

ORDINANCE NO. ____

AN ORDINANCE TO AMEND TITLE 4, CHAPTER 1 OF THE AUGUSTA, GEORGIA CODE; AND FOR OTHER PRUPOSES

WHEREAS, the Augusta-Richmond County Commission adopts herein by reference those matters referred to in Ordinance No. ____, related studies and proposals, and the minutes and exhibits of the Augusta-Richmond County Commission where Ordinance No. ____ was debated, discussed, and adopted;

WHEREAS, it is the intent of the Augusta-Richmond County Commission, by and through this Ordinance and the accompanying amendments, to delete, replace, amend or add to sections of this chapter and/or necessary rules and regulations referenced by this Chapter, and any interpretation of this Ordinance should be done with the express understanding that all amendments encompassed in this Ordinance are aimed to support the use of non-lethal community cat population management techniques;

BE IT ORDAINED by the Augusta-Richmond County Commission, and it is hereby ordained by authority of the same as follows:

SECTION 1. AUGUSTA, GA CODE, Title 4, Section 4-1-16 “Definitions.” is hereby amended as follows:

To the definition of “abandoned” adding: an animal shall be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter, for a period in excess of (48) hours, regardless of where such animal may be found or kept. A person returning a healthy community cat to the location where it was trapped does not abandon that cat.

To add a definition of “Community Cat:” Any free-roaming cat without evidence of ownership. Community cats that are ear tipped indicate the animal is sterilized and vaccinated against rabies at least one time. A community cat that is not yet ear-tipped is eligible for sterilization, vaccination, ear tipping and return to the location where it was trapped. Community cats are exempt from provisions that apply to owned animals, including but not limited to provisions regarding identification, at-large, and abandonment.

To amend the definition of a “Feral Cat Caregiver:” ~~Feral~~ Community Cat Caregiver. Any person, who in accordance with a good faith effort to trap, neuter, vaccinate and return the ~~feral~~ community cat, provides volunteer care to a ~~feral~~ community cat.

To amend the definition of “owner:” Owner means any person or any legal entity, owning, possessing, harboring, keeping, or having 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 ~~feral~~ community cat as a ~~feral~~ community cat caregiver.

To amend the definition of “Trap-Neuter-Return/TNR:” A non-lethal approach to ~~feral~~ community cat population control where ~~feral~~ community cats are humanly trapped, sterilized, vaccinated, ear tipped and returned to the location where they were originally trapped.

SECTION 2. AUGUSTA, GA CODE, Title 4, Section 4-1-18 “Evidence of Vaccination.” is hereby amended by adding a subsection (d): Ear tip. A community cat that has been ear-tipped indicates the cat has been vaccinated against rabies at least once. A community cat is exempt from displaying any tag.

SECTION 3. AUGUSTA, GA CODE, Title 4, Section 4-1-21 “Duty of owner to keep dog and cat under control; stray animals prohibited.” is hereby amended by striking from and inserting in subsection “(a)” and “(e)” the language as indicated:

- (a) 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.

...

- (e) ~~Augusta, Georgia does not sanction Trap-Neuter-Return/TNR programs at this time, I~~ In the interest of reducing the outside cat population and the admission and euthanasia rates at the municipal shelter, Augusta, Georgia will not ~~pursue~~ impound healthy outdoor cats without complaints. Healthy community cats shall be returned to the location where they were trapped or transferred to an organization for the purpose of adoption or sterilization, vaccination, and return.

SECTION 4. AUGUSTA, GA CODE, Title 4, Section 4-1-23 “Impounding dogs and cats at large.” is hereby amended by striking from and inserting in subsection the language as indicated:

Any and all dogs and sick or unhealthy cats found running at large upon public places (other than Dog Parks) or found on the premises of another in violation of this Article ~~shall~~ may be immediately impounded by the Animal Control

Department of Augusta-Richmond County. A pet with an identifiable owner may be returned directly to the owner without impoundment in the shelter. Healthy community cats shall be returned to the location where were trapped or transferred to an organization for the purpose of adoption or sterilization, vaccination, and return.

SECTION 5. AUGUSTA, GA CODE, Title 4, Section 4-1-24 “Impounding dogs and cats where owner unknown.” is hereby amended by adding:

In the event the owner of a dog or sick or unhealthy cat is not known and such animal is upon the streets, alleys, sidewalks, school grounds, public places, or premises of another, any law enforcement officer or agent or employee duly authorized by Augusta-Richmond County 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. Healthy community cats shall be returned to the location where were trapped or transferred to an organization for the purpose of adoption or sterilization, vaccination, and return.

SECTION 6. AUGUSTA, GA CODE, Title 4, Section 4-1-25 “Disposition of impounded animals.” is hereby amended by striking from and inserting in subsection “(a)” and “(f)” the language as indicated:

- (a) It shall be the duty of the Augusta Animal Services Department officers to impound any dangerous, vicious, guard, or protection dogs not confined, chained or muzzled as provided in the section; any female dog while in estrus not confined within an enclosure which can reasonably be expected to keep away or not attract male dogs; any animal not wearing the rabies inoculation tag required by state statute or local ordinance; any abandoned animal; any prohibited animal and any animal unrestrained in Augusta. A healthy community cat is exempt from mandatory impound outlined in this paragraph.

...

- (f) *Community cats.* In the event a healthy community cat is impounded, it may be immediately returned to the location where it was trapped or immediately transferred to another organization for the purpose of adoption or sterilization, vaccination, and return.

SECTION 7. AUGUSTA, GA CODE, Title 4, Section 4-1-26 “Abandonment.” is hereby amended by adding:

No person shall release an animal on any property, public or private, with the intention of abandoning the animal. Returning a community cat to the location where it was trapped is not abandonment.

SECTION 8. AUGUSTA, GA CODE, Title 4, Section 4-1-39 “Reserved.” is hereby amended by replacing the reserved section with “Community Cat Program” and adding subsections as follows:

- (a) A community cat that has been impounded which has already been ear-tipped shall be returned immediately to the location at which it was found, unless veterinary care is required.
- (b) Community cats shall not be exempt from the provisions of statute or this ordinance applicable to the prohibition on cruelty to animals; provided however, the return of a community cat to the location at which it was found or humanely trapped, subsequent to sterilization, vaccination and ear-tipping, shall not be considered abandonment under any statute or other provision of this ordinance.
- (c) Community cats, being unowned as defined herein, shall not be subject to provisions of this ordinance applicable to owned animals, including but not limited to, licensing, at large provisions, and display of rabies tag.
- (d) Community cats shall be eligible for return to the location where they were found prior to any stray hold provision provided by statute or other provision of this ordinance, so long as the community cat is sterilized, ear-tipped and vaccinated for rabies prior to return to that location.

SECTION 9. This ordinance shall become effective upon adoption.

SECTION 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. Should any section, provision, or clause of any part of this Ordinance be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set for circumstances be declared invalid or unconstitutional, such invalidity shall not be construed as to affect portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of this Ordinance would have been adopted had such invalid portion not been included herein.

PASSED, ADOPTED, SIGNED, APPROVED AND EFFECTIVE this ____ day of _____, 2023.

(SEAL)

AUGUSTA, GEORGIA

By: _____

Garnett Johnson

Mayor

Attest:

Clerk of Commission

STATE OF GEORGIA

RICHMOND COUNTY

FIRST READING _____

SECOND READING _____

CLERK'S CERTIFICATE

I, LENA J. BONNER, Clerk of Commission, **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of an ordinance adopted by the Augusta-Richmond County Commission ("the Commission") at an open public meeting duly called and lawfully assembled at 2:00 P.M., on the ____ day of _____, 2023, in connection with the foregoing ordinance, that such ordinance has not been modified or rescinded as of the date hereof, and the original of such ordinance being duly recorded in the Minute Book of the Commission, which Minute Book is in my custody and control.

I do hereby **CERTIFY** that there was a quorum of the Commissioners present at such meeting, and that such ordinance was duly adopted by the pursuant to the constituting and governing laws of the Augusta-Richmond County Commission.

Witness my hand and the official seal of Augusta, Georgia this ____ day of _____, 2023.

(SEAL)

Lena J. Bonner
Clerk of Commission