

Chapter 1 ANIMALS AND FOWL

ARTICLE 1. IN GENERAL

Sec. 4-1-1. Short title.

This chapter may be cited as the Animal Control Ordinance of Augusta-Richmond County.

Sec. 4-1-2. Creation of Animal Control Department; duties of animal control officers— Generally.

The Augusta-Richmond County Animal Control Department is hereby established, and the Commission shall employ the necessary Animal Control Officers to administer and enforce the provisions of this Chapter. The Animal Control Officers shall have the authority to issue citations for violations of this Chapter and perform such other duties as are prescribed herein. An Animal Control Officer shall wear a numbered badge identifying him as an Animal Control Officer.

Sec. 4-1-3. Organization.

The person in charge of the Augusta-Richmond County Animal Control Department shall be known as the director. The director shall enforce the provisions of this Chapter, and he or his duly authorized representative shall perform any duty imposed upon him by this Chapter.

(a) *Director.* The director may appoint such numbers of officers and other employees as shall be authorized to carry out the duties of the department. The director is the dog control officer per Title 4, Chapter 8, Article 2 of the Georgia Code.

(b) *Assistant director.* The director may designate an assistant director in the department, who shall, during the absence or disability of the director, exercise all the powers of the director.

(c) *Records.* The director shall keep, or cause to be kept, a record of the business of the department.

(d) *Reports.* The director shall annually submit a report to the Augusta-Richmond County administrator covering the work of the department during the preceding year.

(e) *Animal Control Advisory Board.* There is hereby created an animal services advisory board of ten (10) members (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members) to be appointed for terms of four (4) years, to conduct hearings as required by O.C.G.A. § 4-8-24; provided, however, the initial appointments shall be made as follows:

(1) Except as provided herein, members of the animal control board and dangerous dog board of Richmond County and the City of Augusta who were serving on said boards on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.

(2) Members of the Animal Control Advisory Board and the Dangerous Dog Control Board serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective District and qualified.

(3) The successors to the members representing Districts 1, 3, 5, 7, and 9 shall serve until April 1, 1998, or until their successors are appointed and qualified.

(4) The successors to the members representing Districts 2, 4, 6, 8, and 10 shall serve until April 1, 2000, or until their successors are appointed and qualified.

(5) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections 3 and 4 hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(6) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and

until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(7) All terms shall expire on March 30 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(8) Members of the Animal Control Advisory Board shall have as their duties and responsibilities the following:

(i) To work actively in educating the public as to the needs for public health and safety with regards to pets, strays, and other animals.

(ii) To attend meetings of the Animal Control Advisory Board.

(iii) To review and make recommendations to improve the Animal Control Department and to control the stray dog and cat population.

(iv) To notify the Clerk of Commission of a vacancy on the Animal Control Advisory Board.

(v) To serve as an optional authority for the Animal Control Department for hearings pursuant to the Responsible Dog Ownership Law and this ordinance.

(vi) To adopt such bylaws as is necessary to accomplish the duties and responsibilities as set forth.

Sec. 4-1-4. Implementation of state dog control law.

(a) Augusta-Richmond County herein adopts the Responsible Dog Ownership Law, O.C.G.A. § 4-8-20, et seq., previously known as the “Dangerous Dog Control Law,” as if it was set forth in detail hereunder.

(b) *Certification fee for ownership of dangerous dog.* The owner of a vicious dog, dangerous dog, or potentially dangerous dog shall pay an annual certification fee to Augusta-Richmond County in the amount to be determined by the dog control officer, but not less than one hundred dollars (\$100.00).

Sec. 4-1-5. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Abandoned.* An animal shall be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter. A person releasing a community cat does not abandon that cat.

Augusta, Georgia shall be defined to include all areas within the territory limits of Richmond County, Georgia, except those excluded by federal or state law.

Classified dog means any dog that has been classified as either a potentially dangerous dog, a dangerous dog, or a vicious dog pursuant to state law or this code.

Community cat. A free-roaming, ear-tipped cat that is sterilized and vaccinated against rabies at least one time. An “ear tipped” cat shall be presumed to be sterilized and vaccinated against rabies at least one time. Community cats are exempt from provisions that apply to owned animals, including but not limited to provisions regarding identification, at-large, and abandonment.

Cruelty means causing death, unjustifiable pain or suffering to an animal by any act, omission, or neglect.

Dangerous dog. A dog that (a) causes a substantial puncture of a person's skin by teeth without causing serious injury, or (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, or (c) while off the owner's property, kills a pet animal,

provided, however this paragraph 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.

Dog Park means a place recognized and operated as a secure place where dogs are allowed to play without a leash, so long as Handlers of such dogs comply with Dog Park Rules.

Domestic animals. Dogs and cats and other animals that live and breed in a tame condition.

Ear Tipped. The removal of approximately three-eighths of an inch off the tip of a cat's left ear in a straight line.

Community Cat Caregiver. Any person, who in accordance with a good faith effort to trap, neuter, vaccinate, and release a community cat, who provides care to a community cat. Any individual who provides care to any free-roaming cat who is not a community cat without a good-faith effort to trap, neuter, and vaccinate that cat shall not be considered a community cat caregiver, regardless of their care to other community cats.

Handler. Any owner or other person responsible for a dog utilizing the off-leash area of a Dog Park. A Handler must be age eighteen (18) years or older.

Livestock. All animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals.

Owner means any person or legal entity that owns, possesses, harbors, keeps, or has temporary custody or control of an animal. In the case of animals owned by a minor, the term "owner" includes the parents or person in custody of the minor. Owner does not include any person caring for a community cat as a community cat caregiver.

Potentially dangerous dog. A dog that (a) causes any puncture of a person's skin by teeth or claw that is not substantial and does not cause serious injury, or (b) a dog that charges a fence, or engages in fence fighting, such as exhibiting aggressive behavior while running towards a fence line, such as barking, jumping, or lunging at something on the other side, due to perceived territorial instincts or frustration from the barrier preventing direct interaction.

Public roads. Any street, road, highway, or way, including the full width of the right-of-way, which is open to the use of the public for vehicular travel.

Running-at-Large or Straying means any animal which is not under the control of a person.

Sanitary conditions mean an animal's living space, shelter, or exercise area that is not contaminated by health hazards, waste, irritants, pollutants, items, or conditions that endanger or pose a risk to an animal's health.

A *serious injury* in this chapter is defined as 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.

Trap-Neuter-Return/TNR. A non-lethal approach to community cat population control where community cats are humanly trapped, sterilized, vaccinated, ear tipped and returned to the location where they were originally trapped.

Urban Services District. That area coterminous with the boundaries of former City of Augusta, Georgia as said boundaries existed as of December 31, 1995.

Vicious dog. 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. A vicious dog does not include a dog that is in the act of use by a law enforcement or military officer to carry out the law enforcement or military officer's official duties or a dog that inflicts an injury upon a person who, at the time, was committing a willful trespass or other tort, or was tormenting, abusing, or

assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

Sec. 4-1-6. Procedures for classifying vicious dogs, dangerous dogs, and potentially dangerous dog; notice; hearing.

(a) Upon receiving a report of a dog believed to be subject to classification as a potentially dangerous, dangerous, or vicious dog the animal control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a potentially dangerous, dangerous, or vicious dog.

(b) If the animal control officer believes that a dog poses a threat to public safety, the dog may be immediately impounded, and the dog owner shall be responsible for all costs resulting from such impoundment.

(c) When an animal control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal control officer shall mail a dated notice to the dog's owner within (72) hours. Such notice shall include a summary of the animal control officer's determination and shall state that the owner has a right to request a hearing from the authority or probate court on the animal control officer's determination. A hearing request must be provided to the Animal Services Department within seven (7) days after the date shown on the notice. The notice shall also provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the animal control officer's determination shall become effective for all purposes. If an owner cannot be located within ten (10) 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.

(d) When a hearing is requested by a dog owner in accordance with subsection (c) of this section, 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 (10) 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 conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the animal control officer's determination.

(e) Within (10) days after the hearing, the authority 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, the notice shall specify the date by which the euthanasia shall occur.

(f) Judicial review of the authority's final decision may be had in accordance with applicable law.

(g) Any dog that is found, by its owner's plea of guilty or "no contest" or conviction by trial, to have violated this ordinance, shall be deemed a potentially dangerous dog. Furthermore, a court, by order as a result of a plea or conviction to a violation of law related to the dog, may order the designation of a dog to be potentially dangerous, dangerous, or vicious.

(h) When an animal control officer determines that a dog is subject to classification as a potentially dangerous dog, the animal control officer shall provide the owner notice of such designation in writing. The owner of a potentially dangerous dog has a right to request a hearing from the authority or probate court on the animal control officer's determination. A hearing

request must be provided to the Animal Services Department in writing within seven (7) days after the written notice is received by the owner.

(i) Regardless of any other provision of this chapter, if during any investigation of a violation of this chapter the dog control officer or his agent determines that, by a preponderance of the evidence, a dog has bitten a person, that dog shall be immediately impounded by the dog control officer. Unless the owner appears in person to make a written demand for the dog's return at Animal Control within three (3) days, except Sunday, of the dog's impound, the dog shall be deemed surrendered to Animal Control.

Sec. 4-1-7. Requirements for possessing a vicious, dangerous, or potentially dangerous dog.

(a) It shall be unlawful for an owner to have or possess within Augusta, Georgia a vicious, dangerous dog, or potentially dangerous dog without a certificate of registration issued in accordance with the provisions of this Code. Certificates of Registration shall be nontransferable and shall only be issued to a person (18) years of age or older.

(b) Unless otherwise specified by this Code section, a certificate of registration for a vicious, dangerous, or potentially dangerous dog shall be issued only if the dog control officer determines that the following requirements have been met:

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

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

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

(c) Except as provided, a certificate of registration for a dangerous or vicious dog shall be issued only if the dog control officer determines that 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 (1) vicious dog or more than four (4) dangerous dogs.

(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 OCGA § 17-10-6.1;

(2) The felony of dogfighting as provided for in OCGA § 16-12-37 or the felony of aggravated cruelty to animals as provided for in OCGA § 16-12-4; or

(3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in OCGA §§ 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. The owner of a vicious, dangerous, or potentially dangerous dog shall pay an annual registration fee at the time the certificate of registration is issued. The annual registration fee shall be no less than one hundred dollars (\$100.00). Certificates of registration shall be renewed in the month of the initial registration. At the time of renewal of a certificate of registration for a vicious, dangerous, or potentially dangerous 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 (10) days of the renewal date or initial classification date shall constitute a violation of this article. For all certificates of registration issued to owners of vicious dogs, the owner shall provide an updated criminal history as issued by their resident law enforcement agency.

(h) The owner of a vicious, dangerous, or potentially dangerous dog shall notify the dog control officer within (24) hours if the dog is on the loose or has attacked any person or animal. The owner of a dangerous or vicious dog 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 except to a government agency or veterinarian.
- (j) The owner of a vicious, dangerous, or potentially dangerous dog who moves into Augusta, Georgia shall register the vicious or dangerous dog in the new jurisdiction within ten (10) 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 within 30 days of becoming a resident.
- (k) Any dog classified prior to July 1, 2012, as a potentially dangerous dog under state law shall on and after that date be classified as a dangerous dog under this article.
- (l) Any dog classified prior to July 1, 2012, as a dangerous dog under state law in this state shall on and after that date be classified as a vicious dog under this article.

Sec. 4-1-8. Confiscation of dogs; grounds; disposition.

(a) A vicious, dangerous, or potentially dangerous dog shall be impounded by the dog control officer or by a law enforcement officer or any other person authorized by the dog control officer if:

- (1) The dog is not validly registered as required by this article; or
 - (2) The dog is outside their proper enclosure, or not properly leashed and muzzled, as defined in the article.
- (b) In addition, a vicious dog shall be impounded if the owner of the dog does not secure and maintain the liability insurance required by this article.
- (c) Any dog that has been confiscated under the provision of this section shall be returned to its owner upon the owner's compliance with the provisions of this article as determined by the dog control officer and upon the payment of reasonable charges and fees. All fines and all charges for services performed by a law enforcement or dog control officer shall be paid prior to owner's recovery of the dog. In the event the owner has not complied with the provisions of this section within ten (10) days of the date the dog is confiscated, the dog shall be destroyed in an expeditious and humane manner and the owner shall be required to pay all fines, including costs for housing, and euthanasia.

Sec. 4-1-9. Violations; penalties.

- (a) The owner of a classified dog who violates the applicable provisions of this article or whose classified dog is subject to confiscation under subsection of this article shall be guilty of a violation.
- (b) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.
- (c) A refusal to surrender a dog subject to confiscation shall be a violation of this article.
- (d) It shall be no defense to a violation of this chapter due to owner recovery or euthanasia of the dog.
- (e) Any violation of this chapter by a dog that is potentially dangerous, dangerous, or vicious shall be considered a high and aggravated violation.

Sec. 4-1-10. Nuisance.

- (a) No person shall keep or maintain, or cause or permit to be kept or maintained, upon any premises, any dog which by habitual and continual barking, howling, baying, or whining shall disturb the peace and comfort of any neighborhood or interfere with the reasonable and comfortable enjoyment of life or property by any person.

(b) No person shall allow their dog individually, or in combination with another dog or dogs together make, any noises or disturbances by barking, howling, yelping, whining or other utterance which is audible beyond the premises on which the dog is kept, for a consecutive period in excess of twenty (20) minutes during the day (7 A.M. to 9 P.M.) or for a consecutive period in excess of ten (10) minutes during the night (9:01 P.M. to 6:59 A.M.) and/or a cumulative period in excess of one hundred twenty (120) minutes during any twenty four (24) hour period.

(c) No person shall keep or maintain, or cause or permit to be kept or maintained, any dog owned by him or in his possession or under his control which habitually commits a nuisance upon the property of any other person.

(d) No person shall keep or maintain, or cause or permit to be maintained, any dog that is charging a fence as is defined in this chapter. A dog that charges a fence shall be deemed a potentially dangerous dog pursuant to this chapter. Owners of such dogs must eliminate the threat created thereby in one of the following ways:

(1) Immediately remove the dog from the premises.

(2) Enclose the dog in an enclosure designed to securely confine such dog on the owner's property, indoors, or in a securely locked and enclosed pen, or structure suitable to prevent such dog from leaving such property.

(3) Install a dig proof fence of sufficient height so that such dog cannot jump over it or otherwise escape; or

(4) Use another method as permitted by this Code to secure such dog so that it cannot escape.

(e) No person shall own:

(1) Any unconfined dog.

(2) Any dog which habitually attacks passing pedestrians; or

(3) Any dog which habitually barks at passing pedestrians, vehicles, or other users of the public sidewalks, streets and highways.

(f) The owner or possessor of every animal shall be responsible for the immediate removal of any excrement deposited by their animal on public walks, recreation area, or private/public property, or city owned buildings.

(g) Any person who violates any provisions of this Section shall be guilty of a misdemeanor. Each violation of the provisions of this Section shall constitute a separate offense.

Sec. 4-1-11. Fencing.

(a) An enclosure for a dog shall always be sufficient to keep the dog within the enclosure and compliant with the Zoning Ordinance. An insufficient enclosure, regardless of any other provision of this chapter, shall be a violation.

(b) An invisible fence, also known as a radio fence or a virtual fence, shall have its borders clearly marked. An owner that employs an invisible fence for the purpose of this section shall post signage that allows pedestrians and others to understand that the dog is being contained by the invisible fence. An owner shall post sufficient signage, and mark such borders, as is reasonably necessary and practicable so that a person of ordinary intelligence and ability approaching their property from commonly used pathways will be alerted to the existence and border of the invisible fence.

(c) An invisible fence shall be insufficient as an enclosure for a potentially dangerous, dangerous, or vicious dog.

Sec. 4-1-12. Application to prohibit a person from owning dogs; powers of dog control officer.

Upon appropriate application in Richmond County Superior Court, the dog control officer may request an injunction and order prohibiting a person from owning or possessing any dog in Augusta, Georgia, subject to limitations in federal, state, and local law. Such an application shall lie in the dog control officer's authority to protect the health and safety of the public. The granting or denial of such an application shall be in the Superior Court's discretion.

Secs. 4-1-13. Riding horses, etc., in disorderly manner.

It shall be unlawful for any person to run or ride any horse, mule, or other animal in a disorderly manner through the streets of Augusta-Richmond County.

ARTICLE 2. ANIMALS

Sec. 4-1-14. Vaccination, when required.

(a) No person shall be an owner of any dog or cat over four (4) months of age within Augusta-Richmond County unless such dog or cat is vaccinated against rabies. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government-operated or licensed animal shelter. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization published by the National Association of State Public Health Veterinarians.

(b) No person shall vaccinate dogs or cats against rabies who is not licensed to practice veterinary medicine.

Sec. 4-1-15. Evidence of vaccination.

(a) *Certificate of vaccination.* Evidence of vaccination shall consist of a certificate of vaccination. The certificate with each item answered shall be prepared in triplicate and signed by the veterinarian administering the vaccine. One (1) copy of the certificate shall be given to the owner, one (1) copy filed with the Richmond County health department, and one (1) copy retained by the veterinarian. Any veterinarian is authorized and required in connection with his practice to issue certificates of vaccination and vaccination tags. The certificates of vaccination furnished to the Richmond County health department shall be maintained in an orderly indexed file for a period of not less than three (3) years.

(b) *Vaccination tags.* Coincident with the issuance of the certificate of vaccination, the person authorized to furnish the certificate shall also furnish to the owner of the vaccinated dog or cat a serially numbered tag bearing the same number as the certificate and the year thereon to be attached to the collar or harness worn by the dog or cat for which the certificate has been issued.

(c) *Three-year vaccine.* When the animals have been vaccinated with a three-year rabies vaccine, the director may issue or cause to be issued an annual certificate of vaccination and a rabies vaccination tag each year for the two (2) additional years of the three-year vaccination period provided the Richmond County health department's file copy of the certificate of vaccination shows that the animals have been given a three-year rabies vaccine; in the event the Richmond County health department's file copy of the certificate of vaccination is unavailable, the owner's copy or the veterinarian's copy of same may be substituted therefor.

(d) *Ear tip.* A cat that has been ear-tipped shall be presumed to have been sterilized and vaccinated against rabies at least once. An ear-tipped cat shall not be required to have a tag.

Sec. 4-1-16. Collar required, unauthorized removal of collar.

(a) Collar required. It shall be unlawful for the owner of any dog in Augusta to allow such dog to be outside of the owner's property without a collar. Identification and rabies vaccination tag are not required to be attached to training collar and/or choke collars.

(b) It shall be the duty of each dog owner to provide a collar with identification as provided herein and inoculation tag for each animal, except when such animal is within the immediate physical control of the owner.

(c) It shall be unlawful for any person to remove a collar from any animal without the consent of its owner, unless that animal is under the control of the animal services department.

(d) Any animal shipped or transported through or entering Augusta only for the purpose of a temporary stay not to exceed thirty (30) days, shall be exempt from collar and tag sections of this article. However, all other provisions of federal, state, and local laws are applicable to such transient animals.

Sec. 4-1-17. Unauthorized attachment and removal of tags, collars.

It shall be unlawful for any person to attach a vaccination tag to any dog for which it was not issued. It shall be unlawful to remove a vaccination tag or collar from a dog without the consent of its owner.

Sec. 4-1-18. Duty of owner to keep dog and cat under control; stray animals prohibited.

(a) It shall be unlawful for any animal to be out of control and/or unattended regardless of its location. It shall be unlawful for any animal to be out of control and/or unattended off the premises of its owner, and/or upon the premises of another person without the permission of such other person. This section shall not apply to community cats, to those dogs which are actively engaged in hunting or field trials, dogs in off-leash dog parks or to those dogs and cats which are participating in animal shows or exhibitions. It shall be unlawful for any animal to be running at large or straying.

(b) An animal is considered not under restraint or under immediate control when it is running-at-large, whether wearing a collar and tag or not. Reasonable care and precautions shall be taken to prevent the animal from leaving the real property limits of its owner, possessor, or custodian, and to ensure that:

(1) It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition, and that such enclosure is securely locked at any time the animal is left unattended; or

(2) It is on a leash and under the immediate control of an owner, or it is off leash and obedient to and under voice command of the owner who is in the immediate proximity of the animal any time it is not restrained as provided for in subsection (1) while on the owner's property. Vicious dogs, dangerous dogs, and potentially dangerous dogs always require immediate close physical adult supervision when not enclosed.

(c) The owner or custodian exercising care and control over any animal which while off the owner's or custodian's property causes injury, death, or damage directly or indirectly to any livestock, poultry, or pet animal shall be liable to the owner of such livestock, poultry, or pet animal for injury, death, or damage caused by said animal. The owner or custodian of said animal shall be liable for any damage caused by such animal to public or private property. The liability of the owner or custodian of the animal shall include consequential damages.

(d) This section is to be considered cumulative of other remedies provided by law. There is no intent to eliminate or limit other causes of action which might attach to the owner of any livestock, poultry, or pet animal.

(e) In the interest of reducing the outside cat population and the admission and euthanasia rates at the municipal shelter, Augusta, Georgia is not required to impound community cats. At the discretion of the Augusta Animal Control Department, community cats may be impounded, released, returned to the location where they were trapped, or transferred to another organization.

Sec. 4-1-19. Dogs on public streets to be on leash, etc.

It shall be unlawful for any dog to be upon the public streets, except on a leash and accompanied by an individual, or except when enclosed within a vehicle, cage, carton, crate, box or other suitable container to prevent escape.

Sec. 4-1-20. Impounding dogs and cats at large.

Any animal found stray or running-at-large shall be seized by Animal Control. An animal with an immediately identifiable owner may be returned directly to the owner without impounding at the Animal Control officer's discretion. Community cats may be released, returned to the location where were trapped, adopted out, transferred to another organization, or disposed of in the appropriate manner pursuant to the discretion of Animal Control.

Sec. 4-1-21. Impounding dogs and cats where owner unknown.

In the event the owner of a dog or cat is not known, and such animal is stray or running-at-large, any law enforcement officer or agent or employee duly authorized by Animal Control shall be authorized to take possession of such dog or cat and impound it in Augusta-Richmond County Animal Control Department shelter for detention, control and disposition as provided in this Article.

Sec. 4-1-22. Disposition of impounded animals.

(a) It shall be the duty of the Augusta Animal Services Department officers to seize and impound any animal that is a threat to the safety and welfare of the general public, including but not limited to animals that display any sign of rabies; dangerous, vicious, or potentially dangerous dogs that are not in compliance with this chapter; any abandoned, stray, or running-at-large animal; any female dog while in estrus not confined within an enclosure which can reasonably be expected to keep away or not attract male dogs; and any prohibited animal.

(b) Animal Control shall charge reasonable fees and costs to the owner of any impound. The personnel of the Animal Control shall not return to the owner any animal impounded until such time as all fees and charges assessed have been paid. Animal Control shall in writing clearly state (a) the charges and fees assessed for any impound (b) the deadline for which such charges and fees must be paid and (c) that the failure to pay the assessed charges and fees by the deadline shall be considered an implicit surrender of the animal. If the charges and fees are not paid by the deadline, Animal Control shall be considered the owner of the animal for all purposes. Animal Control may waive the charges and fees upon good cause shown.

(c) Impounded dogs and cats will be vaccinated for rabies if no proof of current vaccination exists at the owner's expense.

(d) Any impounded animal must be claimed within three (3) days, except Sundays, of impoundment. Claiming may include, but is not limited to, travelling to the animal's location, paying any outstanding charges or fees, and transporting the animal away from Animal Control's control. Failure of the owner to claim the animal or enter into a binding agreement for the animal with Animal Control within three (3) days shall be considered surrendering the animal to Animal Control, in which event all rights of ownership shall vest in Augusta, Georgia and the owner shall have no legal rights to the animal. Nothing in this subsection shall prohibit Animal Control at its discretion from transferring all legal rights of an animal back to the owner after the claim period has expired.

(e) Animal Control shall attempt to contact the owner of any impounded animal using microchip technology, animal collar and tags, rabies shot records, and any other sources such as neighbors and neighborhood contacts.

(f) Augusta, Georgia shall have the exclusive right to transfer, adopt out, or dispose of all animals that have been surrendered in accordance with this chapter.

(g) Any dog or cat that is impounded on a second or subsequent occasion shall be sterilized prior to being claimed, released, or adopted out. An owner of a dog or cat that must be spayed or neutered pursuant to this subsection shall pay all charges and fees related to the procedure prior to the animal being released from Animal Control. The sterilization and/or charges required by this subsection may be waived by Animal Control upon good cause shown. Refusal or failure to pay the sterilization charges and fees shall result in the surrender of the animal to Animal Control. The responsibility for retaining a qualified veterinarian or veterinarian technician to perform the sterilization shall rest on the owner.

(h) No animal shall be released, adopted out, or transferred to another organization, from the custody of Animal Control, without microchipping. All charges and fees shall be at the owner's expense. This subsection may be waived upon good cause shown.

(i) Any sexually immature animal, such as litters of kittens or puppies, shall be considered surrendered to Animal Control upon impound. Sexually immature animals shall be considered animals judged to be younger than one-hundred eighty (180) days or six (6) months. This subsection is specifically found to be important due to the importance of disease control within extremely short times frames for diseases that are particular to younger animals, such as parvovirus, distemper, FVR, and parasites, that can pose a danger to other animals in Animal Control custody.

Sec. 4-1-23. Abandonment.

It shall be unlawful to abandon an animal, including but not limited to: (a) Releasing an animal without the explicit intention to regain control of the animal within a reasonable amount of time; or (b) Failing to bring an animal to a new residence when changing residences, such as during move-outs or evictions. The indicated renter(s), deedholder(s), or leaseholder(s) on the lease or deed in the prior residence shall be presumed to be the owner(s) of the abandoned animal. Any cost, including hours spent as prorated salary of the involved Animal Control agents, incurred by Augusta, Georgia in the management and disposition of the abandoned animal shall be repaid by the owner, either as restitution, as part of probation, or in any other way to reclaim a civil debt. It shall not be considered abandonment to surrender an animal to Animal Control.

Sec. 4-1-24. Cruelty to animals.

(a) *Prohibited acts.* No person shall, by his act, omission or neglect, cause unjustifiable physical pain, suffering, or death to any living animal. This section does not apply to the killing of animals raised for the purpose of providing food, nor does it apply to any person who hunts wild animals in compliance with the fish and game laws of this state. Killing or injuring an animal for humane purposes or in the furtherance of medical or scientific research is justifiable.

(b) *Permitted acts.* No person shall be liable for killing or otherwise performing a cruel action on any animal when such person is:

(1) Defending his or her person or property, or the person or property of another from injury or damage being caused by that animal; or

(2) Defending against injury or damage to any livestock, poultry or pet animal.

(c) Any animal impounded as a result of cruelty, abuse, neglect, or any other reason defined by OCGA § 16-12-4 or by this chapter as inhumane treatment may be retained by Augusta Animal Services until such time as the case is disposed of by the judge of any court of competent jurisdiction within the state capable of hearing the matter.

(d) *Physical abuse.* It is unlawful for any person to willfully or maliciously kill; maim; disfigure; torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance; drive over or otherwise cruelly set upon any animal; except that reasonable force may be employed to drive off vicious or trespassing animals.

(e) *Failure to care for and maintain.* It is unlawful for any person to fail, refuse, or neglect to provide any animal in his charge or custody, as owner, with proper food, water, shelter, care, welfare, or reasonable veterinary care. Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal and which meets all requirements established by the Richmond County Health Department guidelines regarding same. Veterinary care means medical care for an animal from or under the direction of a veterinarian and necessary to maintain the health of an animal based on the age, species, breed, etc., of the animal, or to prevent the animal from suffering from; infection, infestation, disease; or any other medical condition/injury where withholding or neglecting to provide such care would endanger the health or welfare of the animal or promote the spread of communicable disease.

(f) No animal shall be transported in the trunk of a vehicle or under a pickup truck's bed cover or "low profile" cover.

(g) *Authority of animal services department in case of animal neglect.* Whenever the Animal Services department finds that any animal is or will be without proper care because of injury, illness, incarceration or other voluntary absence of the owner or person responsible for the care of such animal, the Animal Services department may pick up such animal for protective care; in the event of sickness or injury, the Animal Services department may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal. In the event such animal is later released to its owner, in the discretion of the Director of Animal Services or his or her designee, said owner shall be required to reimburse the Animal Services Department for any expenses incurred in taking any action to care for said animal.

Sec. 4-1-25. Permitting female dog in heat to roam free.

All female dogs in heat shall be restrained such that they cannot roam or run free beyond the limits of the property of their owners. It shall be unlawful for the owner or person responsible for the care of such animal not to so restrict or confine said female dog.

Sec. 4-1-26. Disposal of dead animals.

(a) It shall be unlawful for any person who owns or is caring for an animal which has died or has been killed to abandon the dead animal. Such person shall dispose of the dead animal as provided for in this Code Section or in accordance with Federal or state law. Dead animals shall not be abandoned in wells, open pits, or surface waters of any kind on private or public land.

(b) No person shall dispose of a dead animal on the land of another without the permission of the owner of the land.

(c) Dead animals must be properly buried, incinerated, or disposed of at the Augusta Deans Bridge Road Municipal Solid Waste Landfill.

(d) It shall be unlawful for the owner of any dead animal carcass to allow the same to remain on the property without disposing of same as provided for herein. If any such owner violates this section, the Commission, through its agents and employees, shall proceed to remove and dispose of such dead animal carcass, and the owner shall be liable for repayment of all fees for such removal and disposal.

(e) Dead livestock, including horses, cattle, and any other large animals must be disposed of by the animal owner or property owner at the Augusta Deans Bridge Road Municipal Solid

Waste Landfill. All expenses associated with disposal shall be the responsibility of the animal owner or property owner.

(f) Methods which can be used for disposal of dead animals are burial, incineration in an approved incinerator, or disposal at the Augusta Deans Bridge Road Municipal Solid Waste Landfill. Disposal of animal carcasses by either of the approved methods must be completed within (12) hours after death or discovery. If incineration is chosen, the entire carcass must be reduced to ashes in the incineration process. Carcasses which are buried must be buried at least three feet below the ground level, have not less than three feet of earth over the carcass, and must not contaminate ground water or surface water.

Sec. 4-1-27. Urban Services District declared bird sanctuary.

The territory within the Urban Services District is hereby declared to be a bird sanctuary.

Sec. 4-1-28. Killing, etc., wild or migratory birds.

It shall be unlawful for any person to maim, kill, or in any manner injure any wild or migratory bird within the Urban Services District.

Sec. 4-1-29. Trapping wild birds; robbing nests.

It shall be unlawful for any person to trap any mockingbird or any other wild bird, or rob the nests thereof of eggs or young, in any of Augusta-Richmond County cemeteries or upon or around the basin, reservoir or pumping station of the waterworks, or elsewhere within the Urban Services District.

Sec. 4-1-30. Fowl running-at-large.

It shall be unlawful for chickens, geese, ducks, or other fowl to run at large upon the streets or in the confines of public or private parks of Augusta-Richmond County.

Sec. 4-1-31. Dog parks and dog park rules.

Anyone using any Augusta-Richmond County Dog Park must comply with the Dog Park Rules provided in this code section as well as any other Dog Park Rules posted at a particular Dog Park facility. It shall be unlawful for anyone to violate Dog Park Rules. Anyone who fails to comply with Dog Park Rules is subject to removal and suspension from all Dog Parks. In addition, any person or persons failing to comply with any Dog Park rules shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be subject to the penalties provided by Code section 1-6-1. Dog Park rules are as follows:

(a) Dog Parks shall only be used during normal hours of operation.

(b) Handlers who chose to off-leash their dog (at their own risk) may do so in the designated area of the park only.

(c) Handlers must be at least eighteen (18) years old.

(d) Handlers are legally and personally responsible for all damages/injuries caused by the dog under their control.

(e) All Dog Parks shall be equipped with a double gate entrance, such that dogs cannot sneak out of the Dog Park while Handlers come in and out of the Dog Park. All persons entering a Dog Park must keep Dog Park gates closed at all times.

(f) Handlers must clean up after their dog and properly dispose of waste.

(g) Dogs must have current rabies vaccinations and wear current tags.

(h) Off-leash Dog Park is for dogs, Handlers, and those accompanying them; no other use is allowed.

(i) No animals other than dogs are permitted in the Dog Park.

(j) Dogs must be leashed when entering and existing any Dog Park. Handlers must carry a leash at all times while in a Dog Park.

- (k) Handlers must remain in the Dog Park and monitor their dog's behavior and stay within view and voice command at all times.
- (l) Aggressive dog behavior is not allowed. Any dog exhibiting aggressive behavior toward people and other dogs is to be leashed and removed from the park immediately.
- (m) Handlers must stop their dogs from digging immediately and fill in all holes.
- (n) Female dogs "in heat" are not permitted in any Dog Park.
- (o) Children under sixteen (16) must be accompanied by an adult. Children should not run with the dogs or chase them while in a Dog Park. Dog Parks are playgrounds for dogs, not children.
- (p) Each adult Handler may bring a maximum of two (2) dogs into a Dog Park at the same time.
- (q) Puppies under 4 months of age are prohibited from the Dog Parks.
- (r) Smoking is prohibited in all areas of all Dog Parks.
- (s) All food (human and dog) is prohibited except for training treats.
- (t) All glass containers and bottles are prohibited.
- (u) Alcoholic beverages are prohibited at all times.
- (v) Grooming of dogs at dogs' parks is prohibited.
- (w) All spike collars must be removed prior to entry into any Dog Park.
- (x) All Augusta-Richmond County Dog Parks are subject to patrol by police authorities, animal services, and City Staff.
- (y) Dogs are not allowed in the water features, ponds or fountains of any Dog Park, unless it is specifically designated for dogs to use.

Sec. 4-1-32. Unattended animals in motor vehicles.

- (a) It shall be unlawful for a person to confine an animal in a stationary or parked vehicle or other enclosed space in such a way as to endanger the animal's health, safety, or welfare. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle for a period of five or more minutes when the ambient outside air temperature measures above eighty-five degrees Fahrenheit or below thirty-five degrees Fahrenheit.
- (b) The actions prohibited by this ordinance are in addition to any prohibitions existing elsewhere in this Code or any applicable state or federal law. Nothing in this section shall be construed to limit any duty imposed on any owner by any other provision of this Code or any applicable state or federal law.
- (c) Public safety officers, including animal control officers, law enforcement officers, firefighters, or rescue team personnel, shall have the authority to seize any animal that is the subject of any violation of this ordinance if doing so is believed to be necessary to protect the animal's health, safety, or welfare.
- (d) If a public safety officer personally witnesses a violation of any provision of this ordinance, he or she may use whatever means are reasonably necessary, including entry of the vehicle, to remove an animal from such jeopardy and may impound said animal and secure medical treatment for said animal as needed at the owner's expense. Safety officers may take possession of any deceased animal found in any stationary or parked vehicle for purposes of determining the cause of death in question pursuant to animal neglect or cruelty in this Code.
- (e) Animal control officer, law enforcement officer, firefighter, or rescue team personnel should then leave notification for the driver of the vehicle after the animal is removed from the stationary or parked vehicle or other enclosed space. The public safety officer shall remand the

animal to the custody of Augusta, Georgia Animal Services Department if the officer is unable to locate the owner or other person responsible for the animal or if the circumstances in which the animal was found posed an imminent danger to the animal.

(f) Safety officers, including law enforcement officers, firefighters, and rescue team personnel shall not be liable in any civil action to any party for any act performed in good faith under this section.

(g) Penalty for violation of article. Leaving an animal unattended, or otherwise violating this code section, is a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment in the Augusta, Georgia jail for a period not in excess of sixty (60) days.

Sec. 4-1-33. Duty of owner to keep vicious, dangerous, or potentially dangerous animals under control.

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

(1) The dog is restrained by a secure muzzle, collar, and 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

(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.

(b) An owner must secure at all times within an enclosure designed to securely confine a potentially dangerous, dangerous, or vicious dog in a pen or kennel of adequate size to humanely confine the dog. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground or sunken into a concrete pad. The gate to the kennel or pen shall be inward-opening and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or pen or providing food and water. Outdoor Enclosure means a sufficient safe space for adequate exercise suitable to the age, size, species and breed of animal. For dogs, adequate space means an enclosure with a minimum of 100 square feet per dog.

(c) A vicious dog may be immediately impounded by an Animal Control or law enforcement officer for any reason, including but not limited to, if the vicious dog is not controlled or maintained by its owner as described above, or if the vicious dog is outside a proper enclosure in violation of this article. Upon impounding a vicious dog for any reason, the Animal Control may retain the animal at the impoundment facility until disposition, either by court order or at the dog control officer's discretion.

(e) Any dog deemed potentially dangerous, dangerous or vicious cannot be reclaimed by its owner until such time as Animal Control has confirmed that the owner possesses the muzzle, leash, kennels, or other enclosures as required by this chapter. If such requirements are not met within three (3) days, except Sundays, of impoundment, the dog shall be deemed surrendered to Animal Control.

(f) Guard or protection dog means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and or within which it is located:

(1) Owners or custodians of any guard or protection dog must confine all such dogs within a perimeter fence and meet the following conditions, unless the dog is otherwise restrained as provided for in this Code.

- (a) The fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times.
- (b) A "beware of dog" sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 feet of enclosure, minimum of two, as well as a sign on each ingress or egress point to the enclosure. Signs shall be a minimum of ten (10) inches high and fourteen (14) inches long.
- (c) The owner or custodian shall, prior to placing dogs on property, have the dog(s) microchip registered, at his/her own expense, and provide the registration number to the Animal Services Department.
- (d) The owner or custodian shall report to the department of Animal Services within twenty-four (24) hours of any of the following:
 - i. Escape of the dog.
 - ii. An attack on a human or animal by the dog.
 - iii. Transfer of ownership of the dog; or
 - iv. Death of the dog.
- (f) Any public safety officers, including animal control officers shall have the authority to enter onto private or public property for the purpose of ensuring compliance with the provisions of this chapter.

Sec. 4-1-34. Tethering.

Dogs may be tethered outside so long as the owner remains outside with the dog and maintains the animal within the owner's line of sight.

Sec. 4-1-35. Interference with animal control officers.

This chapter may be enforced by any employee of the Augusta Animal Services Department or any peace officer. Violators may be issued citations as provided by OCGA §§ 15-10-62 and 15-10-63.

- (a) In the performance of his duties pursuant to the provisions of this subchapter, any animal control officer or any law enforcement officer assisting in enforcing this subchapter may use such force as is necessary to defend themselves from attack by an animal. Provided, however, that all efforts shall be made to impound an animal without undue harm, injury or danger to the animal, the officer, or to other persons and property.
- (b) It shall be unlawful for any person to interfere with, hinder or molest an animal control officer or other authorized officer in the performance of their duty, or seek to release any animal in the custody of the animal care and control department.
- (c) Any animal control officer is hereby authorized to enter upon any property for the purpose of investigating alleged violations of this chapter, or to seize and impound any animal found to be in violation of this subchapter. The animal care and control department may use any appropriate means necessary to remove an animal in distress locked in a closed vehicle and the operator of the said vehicle shall be charged with cruelty to animals.

Sec. 4-1-36. Change in address/ownership.

The residence address of the owner shall be presumed to be the custodial location of the animal. A permit or license holder shall notify the Animal Control in writing of any change of ownership of a dog or cat within (30) calendar days following such change.

Sec. 4-1-37. Breeding of animals.

- (a) Hobby breeders are governed by the licensing and record keeping regulations of the Georgia Department of Agriculture, O.C.G.A. § 40-13-13 et seq., and by relevant provisions of the Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq., and all other applicable laws.

(b) Backyard breeders. It is unlawful for any person who does not hold a license from the Georgia Department of Agriculture to breed an animal if they are required to be licensed by the Georgia Department of Agriculture.

Sec. 4-1-38. Fees and fines.

(a) The fees with respect to all services and licensing performed in connection with enforcement of this chapter shall be set by Augusta, Georgia. A copy of such fee schedule shall be posted at the any physical location of operation of Animal Control.

(b) The fees established and collected under this chapter are not penalties but are imposed for the purpose of defraying expenses born by Augusta, Georgia for animal control and welfare under this chapter and are subject to change at any time.

(c) The personnel of the animal services department shall not return to the owner any animal impounded until such time as the owner has paid fees and charges assessed, and the owner has provided proof of current vaccination for rabies and licensing, before return the animal to owner.

(d) For all other animals impounded other than dogs or cats, the owner or custodian shall be charged the base fees, plus actual expenses and an additional ten (10) percent of both the base fee and actual expenses.

Sec. 4-1-39. Fee schedule.

The following fee schedule shall be applicable and in force until December 31, 2025. On January 1, 2026, all fees listed under this section shall be set at the discretion of the Director.

Registration	Fees
Adoption	
Military/Senior Citizen	\$50.00
Male/Female Cat/Kitten	\$55.00
Male Dog/Puppy	\$65.00
Female Dog/Puppy	\$75.00
Domestic Impound**	
1st Offense	\$60.00
2nd Offense	\$125.00
3rd Offense	\$250.00
Livestock Impound	
1st Offense	\$300.00
2nd Offense	\$500.00
3rd Offense	\$700.00
Miscellaneous	
Daily Board of Impounded Animals	\$25.00
Rabies Vaccination of Impounded Animals	\$25.00
Owned Live Field Surrender	\$50.00
Microchipping	\$15.00
Spay/Neuter of Impounded Animals	\$75.00
Fertility Testing of Impounded Animals	\$30.00
Quarantine for Rabies Observation	\$300.00

Euthanasia with owner transport (includes disposal)	\$50.00
Euthanasia with Animal Services Pick-up (includes disposal)	\$75.00
**If livestock is small (goats, etc.) and can be transported via pickup truck or containment truck, domestic impound animal fees may apply.	

Secs. 4-1-40—4-1-50. Reserved.

ARTICLE 3. LIVESTOCK

Sec. 4-1-51. Stock pens, etc., allowed by permission of Board of Health only, removal and abatement.

It shall be unlawful for any person to establish, keep or maintain any stock pen, or place of like character, for stock, cattle, hogs, sheep or goats, or any like purpose, in the Urban Services District, except by the permission and under the direction of the Board of Health. In place of any action imposing a fine, any court with jurisdiction to enforce this code may, acting under the provision made in O.C.G.A. § 41-2-5, order the abatement of such stock pen or like place. No case shall be tried under this section except upon institution and prosecution of it by the Board of Health.

Sec. 4-1-52. Livestock running at large or stray.

It shall be unlawful for any livestock to run at large or to stray upon the public roads of Augusta-Richmond County or any property not belonging to the owner of the livestock, except by permission of the owner of such property.

Sec. 4-1-53. Impoundment of livestock straying.

(a) It shall be the duty of the Augusta Animal Services Department officers to impound livestock found to be running at large or straying.

(b) Owners or possessors of livestock impounded for violation of this article or any state or federal law, will be charged in accordance with actual costs of impoundment, boarding fees and any veterinary costs.

(c) Impounded livestock shall be held for a period of (15) days. If such impounded livestock is not claimed by the owner during that period of time, Animal Services Department will determine disposition of the livestock.

Sec. 4-1-54. Notice of impoundment of livestock.

Upon the impounding of any livestock by the Augusta-Richmond County Animal Control Department, said department shall notify the owner, advising such owner of the livestock that the animal is impounded at the shelter, the amount due as a result of such impounding, and that unless such livestock is redeemed within five (5) days from date of impoundment the livestock shall be offered for adoption. In the event the owner of such livestock is unknown or cannot be found, service upon the owner shall be obtained by publishing a notice one (1) time in a newspaper of general circulation where the livestock is impounded.

Secs. 4-1-55—4-1-60. Reserved.

ARTICLE 4. ENFORCEMENT

Sec. 4-1-61. Penalty.

Any person or persons failing to comply with the lawful provisions of this chapter or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial and conviction shall be subject to the penalties under this Code.

Sec. 4-1-62—4-1-70. Reserved.

ARTICLE 5. STERILIZATION OF DOGS AND CATS

Sec. 4-1-71. Definitions.

As used in this Article, the term:

- (a) *Animal shelter*. Any facility operated by or under contract for the State or any county, municipal corporation, or other political subdivision of the State for the purposes of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.
- (b) *Humane society*. Any unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.
- (c) *Public or private animal refuge*. Harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.
- (d) *Sexually mature animal*. Any dog or cat that has reached the age of one hundred eighty (180) days or six (6) months or more.
- (e) *Sterilization*. The surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

Sec. 4-1-72. Sterilization required, exceptions.

- (a) Any public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge shall make provisions for the sterilization of all dogs or cats acquired from such shelter, agency, society, or refuge by:
 - (1) Providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or
 - (2) Entering into a written agreement with the person acquiring such animal guaranteeing that sterilization will be performed by a licensed veterinarian within thirty (30) days after acquisition of such animal in the case of an adult animal or within thirty (30) days of the sexual maturity of the animal in the case of an immature animal; provided, however, that the requirements of this Code section shall not apply to any privately owned animal which any such shelter, agency, society, or refuge may have in its possession for any reason if the owner of such animal claims or presents evidence that such animal is the property of such person.
- (b) All costs of sterilization pursuant to this Chapter shall be the responsibility of the person acquiring such animal and, if performed prior to acquisition, may be included in any fees charged by the shelter, agency, society, or refuge for such animal.
- (c) Any person acquiring an animal from a public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge, which animal is not sterile at the time of acquisition, shall submit to the animal shelter, animal control agency, humane society, or public or private animal refuge a signed statement from the licensed veterinarian performing the sterilization required by paragraph (2) of subsection (a) of this Code section within seven (7) days after such sterilization attesting that such sterilization has been performed.

(d) Every public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge selling or offering for sale or exchange any dog or cat shall maintain and furnish to any person acquiring an animal from such shelter, agency, society, or refuge a current list of veterinarians licensed in this State who have notified the shelter, agency, society, or refuge that they are willing to perform sterilizations and the cost for such procedures.

Sec. 4-1-73. Failure to comply.

It shall be a violation to fail or refuse to comply with the requirements of this Article and any person convicted of said offense shall be subject to a fine not to exceed two hundred dollars (\$200.00).