

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 171

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 14 "ANIMALS", ARTICLE X "IMPOUNDMENT AND ADOPTION", BY REPEALING SECTION 14-253 "RECLAIMING IMPOUNDED ANIMALS" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-253 "RECLAIMING IMPOUNDED ANIMALS"; AND ADDING A NEW SECTION 14-253.1 "MICROCHIP IMPLANT OF DOGS IMPOUNDED FOR RUNNING AT LARGE, ETC."; AND ADDING A NEW SECTION 14-253.2 "MICROCHIP OF DOGS AT OWNERS REQUEST"; AND DELETING SECTION 14-254 "ADOPTION" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-254 "ADOPTION"; AND ADDING A NEW SECTION 14-256 "UNLAWFUL TO REMOVE MICROCHIP"; AND ADDING A NEW SECTION 14-257 "OWNER SURRENDERED DOGS AND CATS"; AND ADDING A NEW SECTION 14-258 "LIMITING ADOPTIONS"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 "Animals", Article X "Impoundment and Adoption", by deleting Section 14-253 "Reclaiming impounded animals" and substituting in lieu thereof a new Section 14-253 "Reclaiming impounded animals" which shall read as follows:

"Sec. 14-253. Reclaiming impounded animals.

(a) The owner of an animal impounded in the animal shelter may claim the animal, upon presenting evidence satisfactory to the animal control unit of compliance with all provisions of this chapter and upon payment of fees and charges as provided in this section, such fees and charges shall not be in lieu of any fine or penalty otherwise provided by law.

(b) Fees for reclaiming impounded animals shall be as follows:

(1) Vaccinated dogs or cats

- a. First offense . . . \$ 25.00
- b. Second offense . . . 50.00
- c. Third offense . . . 100.00
- d. Subsequent offense . . . 150.00

(2) Unvaccinated dogs or cats:

- a. First offense . . . \$ 50.00
- b. Second offense . . . 200.00
- c. Third offense . . . 300.00
- d. Subsequent offense . . . 400.00

(3) Additional fee for dogs that have not been spayed or neutered. In addition to the above reclaiming fee, the owner of a dog that has not been spayed or neutered shall pay an additional fee of \$100.00 to reclaim the dog.

(4) Rabbits, poultry and birds, each offense. .25.00

(5) Other animals, each offense . . . 50.00

(6) In addition to the foregoing fees, the owner of an impounded animal shall pay a kennel fee of \$10.00 per day for each day the animal is boarded at the shelter. Provided that the owner of cows, horses or similar large animals shall pay a daily boarding fee of \$50.00 per animal.

(c) The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges notwithstanding the destruction or adoption of the animal.

(d) The commanding officer of the Animal Shelter is authorized to waive up to \$100.00 of these fees conditioned upon the pet owner having the pet spayed or neutered. The pet owner must agree to sign an affidavit and provide proof of completion of the spay/neutering within ten days of reclaiming the pet. Failure to provide the required proof is a violation of this section and shall be punished as provided for in Section 1-12 of the Code.”

Section 2. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is

hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 "Animals", Article X "Impoundment and Adoption", by adding a new Section 14-253.1 "Microchip Implant of Dogs Impounded for Running at Large, etc.", which shall read as follows:

"Sec. 14-253.1. Microchip implant of dogs impounded for running at large, etc.

(a) When claimed by the owner, any dog that was impounded for being at large a second time within the previous 12 months shall have a microchip identifier implanted and the owner's contact information recorded by animal control before the dog is released to the owner. The \$25.00 cost of the microchip implanting shall be paid by the owner before the dog is released. The microchip implant will facilitate the return of the dog to its owner should the dog be impounded again. If the dog already has a microchip that is readable by the animal control unit with existing technology, the owner's information shall be updated to facilitate the future return of the animal to the owner.

(b) Animal control shall enter the owners contact information and the identification number of the microchip implanted into the dog into an animal recovery data base so that the owner can be located should the animal be impounded again by animal control.

(c) In addition to dogs impounded for running at large, any dog impounded for an unprovoked attack, bite dogs and vicious dogs, shall likewise have a microchip implanted at the owners expense when the dog is reclaimed by the owner and the owner's contact information and the identification of the dog shall be entered into the animal recovery data base by animal control.

(d) Any dog that has had a microchip implanted pursuant to this ordinance that is later sold, adopted, traded, or otherwise released to new owners, persons, kennels, or any other businesses or shelters shall be reported by the original registered owner to the Animal Control Unit within ten days of such sale or release.

(e) Any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purposes of providing and promoting the welfare, protection, and humane treatment of animals shall be exempt from this provision."

Section 3. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 "Animals", Article X "Impoundment and Adoption", by adding a new Section 14-253.2 "Microchip of Dogs at owner's request", which shall read as

follows:

“Sec. 14-253.2. Microchip of dogs at owner’s request

- (a) The owner of any dog may request Animal Control to microchip and record the owners name and contact information to facilitate the return of the pet to the owner.
- (b) Animal Control will charge a fee of \$25.00 for this service.”

Section 4. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 “Animals”, Article X “Impoundment and Adoption”, by deleting Section 14-254 “Adoption”, and substituting in lieu thereof a new Section 14-254 “Adoption”, which shall read as follows:

“Sec. 14-254 Adoption

- (a) Except for dogs which have been designated as dangerous, potentially dangerous or vicious, the animal control unit may permit adoption of any animal which has become the property of the animal control unit. The adoption will be subject to such conditions as may be prescribed by the animal control unit.
- (b) The animal control unit may develop rules for the adoption of animals that will encourage spay or neutering of pets, vaccination against rabies and examination by a veterinarian and such other rules for the protection of the public and the safe operation of unit.
- (c) The animal control unit is authorized to waive a portion of any adoption fees to off set the cost of spay/ neutering and vaccination upon satisfactory evidence of completion of the same.
- (d) Generally, an adoption fee up to \$100.00 may be charged for the adoption of any animal. Provided however; all but \$20.00 of this fee may be reduced by the animal control unit to off set the actual costs of spay/neutering and vaccination authorized by this section.”

Section 5. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 “Animals”, Article X “Impoundment and Adoption”,

by adding a new Section 14-256 "Unlawful to Remove Microchip", which shall read as follows:

"Sec. 14-256 Unlawful to remove microchip

(a) Except as provided, it shall be unlawful for anyone to remove a microchip placed by animal control.

(b) When medically necessary for the well being of the dog, a licensed veterinarian may remove the microchip. In such a case, the registered owner must provide written documentation from the veterinarian to Animal Control with one week from the removal of the microchip.

(c) Violations of this section shall be punished as provided for in Section 1-12 of the code of Clayton County."

Section 6. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 "Animals", Article X "Impoundment and Adoption", by adding a new Section 14-257 "Owner Surrendered Animals", which shall read as follows:

"Sec. 14-257. Owner surrendered animals

The animal control unit shall promulgate rules for owner surrender of animals. If owner surrender is allowed, the rules may impose a reasonable fee to compensate the county for kennel costs and disposition of the animal."

Section 7. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 "Animals", Article X "Impoundment and Adoption", by adding a new Section 14-258 "Limiting Adoptions", which shall read as follows:

"Sec. 14-258. Limiting adoptions

(a) The county reserves the right to refuse to allow any person to adopt an animal in its custody or control. Any individual wishing to adopt an animal from the county must provide proof of ownership of residence, or permission of the property owner for the animal to reside at a particular location. No person who surrenders ownership of an animal to the county may adopt an animal for a period of three (3) years after the surrender, without a written waiver from the police chief.

- (b) A person wishing to adopt an animal must authorize the county in writing to conduct a GCIC computer background check for any animal cruelty, neglect or abandonment violation.
- (c) Any person convicted of cruelty, neglect or abandonment of animal will not be allowed to adopt an animal from the animal service center for three (3) years after the date of conviction. For the purpose of this code section, a plea of nolo contendere shall be considered a conviction for three (3) years after the plea was entered.”

Section 8. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 9. If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 10. This Ordinance shall become effective upon its approval by the Board of Commissioners.

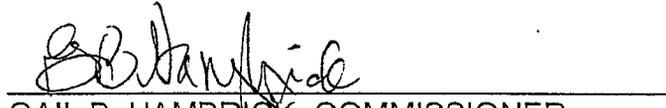
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SO ORDAINED, this the 17th day of August, 2010.

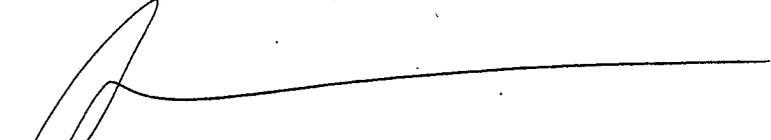
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