways of the county to be euthanized whenever it shall appear that the animal is injured, is suffering great pain, and does not bear a tag or microchip identifying the owner and no determination as to the identity of the owner of such animal can be made with reasonable inquiry or investigation. Injured animals with tags may be euthanized when seriously injured after an attempt has been made to contact the owner which is reasonable under the circumstances. Euthanasia shall be done in the manner required by state law and adhere to Section 14-40 of this ordinance.

Sec. 14-43~~2~~. - Records.

The animal control unit shall keep accurate written records showing the final disposition of all animals impounded by the unit which records shall be open and available pursuant to the Georgia Open Records Law O.C.G.A. § 50-18-70.

Sec. 14-44~~3~~. - Enforcement.

(a) The provisions of this article shall be enforced by an agent or employee of the county designated as the animal control officer. Upon information known to or a sworn complaint lodged with any officer or member of the animal control unit, that any owner or possessor of an animal is in violation of this article, owners will be given written notice of the violations. Owners have 72 hours to comply with violations on the notice. If compliance is not met, officers may take immediate custody of the animal at the end of the 72 hour period. At which time, a summons may be issued by an officer of the animal control unit requiring the owner or possessor of the animal to appear before the county magistrates court on a day and time certain, to stand trial ~~trail~~ for violation of this article. If such violation of this article has not been witnessed by an officer, a subpoena shall be issued to the person making the complaint, to be and appear on the day and time set to testify on behalf of the county. If the owner or possessor of any dog is not known and such dog is upon the streets, alleys, sidewalks, school grounds, public places or premises of another prohibited by this article, upon complaint made to or information known to the animal control unit, it shall be the duty of the unit to immediately take possession of such dog and impound it according to the rules and regulations now or hereafter provided by law or by ordinance of this county for detention, control and disposition of dogs impounded pursuant to any applicable law or ordinance.

(b) Animal Control maintains a regular fee schedule that is available for public viewing Monday through Friday during regular business hours.

Sec. 14-45. - Interference with an Officer.

(a) It shall be unlawful for any person to attack, hinder, interfere, harass or otherwise obstruct the performance of any Baldwin County animal control officer in the official performance of his or her duties as provided for in this chapter.

(b) It shall be unlawful for any person to relocate, interfere with, or alter the operation of any device, equipment, trap or other item of Baldwin County animal control.

(c) It shall be unlawful for any person to place their own animal into or remove any animal confined within a trap or cage operated by Baldwin County animal control.

(d) It shall be unlawful for any person to give a false name, address or date of birth to any Baldwin County animal control officer in the lawful discharge of his or her official duties with the intent to mislead such officer, employee or agent in any way.

(e) It shall be unlawful for any person to hold or retain possession of any animal without the express knowledge or consent of the owner.

(f) Any person obtaining a stray animal must notify animal control within 72 hours.

Sec. 14-464. - Penalty.

This article is promulgated pursuant to O.C.G.A. § 31-19-1 et seq. and O.C.G.A. § 4-8-1 et seq., and any person violating this article shall be guilty of a misdemeanor, unless otherwise statedexcept as otherwise specified, and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise specified, under state law.

Sec. 14-475. - Cooperation with City of Milledgeville.

It is deemed to be in the best interest of the county that animal control be coordinated with the animal control ordinances and procedures of the City of Milledgeville. Therefore, the board of commissioners of the county are authorized to enter into such agreements as they deem necessary with the mayor and aldermen of the City of Milledgeville to provide a coordinated animal control program and to institute a joint effort for animal control with joint use of personnel, equipment and facilities and such further and necessary acts and agreements required to carry into full force and effect the purpose, intent, and objectives of this article. Any such agreement currently in effect shall not be affected by the adoption of this article.

Commented [al2]: I think these should be moved to the end. Penalty sections are always at the end, as well as cooperation agreements (or at the beginning for cooperation). Either way it doesn't fit here and it is confusing to read, particularly for a regular citizen.

Sec. 14-486. - Residential areas.

(a) It shall be unlawful for the owner of a dog to violate the animal control ordinances of the City of Milledgeville as those ordinances are presently constituted and as hereafter amended when within the city limits of the City of Milledgeville, or within any residential subdivision located within 1500 feet of the city limits of the City of Milledgeville or within any residential subdivision which contains ten or more residences within the area shown on the official subdivision plat recorded in the courthouse.

(b) Should there be any conflict between this article and that of the City of Milledgeville as to any control measure in effect within the area defined by section 14-45, then the most restrictive provisions shall apply.

(c) In residential areas of 10 or more houses of Baldwin County, a dog shall be maintained under control of the owner. The dog is to be controlled by a leash or within a vehicle being driven or within the property limits of the owner.

(a) No owner shall fail to provide his animals with sufficient good and wholesome food and water, which is cool in the summer and unfrozen in the winter, proper shelter and protection from the weather; veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) No person shall beat, cruelly ill-treat, torment, overload, overwork, cruelly kill, or otherwise abuse an animal, or cause, instigate, or permit any dog fight, or other combat between animals or between animals and humans.

(c) No owner of an animal shall abandon such animal. If an owner seeks to surrender an animal to the animal shelter, there will be no charge.

(d) Any person operating a motor vehicle, who strikes a domestic animal shall immediately report such injury or death to the animal shelter or law enforcement agency or animal control officer.

(e) No person shall expose any known poisonous substance, so that such poisonous substance shall be liable to be eaten by any domestic animal.

(f) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(g) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(h) No owner shall fail to obtain a breeder's license from the Georgia Department of Agriculture if they sell more than one (1) litter or more than thirty (30) adult animals in any twelve (12) month period.

(i) No owner shall give away or sell any puppy or kitten prior to the minimum age of 8 weeks.

(a) It is the responsibility of the owner to have a dog within the property limits of the owner. The chaining and tethering of dogs to a stationary point is prohibited. When a fence or enclosure is not available, to lawfully tether a dog, the owner must ensure:

1) The tether may not be tied to a stationary point. The animal must be on a trolley system, swivel hook, pulley, or runner system, allowing a larger range of movement.

2) Only one animal may be attached to each system at one time.

3) The tether must be attached to a harness or collar that fits the animal. No choke or pinch collars are permitted.

4) Animals that are tethered must have access to food, water, and shelter at all times meeting the standards in Sec 14-54.

5) Owners are prohibited from tethering an animal in weather conditions that cause immediate imminent threat to the animal's physical well-being.

6) The tether must be at least 4 times the length of the dog, weighing no more than 25 percent of its body weight.

7) The animal must not be injured or showing any signs of discomfort or it must be temporarily removed from the tether until resolved.

(b) Animal control has the authority to inspect and determine adherence to the policy.

Sec. 14-51~~48~~. - Keeping of wild animals.

(a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks.

(b) No person shall keep or permit to be kept any wild animal as a pet except as allowed under state law.

(a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.

Sec. 14-53~~0~~. - Cruelty prohibited as specified in O.C.G.A. § 16-12-4.

~~Any person who overloads, overdrives, drives when overloaded, overworks, tortures, torments, beats, mutilates, maims, unnecessarily kills, or inflicts any other act of cruelty upon any animal or causes such to be done shall be guilty of a misdemeanor.~~

(1) "Animal" shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure.

(2) "Malice" means:

(i) 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

(ii) The wanton and willful doing of an act with an awareness of a plain and strong likelihood that a particular harm may result.

(b) A person commits the offense of cruelty to animals when he or she:

(1) Causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or

(2) Having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition.

(c) Any person convicted of the offense of cruelty to animals shall be guilty of a misdemeanor; provided, however, that any person who has had a prior adjudication of guilt for the offense of cruelty to animals or aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of cruelty to animals or aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the

United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of cruelty to animals or aggravated cruelty to animals, upon the second or subsequent conviction of cruelty to animals shall be guilty of a misdemeanor of a high and aggravated nature.

(d) A person commits the offense of aggravated cruelty to animals when he or she:

(1) Maliciously causes the death of an animal;

(2) Maliciously causes physical harm to an animal by depriving it of a member of its body, by rendering a part of such animal's body useless, or by seriously disfiguring such animal's body or a member thereof;

(3) Maliciously tortures an animal by the infliction of or subjection to severe or prolonged physical pain;

(4) Maliciously administers poison to an animal, or exposes an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal; or

(5) Having intentionally exercised custody, control, possession, or ownership of an animal, maliciously fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition to the extent that the death of such animal results or a member of its body is rendered useless or is seriously disfigured.

(e) Any person convicted of the offense of aggravated cruelty to animals shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed $15,000.00, or both; provided, however, that any person who has had a prior adjudication of guilt for the offense of aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of aggravated cruelty to animals, upon the second or subsequent conviction of aggravated cruelty to animals shall be punished by imprisonment for not less than one nor more than ten years, a fine not to exceed $100,000.00, or both.

(f) Before sentencing a defendant for any conviction under this section, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender.

(g) The provisions of this section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific research, training, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the Department of Agriculture, Department of Natural Resources, any county board of health, any law enforcement officer,

dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.

(1) In addition to justification and excuse as provided in O.C.G.A. § 16-3-20, a person shall be justified in injuring or killing an animal when and to the extent that he or she reasonably believes that such act is necessary to defend against an imminent threat of injury or damage to any person, other animal, or property.

(2) A person shall not be justified in injuring or killing an animal under the circumstances set forth in paragraph (1) of this subsection when:

(i) The person being threatened is attempting to commit, committing, or fleeing after the commission or attempted commission of a crime;

(ii) The person or other animal being threatened is attempting to commit or committing a trespass or other tortious interference with property; or

(iii) The animal being threatened is not lawfully on the property where the threat is occurring.

(3) The method used to injure or kill an animal under the circumstances set forth in paragraph (1) of this subsection shall be designed to be as humane as is possible under the circumstances. A person who humanely injures or kills an animal under the circumstances indicated in this subsection shall incur no civil liability or criminal responsibility for such injury or death.

Sec. 14-54~~1~~. - Neglect prohibited.

Any person having custody of an animal, as owner or otherwise, who neglects or refuses to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter, and protection from the elements as prescribed in this section shall be guilty of a misdemeanor.

(1) *Food.* The food shall be wholesome, palatable, and free from contamination. Food shall be of sufficient quantity and nutritive value to maintain all animals in good health. All food receptacles shall be kept clean and sanitary.

(2) *Water*. If potable water is not accessible to animals at all times then it shall be provided as often as necessary for the health and comfort of each animal. All water receptacles shall be kept clean and sanitary. Water must be cool in the summer and unfrozen in the winter.

(3) *Shelter*. ~~Natural or artificial s~~Shelter appropriate to the local climate conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort of such animals. It should contain adequate and appropriate bedding such as straw, hay, or wood shavings, which is small enough to allow the dog or cat to retain its body heat but large enough to allow the animal to stand, turn around, and lie down.

(4) *Sanitation.* Both indoor and outdoor enclosures shall receive periodic cleanings to remove excreta and other waste materials, dirt and trash so as to minimize disease hazards and to reduce odors.

Sec. 14-55~~2~~. - Authorization to take custody of animal.

The animal control unit or any other law enforcement officer is authorized to take immediate custody of any animal it deems the subject of violation set forth in this article until disposition of any case arising out of the violation.

Sec. 14-56~~3~~. - Animals posing a threat.

This article shall not prevent an owner or tenant of land from killing any animal which has caused or is presenting an imminent threat to life, limb or property nor shall it be interpreted as controverting any state or federal law relating to the taking of game animals; provided, however, that any person who injures an animal while hunting or protecting his property shall make a reasonable effort to track and dispatch or assist such animal and failure to comply with this provision shall constitute a violation of this article.

Sec. 14-57 – Payment

All payments pertaining to this chapter are to be made payable to Baldwin County at the Board of Commissioners Office in the form of a debit card, credit card, money order or cash. Personal checks will not be accepted.