

ORDINANCE NO. 11-13

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 6 PERTAINING TO ANIMALS AND FOWL; TO REPLACE ARTICLE I IN GENERAL; TO REPLACE ARTICLE II RELATING TO BIRD SANCTUARY; TO REPLACE ARTICLE III RELATING TO IMPOUNDMENT OF ANIMALS; TO REPLACE ARTICLE IV RELATING TO RABIES CONTROL; TO REPLACE ARTICLE V RELATING TO DANGEROUS DOG CONTROL; TO REPLACE ARTICLE VI RELATING TO REGULATIONS FOR KEEPING OF ANIMALS; TO PROVIDE FOR RENAMING; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR RENUMBERING OR RELETTERING; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the Commission of the City of Waycross, Georgia desires to change certain provisions of the Waycross City Code with respect to Animals and Fowl;

WHEREAS, the issue has been duly considered by the Commission of the City of Waycross, Georgia;

NOW THEREFORE, BE IT ORDAINED by the Commission of the City of Waycross, Georgia and it is hereby ordained by the authority of the same as follows:

SECTION 1. The City of Waycross Code of Ordinances, Chapter 6 is hereby deleted in its entirety by enacting a new ordinance which shall be known as the “**ANIMAL SERVICES AND CONTROL ORDINANCE**” and shall be replaced with the following text:

Sec. 6-1. Purpose.

The purposes of this chapter are to provide for the safety, good order, general welfare, treatment and maintenance of animals; to limit the number and types of animals, which may be kept and maintained; to prohibit certain animals; to provide for control of animals; to provide for the control of rabies and zoonoses (diseases that can be transmitted to humans); to prohibit fighting dogs, cocks, and other animals; to provide for an animal services board; to provide seizure, confinement, reclamation, forfeiture, abandonment, surrender, adoption, and disposal of animals, and to provide generally for the public health and welfare of the citizens of Waycross, Georgia.

Sec. 6-2. Jurisdiction.

The provisions in this chapter shall be applicable within the City limits.

Sec. 6-3. Administration and interpretations.

The authority and responsibility for administration of this chapter shall rest with the Commission of the City of Waycross, Georgia. In exercising that authority and discharging that responsibility, the city manager shall designate the City police Department and the Animal Services Officer under the Department of Community Improvement to be charged with enforcing

this chapter. The Animal Services Officer shall coordinate and cooperate with the county health department, humane society, city police department, county Sheriff's Department and such other agencies, as the Commission of the City of Waycross deems advisable.

Sec. 6-4. Enforcement and penalties; Impoundment.

(a) It shall be the duty of the animal services officer under the Department of Community Improvement to enforce this chapter.

(b) The animal services officer has the authority to pick up, catch or procure and impound any companion animal in the city in a manner reasonably necessary to effectuate its capture when it appears abandoned or one or more sections of this Ordinance appear to have been violated.

(c) Should any owner or custodian of an animal or fowl fail upon proper notice of not less than seven days to abate a nuisance created by such animal or fowl, or fail to take the necessary steps to provide adequate confinement or properly care for the animal, after the necessary notice, the animal control officer shall be empowered to impound the animal or fowl under the terms and provisions of this chapter.

(d) The animal services officer has the authority to pick up, catch or procure and impound any animal in the city, in a manner reasonably necessary to effectuate its capture, which has bitten a human and/or is infected or believed to be infected with rabies or other disease which may be contagious or infectious to humans or animals.

(e) Violations of the provisions of this chapter shall be deemed a misdemeanor, except for the exceptions outlined for dangerous and potentially dangerous dogs and neglect and abuse cases, punishable as provided by state law, with each day such violations continue constituting a separate offense. Upon conviction for the first offense, the court shall be authorized to impose a fine of up to \$1,000.00 per day for each day that such condition or violation shall exist. Upon conviction for a second or subsequent offenses within a 12-month period, the court shall be authorized to impose a fine of up to \$1,000.00 per day for each day that such condition or violation shall exist. Appropriate actions and proceedings may be taken by law or in equity to prevent any violations of this chapter, to recover damages, and to restrain, correct or abate a violation; and these remedies shall be in addition to the other penalties described in this subsection.

(f) The city shall operate either independently or contract in cooperation with others a suitable place for the impounding of animals picked up under the provisions of this ordinance. The owner of any animal impounded at a facility designated for such purposes shall be governed by the rules and regulations of that facility with respect to retrieval or other disposition of said animal.

Sec. 6-5. 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:

Abused animal means any animal that is mistreated, beaten, tormented or teased; or is deprived of water, food or shelter; or is kept under unsanitary conditions; or is abandoned; or is trained for fighting other animals.

Animal means a multicellular organism of the kingdom Animalia, differing from plants in certain typical characteristics such as a capacity for locomotion, no photosynthetic metabolism, pronounced response to stimuli, restricted growth, and fixed bodily structure.

Animal control board means a board consisting of five (5) persons appointed by the Commission of the City of Waycross to conduct hearings under Section 4-8-24 of the Official Code of Georgia of the Dangerous Dog Control Law.

Animal services officer means the person charged by the Commission of the City of Waycross with enforcing this chapter.

Animal shelter means any facility operated by or under contract with the city for the purpose of impounding or harboring seized, stray, diseased, nuisance, dangerous, neglected, deprived, abused, homeless, abandoned, or unwanted animals or birds; any veterinary hospital or clinic operated by a veterinarian which operates for such purpose, in addition to its customary purposes; and any facility operated, owned, or maintained by other nonprofit organizations for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

At heel means a condition in which an animal is in the immediate vicinity of its owner and clearly under the voice control of that person and that control is clearly being exerted successfully.

At large means that an animal is in any public street, right-of-way, park or other public grounds, or when off the premises of the owner or person who has custody of the animal, and not under restraint or under the immediate control (at heel) of the owner or the person who has custody of the animal.

Attack means charging, leaping or lunging at and/or biting a person.

Bite means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded or pierced and saliva of the biting animal has or may have contacted the resulting break or abrasion of the skin.

Board of health means the Ware County Board of Health and includes officers, officials and employees of such board of health acting within the scope of their authority.

Breeder-hobbyist means a person who maintains more than four animals of any breeds or species of animal as a hobby, but produces not more than two litters of any species of animal in any 12-month period.

Breeder-professional means a person who breeds animals for purposes of sale and maintains a current business license or who produces more than two litters of any species of animals in any 12-month period and who maintains affiliation in a nationally recognized society for the betterment, control and/or competitive display of the animal species.

Cat means a feline or whatever breed and all ages.

Civil fine means a sum of money assessed as a pecuniary fine for a violation of any provision of this Ordinance.

Companion animal means any dog, cat or other animal that is legally owned, harbored or kept for companionship or pleasure on or about the habitat or environment of a person and such dog, cat, or other animal, is dependent upon a person for sustenance or survival, including all animals except indigenous and non-indigenous wildlife under the exclusive jurisdiction of the state and animals used in connection with pari-mutual wagering, horses, or animals raised in connection with food or fiber industries.

Conflict of interest occurs when an individual or organization is involved in multiple interests, one of which could possibly corrupt the motivation for an act in the other.

Court means the court within the city with jurisdiction to hear violations of city ordinances.

Custodian means any person whom within the city has responsibility for or exercises custody, charge, or control over an animal or harbors, maintains or keeps an animal.

Dangerous animal or vicious animal means any animal that, according to the records of the animal services officer, the police department, the sheriff's department, and any other department or agency with jurisdiction in the county:

(1) Inflicts a severe injury on a human being or another animal without provocation on public or private property at any time after the passage of this ordinance; or

(2) Has attacked or endangered the safety of human beings or another animal without provocation on public or private property; or

(3) Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

Dead animal means the carcass, parts of the carcass, effluent, and blood of deceased animals.

Department of Community Improvement means the office in charge with enforcement of the Animal Services and Control Ordinance for the City of Waycross.

Deprived animal means an animal which has not been provided by the owner or custodian thereof with adequate food and water, humane care, adequate sanitary shelter, adequate shelter from inclement weather or adequate ventilation or has been subject to cruel and inhumane treatment.

Diseased animal means any animal that is suffering from any disease or condition for which the animal is subject to quarantine or which is both contagious and deadly to humans or any other animal.

Dog means a canine of whatever breed and all ages.

Dog services and control officer means an individual selected by the city pursuant to the provisions of O.C.G.A. § 4-8-22(c) to aid in the administration and enforcement of the provisions of this ordinance.

Domestic animal means dogs, cats, livestock, poultry, confined domesticated hares and rabbits, and all other animals and birds raised or maintained in confinement as pets or for work, food or recreational purposes.

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

Euthanasia means a death brought about by any method, which produces rapid loss of consciousness to painless death.

Exposed to rabies means that a person or an animal has been bitten by, or exposed to, any warm-blooded animal known or suspected to have been infected with rabies.

Fee means money chargeable pursuant to this Ordinance that is not assessed as a pecuniary penalty for violation of this Ordinance.

Fighting or attack dog or animal means animal or dog that has been trained to fight.

Free running line means a line, which is attached or is secured by a swivel or other device, which will prevent the line from being wrapped around some object.

Guard dog means any dog that has been trained to attack persons independently or upon command and any dog that, while not so trained, is reasonably expected to perform as a guardian of its owner and/or the property upon and within which he is located.

Harboring means the keeping of an animal or allowing an animal to return daily for food and care for a period of ten days or more.

Humane manner means the care of an animal, to include protection from injury, adequate coolness and heat, ventilation, sanitary shelter, wholesome food and water that are consistent with the normal requirements and breeding habits of the animal's size, species and breed.

Kennel means an establishment kept for the purpose of breeding, selling, training or boarding animals.

Nuisance animals means an animal that:

(1) Damages, defiles, or defecates on private property other than that of the owner of the animal or on public property unless such waste is immediately removed and properly disposed of by the animal owner, or

(2) Causes an unsanitary, dangerous or offensive condition; or creates noxious or offensive odors, which are detectable outside the property of the owner or custodian thereof; provided, however, that such term shall not apply to animals owned as part of farm or ranch operations or to animals at a location which has a current valid kennel license for operation at a location or locations where such activities are permitted pursuant to the zoning ordinance of the city; or creates an accumulation of excreta which has the potential of becoming an insect breeding site; or

(3) Causes a disturbance of excessive barking, whining, howling, honking, crowing, braying, or crying or other noise making, where such noise is detectable outside the property of the owner or custodian of such animal; or

(4) Chases vehicles; or disturbs persons by running at large; or is at large; or is a dangerous animal and is not kept securely confined as required by state law or local ordinance; or continuously barking or attacking passersby, whether such passersby or pedestrians, on a bicycle, or in a motor vehicle; or

(5) Does not have proof of rabies inoculation clearly displayed if required; or

(6) Is trained, owned or harbored for the purpose, primary or in part, for animal fighting; or

(7) Is kept or maintained contrary to the public health, welfare or safety according to the rules and regulations promulgated by the health department, which rules and regulations are incorporated and made a part of this chapter as if fully set out; or

(8) Is in estrus (heat or season) and is located upon and in any road or street or public property, outside property owned or controlled by the owner or custodian of the animal or outside property owned or controlled by a person who has granted express permission for the animal to be upon such person's property; or

(9) Is repeatedly found at large.

Owner means any natural person or any legal entity, including but not limited to a corporation, partnership, firm or trust, owning, possessing, harboring, keeping, or having custody or control of an animal within the city limits.

Poison means a substance that through its chemical action usually kills, injures or impairs an organism.

Potentially dangerous dog means any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten persons without provocation; or any dog that, when unprovoked:

(1) Chases or approaches a human being or another domestic animal on any public or private property in a vicious or terrorizing manner in an apparent attitude of attack; or

(2) Attempts to attack a human or another domestic animal.

Poultry means any domestic fowl including, but not limited to, chickens and water fowl such as geese and ducks; birds which are bred for meat and egg production, exhibition, or competition; and game birds such as pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, and peafowl to include: ratite, rhea, emus, and ostrich.

Pound means those premises designated by the Commission of the City of Waycross for the purpose of holding and caring for animals found to be at large by those persons charged with the enforcement of this chapter.

Proper enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely enclosed indoors or in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top; and, if the dog is enclosed with a fence, all sides of the fence shall be of sufficient height and the bottom of the fence constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

Rabies vaccination means inoculation of an animal with an approved rabies vaccine.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

Stray means an animal running at large in the city that no one claims ownership.

Under restraint means secured by a leash or lead not to exceed six feet in length held by a responsible, able-bodied person.

Vicious animal means any dog or cat that when unprovoked has bitten, attacked, endangered, or inflicted injury on a human, or domestic animal while on public or private property, or has chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack.

Sec. 6-6. Rights of officials to enter premises.

(a) Whenever an animal services officer, a representative from the health department, or their authorized representative, any law enforcement officer, or other city official has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, or whenever it is necessary for such official to make an inspection to enforce any provision or perform any duty imposed by this chapter or any other applicable law, he shall have the right to enter such property at any reasonable time to inspect and perform any duty imposed by this chapter or other applicable law; provided, that:

(1) If such property is occupied, he shall first present proper credentials to the occupant and request entry explaining his reasons;

(2) If such property is unoccupied, he shall first make a reasonable effort to locate the owner or the person having charge or control of the property and request entry, explaining his reasons; and

(3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, recourse shall be had to every remedy provided by law to secure lawful entry and inspection of the property.

(b) Nothing in this section shall affect or otherwise abridge the right of any animal services officer to pursue or impound an animal or to issue a citation when an animal is on

property other than that of the owner of the animal or that of a person who has a right to control such animal.

Sec. 6-7. Rights of officials for emergency entry.

If an animal services officer, health department representative, any law enforcement officer, or other city official has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to save the animal or protect the public health or safety, he shall have the right to immediately enter and inspect such property, and may use reasonable means required to effect such entry and make inspection whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, he shall first present proper credentials to the occupant and demand entry, explaining his reasons and the purpose of the inspection. Failure or refusal to permit inspection shall constitute a misdemeanor.

Sec. 6-8. Interference with officials prohibited.

No person shall resist or interfere with an animal services officer or any other city official in the performance of his official duty in enforcing this chapter; nor shall any person fail or refuse to exhibit the vaccination certificate of any animal required to be vaccinated by this chapter when required to do so by any animal services officer or other city official.

Sec. 6-8.1. Interference with animal services shelter.

It shall be unlawful for anyone to interfere with the operation of any animal shelter or other facility maintained for the confinement of animals under supervision of, or under contract with, the city to remove from any such animal shelter or facility without the consent of the operator of the animal shelter or facility any animal kept therein; or to resist, hinder, delay, interfere with or molest any person, agent, employee or member of any organization or entity operating such animal shelter or facility in the performance of his duties or responsibilities.

Sec. 6-9. Dead animals; removal from public rights-of-way.

The owner of dead animals upon the public rights-of-way of the city shall remove the carcass so as not to constitute a nuisance. If the owner fails to do so, the city shall remove and dispose of such carcass that is located on public rights-of-way and charge the cost of such removal and disposal to the owner of the carcass, if known.

Sec. 6-10. Abandonment of dead animals upon public property or public right-of way.

No person shall abandon a dead animal on any public property or public right-of-way unless the place in which the animal is being left is a public or private landfill or other facility designed for receiving such and had been designated by the city as a public or private facility for receiving trash or refuse.

Sec. 6-11. Removal of dead animals from private property.

When any dead animal is found on private property, the owner of the dead animal or the owner of the premises upon which such animal is located shall remove the animal immediately at his own cost. Failure to do so in a timely manner is declared a nuisance and constitutes a violation of this chapter.

Sec. 6-12. Abandonment of dead animals upon private property.

No person shall intentionally abandon a dead animal on any private property belonging to another unless the person so doing shall have first obtained permission from the owner of the property on which the animal is being left.

Sec. 6-13. Livestock on public rights-of-way.

No one shall allow or permit any horses, cattle, sheep, goats or other livestock to run at large on public rights-of-way or to be staked so that they can go upon public rights-of-way, or to drive or lead any such animals along or on the public rights-of-way unless fastened to a rope, chain or other substantial leading device, which rope, chain or other substantial leading device is securely held by a responsible person during all the time that such animals are being led or driven along and over the public rights-of-way.

Sec. 6-14. Abandonment of animals.

No person shall release an animal or leave an animal on any property, public or private, with the intention of abandoning the animal.

Sec. 6-15. Liability of owner or custodian for damages to livestock and poultry by an animal.

(a) The owner, or if no owner can be found, the custodian exercising care and control over any animal that goes upon land of another and causes injury, death or damage directly or indirectly to any livestock or poultry shall be civilly liable to the owner of the livestock or poultry for damages, death or injury caused by the animal. The liability of the owner or custodian of the animal shall include consequential damages.

(b) This section is to be considered cumulative of other remedies provided by law. There is no intent to do away with or limit other causes of an action that might inure to the owner of any livestock or poultry.

Sec. 6-16. Humane Treatment of Animals.

(a) Any person owning, caring for, harboring, or keeping an animal must treat the animal humanely at all times.

(b) No person shall:

(1) Breed, own, possess, harbor, keep or train any animal with the intent that such animal be engaged in animal fighting;

(2) Build, make, maintain, or keep a pit or other area on premises owned or occupied by him or allow an area to be built, make, maintained, or kept on such premises, for the purposes of animal fighting;

(3) Own, manage, possess, maintain, sell or operate any facility, staging equipment concession equipment, handling equipment, or exhibition equipment related to animal fighting;

(4) Advertise, for the purpose of animal fighting;

(5) Encourage or instigate animal fighting in any manner; or

(6) Perform any service, with or without pay, in the furtherance of, or to facilitate, any animal baiting or fighting, including refereeing, advertising, acting as a stakes or security holder of wages or handling animals intended to be used in fighting.

Sec. 6-17. Permitting animals in heat to roam or run free.

No owner or custodian of any animal in heat shall permit the animal to roam free. Such animal shall be confined in a building or securely enclosed in a manner that shall not allow contact with a nonneutered male animal except for planned breeding.

Sec. 6-18. Animal Tethering and Confinement.

(a) It shall be unlawful to tether any animal on a chain, rope or cable, which is shorter than three times the length of the animal from the nose to the tip of the tail.

(b) It shall be unlawful to tether an animal on a chain in which the weight of the chain would cause unreasonable pain or stress.

(c) It shall be unlawful to attach a weight of any kind to any type of tether for the purpose of making the animal pull the weight.

(d) Any animal that is confined must be provided appropriate care, sufficient quantities of good and wholesome food and water on a daily basis, kept in sanitary conditions, provided with sufficient room to stand up, turn around, and sit comfortably, proper air ventilation and quality of air, and protection from the elements and from excessive exposure to fleas, ticks, other harmful insects or external parasites.

(e) A dog that is tethered must be kept from being entangled, be able to roam to the full range of the tether, and the tether must be of the type commonly used for the size dog involved, and which tether shall be attached to the dog by a well-fitted collar that must not cause trauma or injury to the dog, which is appropriate and suitable for the breed and size, and which is specific for dogs to be used as a collar.

The following examples shall be prohibited for everyday use as a tethering collar:

(1) collars made of wire, including, but not limited to, electrical cording, coat-hangers, telephone cords, or any wire not originally intended for the purpose of a collar, etc;

(2) flat chains, commonly of the type associated with training, any slip-lead type leash or collar, chains commonly used for plant hangers, and prong- or pinch-type training collars;

(3) chains with sharp edges;

(4) and chains with rusty or non-uniform links.

Sec. 6-19. Animal Waste Removal.

Any waste deposited by a dog, cat, pet pig, or any other pet animal on public property, public walks, recreation areas of the private property of others must be immediately removed by the person who has custody or control of the animal unless otherwise authorized by the property owner.

Sec. 6-20. Companion Animals Creating Nuisance

(a) No companion animal shall be allowed to unreasonably annoy humans, to endanger the life or health of other animals or persons acting lawfully, or to substantially

interfere with the rights of others thereby interfering with reasonable use and enjoyment of property. It shall be prima facie evidence of nuisance if a companion animal:

- (1) consistently and/or constantly makes excessive noise;
- (2) causes damage to or destruction of another's property;
- (3) causes unsanitary, dangerous or offensive conditions, including the fouling of the air by offensive odor emanating from excessive excrement; or
- (4) creates a pest, parasite or scavenger control problem, which is not effectively treated.

(b) Upon receipt of an "Affidavit of Complaint," signed by 2 or more unrelated city residents, each residing in separate dwellings in the vicinity in which the alleged violation occurred, made under oath or affirmation before an individual authorized by law to take acknowledgments, setting forth the nature and the date of the act or acts, the owner of the companion animal, the address of the owner and description of the companion animal doing such act or acts, the Animal Services Officer shall conduct an investigation of the incident. In the discretion of the department, other reliable evidence may replace one of the required affidavits.

Sec. 6-21. Prohibited animals.

Except to the extent otherwise authorized in this chapter, no person shall own, have, keep or maintain within the corporate limits of the city any of the following:

- (a) Any poisonous or venomous biting or injecting species of amphibian or reptile, including snakes.
- (b) Any animal listed as inherently dangerous to humans pursuant to the provisions of O.C.G.A.27-5-4 or determined by regulation of the State Board of Natural Resources pursuant to the provisions of that code section as being considered to be inherently dangerous to humans.
- (c) Any animal, bird, fish or insect, either dead or alive, and including any body or part thereof, which then appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1973 or which is protected under any federal or state law or regulation which has as its purpose the protection of endangered or threatened species.
- (d) Any animal, which is afflicted with any disease, which is contagious to humans or other animals and is not under treatment for that disease.
- (e) Any carnivorous animal which has not been domesticated or which has dangerous propensity toward any person, any other animal or any property of anyone other than the owner or custodian thereof.
- (f) Any animal including a hog, cow, goat, mule, horse, pony, donkey, sheep, or Vietnamese pig.
- (g) Any animal pet at the age of three months and older, which has not been currently inoculated for rabies.
- (h) The provisions of this section shall not apply to the following as long as they have a current valid license for such business:
 - (1) Animal dealers;
 - (2) Livestock dealers;
 - (3) Livestock market operators;
 - (4) Kennels or professional breeders.

Sec. 6-21.1 Collar, Rabies Tag

- (a) Collar, tags must be worn.
- (b) It shall be unlawful for any person to maintain or keep a domesticated animal on any premises within the city unless the domesticated animal wears a collar or harness securely attached to its body to which shall be securely attached a tag issued for the domesticated animal by a licensed veterinarian, licensed to practice veterinary medicine in the state, showing that the domesticated animal has been, within the current calendar year, vaccinated against rabies.

Sec. 6-21.2 Vaccination of Animals

Every owner of an animal three months or older that requires rabies vaccine shall cause such animal to be vaccinated against rabies. No person shall vaccinate any animal against rabies that is not a licensed veterinarian. The first vaccination using an attenuated vaccine, or kill vaccine, shall be administered and is good for 12 months only.

Sec. 6-22. Confinement to Property; Dogs and Cats at Large; Exceptions

(a) Excluding public rights-of-way bordering an owner's private property, no dog or cat shall be allowed to stray, run or go, at large upon any public property or street, sidewalk, park, or on the private property of another without the consent of the property owner.

(b) Any cat that is outdoors while not under direct control must be sterilized.

(c) Any dog or cat that is on private property without the consent of the property owner or resident may be captured in a humane trap or otherwise humanely confined. Persons capturing at large dogs or cats will be responsible for the humane care of the animal until the captured animal is turned over to the department, other humane organization, or licensed wildlife trapper. A person shall not entice a dog or cat to become at large for the purpose of trapping or apprehending when that dog or cat would otherwise not be at large.

(d) No person shall under any circumstance tether or otherwise confine any animal in a manner that is injurious to its health. In order for a dog or cat to be allowed on a public street, road, park or other public property, excluding public rights-of-way adjoining an owner's private property or unless otherwise specifically permitted, the dog or cat shall be under the direct control of the owner or keeper, except while hunting pursuant to permit or during a legitimate obedience demonstration, show, trial, training exercise, competition, show and/or match or educational program, so long as proper precautions are taken by the owner of the dog and/or sponsor of the event to insure the safety and protection of both the public and other animals.

Sec. 6-22.1 Tranquilization

Any animal that is found away from the premises of the owner and not under the control of the owner will be classified as being unconfined; therefore, it may be shot with a tranquilizer gun by the animal control officer in an attempt to capture the animal. The animal control officer operating the tranquilizer gun and/or the county health department or the commission of the city of Waycross shall not be held liable for injury or death to an animal that occurs from the use of the tranquilizer gun or equipment.

Sec. 6-23. Animals in Vehicles.

(a) An animal may not be placed or confined, or allowed to be placed or confined or allowed to remain in an unattended vehicle without sufficient ventilation, or under conditions or

for such a period of time as may be expected to endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, debility or death.

(b) An officer or Animal Services Officer who finds an animal in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal.

(c) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

(d) No person shall transport or carry on any public highway, roadway or thoroughfare any dog or cat or other animal in a vehicle unless the animal is safely enclosed within the vehicle, or, if, traveling in the bed of an open vehicle (including but not limited to convertibles, pickup and flatbed trucks without a topper), is confined by a secured, well-ventilated container of proper size or properly tethered to prevent the animal from falling or jumping from the vehicle.

Sec. 6-24. Animal control board.

The purpose of the animal control board, and hereafter referred to, as the board shall be to hear and determine matters submitted to the board pursuant to the state Dangerous Dog Control Law (O.C.G.A. 4-8-20---4-8-29) and to determine such other matters as shall be provided from time to time by ordinance of the city.

Sec. 6-25. Membership.

(a) The animal control board shall consist of five (5) persons, who shall serve for a term of three (3) years, except for the initial board members. The member of this board shall be appointed by the Commission of the City of Waycross.

(b) The terms of the initial board members shall be as follows: One (1) member to serve for one (1) year; two (2) members to serve for two (2) years; and two (2) members to serve for three (3) years. Thereafter, the terms for all subsequently appointed members shall be for three (3) years.

(c) No member of the animal control board may participate in a hearing on any matter in which such member previously participated in the classification of the dog at issue.

(d) The Commission of the City of Waycross may appoint alternate members for the animal control board from time to time as the need may arise. Said alternate members shall serve only for temporary time sitting on the board when a quorum of the animal control board cannot be ascertained due to conflicts which exist by appointed board members.

Sec. 6-26. Compensation.

Members of the board shall receive no compensation for their services.

Sec. 6-27. Disqualification of members.

(a) No member of the board shall participate in connection with any hearing or any decision involving classification or no classification pursuant to the provisions of the state dangerous dog control law with respect to any dog of which the member has a personal knowledge.

(b) Should any member of the board have any personal or financial interest or relationship with respect to any animal, owner, matter or issue pending before the board or

otherwise be closely associated with any animal, owner, matter or issue pending before the board, then such member should declare a conflict of interest in connection with such matter or issue. Any member of the board shall be entitled to raise a question of a potential disqualification of any other member who has not disqualified himself whereupon, following such consideration as the board shall deem appropriate, the board shall determine by the majority vote of the remaining members (including the alternate) as to whether the member should be disqualified from voting and discussing with members of the board on the matter under consideration.

Sec. 6-28. Meetings.

Meetings of the board shall be held from time to time as necessary for the board to perform its duties and responsibilities. All meetings of the board shall be open to the public and shall be held in accordance with the requirements of state law relative to open public meetings. The records of the board shall be open to the public under the Georgia Open Records Act to the extent required by law.

Sec. 6-29. Duties and responsibilities.

(a) The board shall hear and determine such issues and matters as it shall be authorized from time to time by law or by ordinance of the city, including specifically determination of matters provided in O.C.G.A. § 4-8-24 and other provisions of the state Dangerous Dog Control Law as now enacted and subsequently amended from time to time.

(b) The board shall have such additional duties, responsibilities and powers as shall be specifically provided from time to time by ordinance adopted by the board of commissioners of the city.

(c) Notwithstanding any other provision to the contrary, the board of commissioners of the City of Waycross reserves the right to designate the local board of health to conduct the hearings provided by O.C.G.A. § 4-8-24, and to hear and determine all other matters submitted to the board pursuant to the state Dangerous Dog Control Law (O.C.G.A. 4-8-20---4-8-29).

Sec. 6-30. Rules and regulations.

The board shall recommend such rules, policies, procedures and regulations for the transaction of its business and for consideration and determination of issues and matters before the board, as it deems necessary, subject to prior approval by the board of commissioners of the city or their designee.

Sec. 6-31. Selection of chairman and vice-chairman.

The board shall select from among its members a chairman who shall preside at meetings and hearings of the board and vice-chairman who shall preside at meetings and hearings of the board in the absence or disqualification of the chairman. The chairman, or in the absence or disqualification of the chairman, the vice-chairman, shall call all meetings of the board.

Sec. 6-32. Secretary of board---Designation.

The secretary of the board shall be such person or official as shall from time to time be designated by the board to perform the functions of secretary of the board. The secretary may, but need not be, a member of the board.

Sec. 6-33. Secretary duties.

The secretary of the board or his or her designee shall:

- (a) Prepare and conduct all correspondence of the board;
- (b) Receive and file all correspondence to the board;
- (c) Receive and file all requests for hearings before the board and other applications;
- (d) Receive and file all transmittals to the board from the animal services officer and other public officials;
- (e) Review and evaluate all requests, applications and filings to and with the board for compliance with the rules and regulations of the board and notify those filing the same of any noncompliance therewith;
- (f) Following consultation with the chairman and to the extent necessary the other members of the board, schedule hearings and meetings of the board in accordance with applicable laws and ordinances and the rules and regulations of the board;
- (g) Prepare and maintain a calendar and docket of proceedings before the board;
- (h) Prepare and submit to members of the board at least one week prior to a scheduled hearing an agenda therefore, as well as copies of all requests and other filings made in connection with each such proceeding;
- (i) Determine all notices to be given in connection with proceedings before the board and cause such notices to be given to those entitled thereto;
- (j) Attend all meetings and hearings of the board;
- (k) Retain and maintain all evidence presented in connection with matters before the board;
- (l) Prepare and maintain minutes of proceedings of the board indicating therein all significant information, matters and facts pertaining thereto, including specifically all motions, votes and decisions of the board, together with such other matters as shall be pertinent to the activities of the board;
- (m) Retain and maintain all minutes, records, files and notices of the board;
- (n) Maintain a minutes book of the board in which shall be recorded by date, owner and animal and record of the decision of the board;
- (o) At hearings before the board attempt to obtain the name and address of all persons, who shall present any evidence, testimony or opinions, make any statement to the board or present any argument in connection with matters before the board;
- (p) Obtain/record transcriptions of hearings before the board upon the direction of the chairman of the board and the approval of the planning and codes director;
- (q) Notify those persons entitled thereto of decisions of the board; and
- (r) Perform such other duties with respect to the activities of the board as shall be directed from time to time by the board and approved by the planning and codes director.

Sec. 6-34. Authority.

The board shall have no authority or power other than as specifically provided from time to time by law or by ordinance and, without limiting the generality of the foregoing, shall have no authority, right or power to expend any funds, to direct the activities of any employee or official of the city, except solely the secretary of the board, if applicable, and then only to the extent specifically provided in this division, nor to contract for or on behalf of either itself or the city.

Sec. 6-35. Dog control officer appointed; duties.

(a) The Commission of the City of Waycross shall appoint a dog control officer who shall serve at the pleasure of the commission, and whose compensation shall be established by the Commission of the City of Waycross.

(b) The dog control officer, upon receiving a report of a dangerous dog or potentially dangerous dog within the City of Waycross from a law enforcement agency, animal control agency, rabies control officer, or county board of health, shall make such investigations and inquiries with regard to such report and whether the dog should be classified as a dangerous dog or potentially dangerous dog or reclassified as a dangerous dog if previously classified as a potentially dangerous dog.

(c) Should the dog control officer determine that a dog is a dangerous dog or potentially dangerous dog, said officer shall classify such dog accordingly, and the dog control officer shall notify the dog's owner, in writing by certified mail, to the owner's last known address, of such classification or reclassification. Such notice shall be complete upon its mailing.

Sec. 6-36. Classification as dangerous dog or potentially dangerous dogs.

In classifying or reclassifying dangerous dogs or potentially dangerous dogs, the dog control officer must comply with procedure for classifications set forth in O.C.G.A. Section 4-8-24 and same is incorporated herein as if fully set out in this section.

Sec. 6-37. Requirements for possessing dangerous or potentially dangerous dogs.

(a) No one shall have or possess within the City of Waycross a dangerous dog or potentially dangerous dog without a certificate of registration issued in accordance with the provisions of O.C.G.A. Section 4-8-25 and the provisions thereof are incorporated herein as if fully set forth in this section.

(b) The owner of each dangerous dog or potentially dangerous dog shall pay an annual registration fee at the time of the issuance of the annual certificate of registration. The annual registration fee shall be in the amount of \$100.00-\$250.00. Registrations shall be renewed in the month of initial registration. Potentially Dangerous - \$100.00. Dangerous - \$250.00.

(c) The dog control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous dog or the potentially dangerous dog is confined or continuing to be confined in a proper enclosure and that the owner is in compliance with or continues to be in compliance with the provisions of O.C.G.A. Section 4-5-25(b) and (c).

(d) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer if the owner is moving from the City of Waycross. The owner of a dangerous dog or potentially dangerous dog who is a new resident of the City of Waycross shall register the dog as required by this article and the "Dangerous Dog Control Law" of the State of Georgia, within thirty (30) days after becoming a resident.

(e) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer within twenty-four (24) hours if the dog is on the loose, unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner

shall provide the dog control officer with the name, address, and telephone number of the new owner of the dog.

(f) The issuance of a certificate of registration or the renewal of a certificate of registration by the City of Waycross does not warrant or guarantee that the requirements specified in O.C.G.A. Section 4-8-025(b) and (c) are maintained by the owner of a dangerous dog or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

Sec. 6-38. Confiscation of dogs; disposition.

(a) A dangerous dog shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer if the:

- (1) Owner of the dog does not secure liability or bond required by O.C.G.A. Section 4-8-25(c);
- (2) Dog is not validly registered as required by this article;
- (3) Dog is not maintained in a proper enclosure as defined herein; or
- (4) Dog is outside a proper enclosure in violation of O.C.G.A. Section 4-8-26(a).

(b) A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

- (1) Not validly registered as required by this article and O.C.G.A. Section 4-8-25;
- (2) Not maintained in a proper enclosure as defined herein; or
- (3) Outside a proper enclosure in violation of O.C.G.A. Section 4-8-26(b).

(c) Any dog that has been confiscated under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this article and O.C.G.A. Section 4-8-20, et seq., and upon the payment of the cost of confiscation. In the event the owner has complied with the provisions of this section within twenty (20) days of the date the dog is confiscated, said dog shall be destroyed in an expeditious and humane manner.

Sec. 6-39. Interpretation of adoption of article.

It is the intention of this ordinance [Ordinance Number 11-_____] to adopt the minimum standards and requirements for the control of dangerous dogs and potentially dangerous dogs in compliance with the "Dangerous Dog Control Law" (See O.C.G.A. Section 4-8-20, et seq.), and the provisions thereof are incorporated herein as if fully set forth in this ordinance. Therefore, as stated by the General Assembly of the State of Georgia, the owner of a dangerous dog or

potentially dangerous dog shall be solely liable for any injury to or death cause by such dog. Under no circumstances shall the City of Waycross or any employee or official of said county which enforces or fails to enforce the provisions of said law or this article shall be held liable for any damages to any person who suffers an injury inflicted by a dog that has been identified as being a dangerous dog or potentially dangerous dog or by a dog that has been reported to the proper authority as being a dangerous dog or potentially dangerous dog or by a dog that the City of Waycross has failed to identify as a dangerous or potentially dangerous dog or by a dog which has been identified as being a dangerous dog or potentially dangerous dog, but has not been kept or restrained in the manner prescribed by law, or by a dangerous dog or potentially dangerous dog whose owner has not maintained insurance coverage or a surety bond as required by law.

Sec. 6-40. Vicious Animals

(a) No person owning or having custody or control of any dog or other animal known by such person to be vicious shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.

(b) It shall be the duty of every owner of any vicious animal, or anyone having any such animal in his possession or custody, to ensure that the vicious animal is kept under restraint, as prescribed in subsections (d), (e) and (f) of this section and that reasonable care and precautions are taken to prevent the vicious animal from leaving, while unattended, the real property limits of its owner, custodian, or harbinger, and it is securely and humanely enclosed within a house, building, fence, locked pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition. Such enclosure must be securely locked at any time the animal is left unattended so that children are prevented from entry and to prevent the vicious animal from escaping.

(c) For owners of a vicious animal whose animal lives out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the vicious animal must be humanely confined inside a locked pen or kennel of adequate size. The kennel or pen must have secure sides that set securely into the ground or onto a concrete pad. The gate to the kennel must be locked when the animal is unattended. This enclosure shall provide protection from the elements.

(d) A vicious animal shall not be upon any street or public place except when securely restrained by a leash not more than six feet in length and humanely muzzled when appropriate, as determined by the animal services officer, and in the charge of a competent and responsible person.

(e) Whenever outside of its enclosure, as provided for in subsections (b) and (c) of this section, but on the owner's property, a vicious animal must be attended by the owner or custodian and restrained by a secure collar, muzzled when appropriate, as determined by the Ware County health control officer, and on a leash of sufficient strength to prevent escape.

(f) No vicious animal shall be chained, tethered, or otherwise tied while unattended by the owner or custodian to any inanimate object such as a tree, post, or building outside of its primary enclosure.

(g) A warning sign (i.e. beware of dog) shall be conspicuously posted denoting a vicious animal on the premises.

(h) Failure to keep any vicious animal confined or under restraint as provided for in this section shall be unlawful and shall be punishable as provided in this article.

Sec. 6-41. Biting Animals

(a) An animal, whether vaccinated against rabies or not, having bitten a human or other pet animal, shall be quarantined for a period of ten days, at the owner's property or in a place and manner approved by the animal control officer.

(b) Any animal under such quarantine that is not confined by the owner or is running at large shall be immediately impounded by the animal control officer and boarded at a licensed animal shelter until the ten day period is over.

(c) At the time quarantine is ordered by the animal control officer, the animal or custodian shall sign a home quarantine agreement or submit the animal to a licensed animal shelter for the ten day period and pay any fees required. All expenses incurred for boarding the animal for this period of time shall be paid by the owner or custodian of the biting animal, unless the bite was provoked, in which event the person provoking the bite shall be responsible for all expenses incurred.

(d) An unvaccinated animal bitten by a known rabid animal shall immediately be destroyed under the supervision of the animal control officer. Exceptions to this section are noted by the state department of human resources.

(e) Any animal, the rabies vaccination of which is current as evidenced by the certificate of vaccination, which is bitten by a known rabid animal, must be revaccinated, confined in a manner approved by the environmental health rabies control officer, an employee of the health department, for a period of 45 days and then released only if no signs of rabies are evident.

Sec. 6-42. Poison

No person shall expose any known poisonous substance, whether mixed with food or not, so that such substance may be liable to be eaten by any animal. This section does not apply to persons exposing to his own property common rodent poison.

Sec. 6-43. Diseased, Crippled Animals

(a) It shall be unlawful for any person to have, keep or harbor any animal infected with any dangerous disease or any incurable, painfully crippling condition, as determined by a veterinarian. The animal control officer may impound such diseased or painfully crippled animals, and all such animals impounded may be destroyed humanely as soon thereafter as possible. Upon the destruction of such animal, the animal control officer shall be required to give notice to the owner by any reasonable means possible. This subsection shall not be construed to include veterinary hospitals or animals under veterinary care.

(b) No owner, or custodian of any animal, shall fail to provide proper veterinary care to any animal when needed to prevent suffering.

Sec. 6-44. Protective Custody

(a) Whenever the Animal Control Officer finds that any animal is or will be without proper care under any section of this ordinance, whether or not through the absence of the owner, the animal control officer may impound such animal for protective care; and in the event the animal is injured or suffering, the animal control officer may take such action as called for to prevent undue pain and suffering, including immediate euthanasia of the animal.

(b) Animals seized under this section will be housed at the species appropriate agency, or appropriate place designated by the animal control officer, until disposition is determined in a court of law or by owner surrender to the Humane Society for disposal through adoption or euthanasia. An owner is responsible to maintain the cost of the animal(s) while they are being maintained in a seized state until such disposition is reached.

Sec. 6-45. Quarantine

(a) Where rabies has been found to exist in any warm-blooded animal, or where its existence is suspected, the health department may designate an area within which quarantine shall be maintained as provided by the terms of this article. Every such animal shall be immediately confined to the premises designated by the health department, whether or not the animal has been vaccinated against rabies.

(b) No animal shall be removed from or brought into a quarantined area without written permission of the health department. The application for such permission shall be in writing, filed with the health department, stating the reason for movement and the location at which the animal will be confined after movement.

(c) Where an animal has been suspected of having rabies or has rabies symptoms, the area or premises where such animals are kept shall be posted by the health department with signs to read as follows: "Rabies Suspected" or "Rabies, Keep From Animals." Such signs shall be conspicuously displayed on the premises, printed with type that is easily legible, and shall remain on the premises for the duration of the quarantine.

(d) Persons living within a quarantine area having in their possession an animal subject to rabies or to the terms of this article shall be given written notice of the quarantine, the animals subject to quarantine, and an order to confine their animals so subject to the premises of the owner, together with any other information the health department deems advisable. Such notice shall be signed by a duly authorized agent of the health department.

(e) The violation by any person of any quarantine order issued by the health officer shall be a violation of this article, and the person so violating shall be subject to all the penalties prescribed by law for a violation.

Sec. 6-46. Cruelty to Animals

(a) General care; prohibited acts.

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

(A) Allowing a collar, rope, chain or other item to become embedded in or cause injury to an animal's neck or other portion of the body.

(B) Allowing a slip-type choke, or pinch-type collar to be used as a primary collar to tether an animal.

(C) Intentionally causing or allowing animals to engage in a fight.

(D) Allowing animals to live in unsanitary conditions.

(E) Allowing animals to live in regularly overcrowded conditions.

(F) Failure or refusal to obtain veterinary medical treatment for an animal when, in a veterinarian's, animal services officer's, or law enforcement official's opinion, such treatment is needed.

(G) Shooting a domestic animal, either on or off of the owner's property unless such domestic animal is then in the act of attacking or maliciously chasing a human being, horse, hog, goat, poultry, any other domestic animal or sheep or cattle and shooting such domestic animal is then the most reasonable action under the particular circumstance. An exception to this is allowed under the direction of a veterinarian or law enforcement official where the animal is hopelessly suffering.

(H) Inhumanely trapping an animal (except for non-domesticated animals for which the person conducting such trapping possess a valid and currently in effect permit for such trapping of such animal issued by the Georgia Department Natural Resources) with any trap other than a live trap which must be checked at least every 24 hours. The following trapping requirements must be followed:

(1) Trapping is not allowed with the intention to harm any animal or to abandon or relocate any animal upon public or private property (except, in each case, to the extent specifically authorized by a valid and currently in effect permit for trapping of such animal issued by the Georgia Department of Natural Resources to the person conducting such trapping.

(I) Permitting any exhibit, function or activity where animals are not receiving humane care, are being cruelly treated, or such animals run the risk of causing injury to the public or themselves. Animal control, city, or state law enforcement officials, and representatives acting in their official capacity of the county or state departments of health or the state or federal departments of agriculture shall have the authority to inspect and to close down public exhibits in the city or county of animals, and/or impound any or all such animals, which are part of fairs, carnivals, festivals, fundraising events, petting zoos or any other activity or function carried out in the city or county if it is determined that animals in such activity or function are not receiving humane care, are being cruelly treated, run the risk of causing injury to the public or themselves, or do not in each case have are complying with all applicable lawfully required licenses, registrations and permits.

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

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

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

- (1) All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of adequate food.
- (2) All animals shall be supplied and have access to a constant supply of adequate water.
- (3) All animals shall be provided by its owner or custodian with adequate shelter from the weather at all times. Examples of inadequate shelter include, but are not limited to the following:
 - a. Underneath outside steps, decks and stoops.
 - b. Underneath houses.
 - c. Inside or underneath motor vehicles.
 - d. Inside metal or plastic barrels.
 - e. Inside cardboard boxes.
 - f. Inside temporary animal carriers or crates.
 - g. Shelters located in flood-prone areas.
 - h. Shelters surrounded by debris, obstructions or impediments that may endanger or harm an animal

(B) *Medical care.*

(1) It shall be unlawful for any owner or custodian of a sick, diseased, suffering or injured animal to fail or refuse to provide proper veterinary medical treatment for the animal.

(2) It shall be the duty of any person who allows a stray or abandoned animal to stay on their property to either:

- a. Notify Animal Control of it's sick, diseased, injured, suffering or abandoned condition for impoundment; or
- b. Provide proper veterinary medical treatment, adequate food and water and adequate shelter for the animal.

(3) It shall be the duty of any person who has knowledge of a sick, diseased, injured, suffering or cruelly or inhumanely treated animal to notify Animal Control or Law Enforcement officials as soon as possible.

(4) It shall be unlawful for any person to place or leave an animal in a closed vehicle or other enclosure at such internal temperatures (or where the internal temperatures that may reasonably be expected to occur or result) or other conditions and/or lack of air, ventilation or water will cause or result in, or reasonably be expected to cause or result in, harm or distress to the animal.

(5) Should an Animal Services Officer or Law Enforcement official find an animal in a closed vehicle or other enclosure in violation of subsection (1) above, or otherwise believes that such animal is in eminent danger, harm or distress, and the owner of the vehicle or enclosure is not immediately available to release such animal, then in such event, the animal services officer or law enforcement official may then use such reasonable force as necessary to extract the animal from such closed vehicle or other enclosure.

Sec. 6-47. Bird Sanctuary.

(a) **Designation.** The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(b) **Protection of Birds.** Except as set forth in Sec. 6-36 of this Code, it shall be unlawful for any person to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests.

(c) **Birds Causing Nuisance.** If Starlings, pigeons or other birds (i.e. sometimes referred to herein as "fowl") gather or congregate within the city in such numbers that they constitute a nuisance, health menace or safety hazard, the city commission, after finding that such fowl constitute a nuisance, health menace, or a safety hazard, one or more, may authorize the city manager to take steps to alleviate the nuisance, health menace or safety hazard caused by such fowl, including without limitation, to destroy the fowl in such numbers and in such manner as reasonable and appropriate under the circumstances. The city manager may, but is not required to, engage the services or contract with others with the approval of the city commission to alleviate the nuisance, health menace or safety hazard.

Sec. 6-48. Required Distances from Occupied Buildings.

Each person maintaining or housing animals or fowl within the corporate limits of the city shall keep them at the following distances from any occupied building, except the dwelling unit of the person maintaining or housing the animals or fowl:

Four (4) or more dogs.....	300 feet
Five (5) or more rabbits, guinea pigs, hamsters, and similar animals.....	150 feet
Less than twenty-five (25) fowl.....	100 feet
Twenty-five (25) or more fowl.....	1000 feet

SECTION 2. This Ordinance shall take effect and be enforced from and after the date of its final approval after second reading by the Commission of the City of Waycross, Georgia.

SECTION 3. The Commission of the City of Waycross, Georgia finds and declares that an emergency exists as is contemplated by Section 2-42 of the Code of the City of Waycross so that this Ordinance can be read twice by unanimous consent at the same meeting and passed.

SECTION 4. If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

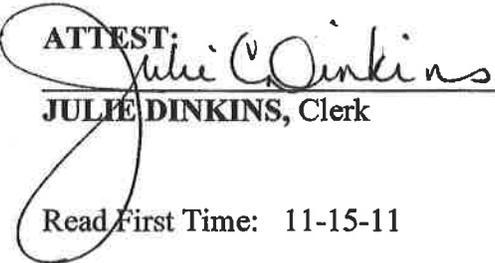
SECTION 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become part of the Code of the City of Waycross, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED, this the 15th day of November, 2011.

CITY OF WAYCROSS, GEORGIA

BY: 
CLARENCE E. BILLUPS, Mayor

ATTEST: 
JULIE DINKINS, Clerk

Read First Time: 11-15-11

Read Second Time: 11-15-11