

**AN ORDINANCE TO AMEND CHAPTER 18 OF THE ROCKDALE COUNTY CODE OF ORDINANCES, AS AMENDED, SO AS TO AMEND CERTAIN PROVISIONS RELATING TO THE REGULATION OF ANIMALS; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, Chapter 18 of the Code of Rockdale County, Georgia, regulates the care and control of animals; and,

WHEREAS, following a review of the existing county regulations, the Board of Commissioners of Rockdale County finds that the following amendments to Chapter 18 are appropriate in order to advance the public health, safety, and welfare;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of Rockdale County, Georgia, as follows:

**Section 1**

All references in the Code or ordinances, wherever in whatever context they may occur to “Rockdale County Animal Control” or “Department of Animal Control” are hereby amended to read “Rockdale County Animal Services.”

**Section 2**

That the term “Animal control shelter” as defined in section 18-1 of Article 1 of the Code of Rockdale County, Georgia, be amended by deleting said term and definition in its entirety and replacing same as follows:

*“Rockdale County Animal Services Shelter, or animal shelter, means the facility designated by the Rockdale County Board of Commissioners for the impoundment, restraint, care, detention, and disposition of animals.”*

Further, all referenced in the Code or ordinances, wherever in whatever context they may occur to “animal control shelter” or “Rockdale County Animal Control Shelter” are hereby amended to read “Rockdale County Animal Services Shelter.”

**Section 3**

That Article 2, Chapter 18 of the Code of Rockdale County, Georgia be renamed as follows:

**“Article 2. Animal Services”**

#### Section 4

That a new Section 18-11 of Article 2 of the Code of Rockdale County, Georgia be adopted, which new Section shall provide as follows:

“Section 18-11. Animals creating nuisances.

- (a) It shall be unlawful for the owner of an animal or the individual in possession of the property upon which the animal is located at the time of the offense to allow that animal to bark, whine, howl, crow, or cause other sound or noise for a sustained period of time which is plainly audible to a person of ordinary hearing ability provided, however, that no conviction of this offense shall occur if the evidence demonstrates that, at the time the animal is emitting such sound or noise, a person is trespassing or threatening to trespass upon property in or upon which the animal is situated or if the noise is the result of an intentional provocation by another person. An animal for the purposes of this section shall include but not be limited to dogs, cats and fowl.
- (b) For the purposes of this section, the term "sustained period of time" shall be defined as a period of time during which the animal barks, whines, howls, crows or makes noise continuously and/or incessantly for a period of 15 minutes or more, or makes such noise intermittently for 30 minutes or more.
- (c) No person shall be found guilty of a violation of subsection (a) of this section unless such person shall have been given notice of the disturbing noise in accordance with the following procedure:
  - (1) Upon determination by any person that a violation of the provisions of subsection (a) of this section has occurred or is occurring, such person or his agent shall file a report with Rockdale County Animal Services, which shall include the name, address, and phone number of the person filing the report; violator's address, animal description and detailed complaint. An animal control officer shall respond to the complaint by leaving a written or verbal warning with the violator.
  - (2) Subsequent to filing a complaint as set out in subsection (c)(1) of this section, the complainant must video the animal making such disturbances for a period of 15 minutes or longer or intermittently for 30 minutes or more. It is recommended that the complainant make the recording from a deck or window of the complainant's home. The complainant cannot provoke the animal during the video recording. Audio proof will not be accepted.
  - (3) Along with the video proof of the disturbances, the complainant shall keep a log over a period of seven days detailing the animal disturbances. The complainant or his agent shall bring video proof and copy of the log to the Rockdale County Animal Services staff member for review.
  - (4) Once Rockdale County Animal Services reviews the video proof and log, it will be up to the animal services manager or his/her designee to determine if proof will be substantial to issue a citation for the violation. If Rockdale County Animal Services finds the proof to be substantial, then a citation

will be issued to the violator/animal owner and a subpoena will be issued to the complainant. Rockdale County Animal Services cannot stand trial or serve as a witness for this violation."

#### **Section 5**

That Section 18-12 of Article 2 of the Code of Rockdale County, Georgia be amended by removing the current Section 18-12(b) in its entirety and replacing same with a new Section 18-12(b), which shall provide as follows:

"Section 18-12. Duty of owner to keep dog under control.

(b) For the purposes of this section, a dog is considered to be under control if it is within the property limits of its owner or custodian and under the immediate supervision of the responsible party, confined within an enclosure, controlled by a leash, is at heel, or is beside a competent person and obedient to that person's commands. Dogs left on the owner's or custodian's property unsecured, unconfined, or unattended are not deemed to be under control and are subject to impoundment."

#### **Section 6**

That a new Section 18-14 of Article 2 of the Code of Rockdale County, Georgia be adopted, which new section shall provide as follows:

"Section 18-14. Humane treatment of animals.

- (a) No person, corporation, or other entity having an animal in its possession and/or control shall fail to provide such animal sufficient food, a constant source of potable water, sanitary living conditions, shelter or adequate protection from the elements. Veterinary care, when needed to prevent suffering to such animal shall be provided; and such animal shall be treated with humane care at all times.
- (b) No person shall, by act, omission or neglect, cause unjustifiable physical pain, suffering, or death to animal, beat, ill-treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit combat between animals.
- (c) No person or corporate entity having an animal in its possession and/or control shall abandon such animal on public or private property or fail to reclaim said animal from the animal services shelter.
- (d) No person shall expose any animal to a known poisonous substance that may be eaten by any animal, whether mixed with food or not. It shall not be unlawful for a person to use common rat and insect poisons on their own property.
- (e) When an owner or other responsible person receives a citation pursuant to this section, the animal(s) who condition provided the basis for the citation may be impounded immediately by animal services officers for the purpose of seeking veterinary care for such animal(s). The animal(s) may remain impounded pending disposition of the citation by the court, and any incurred veterinary or related expenses may be ordered paid as restitution by the court.

- (f) This section shall not be construed to limit in any way the authority or duty of any law enforcement officer, animal services officer, rabies control officer, humane society, or veterinarian.”

### **Section 7**

That a new Section 18-16 of Article 2 of the Code of Rockdale County, Georgia be adopted, which new section shall provide as follows:

“Section 18-16. Prohibited animals

It shall be unlawful to purchase, sell, own, possess, harbor, and/or breed skunks, foxes, prairie dogs, raccoons, coyotes, wolves, hybrid wolves, any hybrid animal that is part wild animal, exotic cats or any other native or nonnative wild animals unless licensed by the respective federal agency or Georgia Department of Natural Resources to possess such animal.”

### **Section 8**

That Section 18-21 of Article 3 of the Code of Rockdale County, Georgia be amended by removing the current Section 18-21(e) in its entirety and replacing same with a new Section 18-21(e), which shall provide as follows:

“Section 18-21. Powers and duties of animal services officer

(e) Entering onto private property for the limited purposes of capturing animal deemed to be out of control, abandoned, or in need of medical treatment, and for the impounding of animals needing to be quarantined.”

### **Section 9**

That a new Section 18-23 of Article 3 of the Code of Rockdale County, Georgia be adopted, which new section shall provide as follows:

“Section 18-23. Impoundment; redemption; adoption; disposition

- (a) *Impoundment.* Animals within any of the following classes may be impounded by an animal services officer:
1. Animals (excluding felines) running at large in violation of this chapter;
  2. Animals that have been abandoned;
  3. Animals subjected to inhumane treatment in violation of section 18-14;
  4. Animals which have bitten a person or which have been bitten by an animal suspected of having rabies;
  5. Animal suspected of having rabies; and
  6. Unconfined dogs in quarantine areas.
- (b) *Redemption.* It shall be the responsibility of Rockdale County Animal Services to notify the owner of each dog impounded if the owner of the dog is known or can be reasonably

ascertained. The owner of any dog impounded may, within 72 hours, reclaim the dog by the payment of a reasonable administrative impoundment fee and boarding fee as set by the Rockdale County Board of Commissioners for each day the dog was impounded and the cost of rabies inoculation if the dog impounded was not wearing a current rabies inoculation tag, or if the owner of the animal does not have a current rabies inoculation certificate. In addition, the following minimal penalties for violation of this section shall apply:

1. First violation: an impound fee of an amount established in the Rockdale County Animal Services Fee Schedule for a first violation.
2. Second violation within 12 months immediately following the first violation: an impound fee of an amount established in the Rockdale County Animal Service Fee Schedule for a second violation shall be imposed, and the owner shall be responsible for having the dog implanted with a microchip identifier within 30 days of violation, or ensure an existing microchip is updated with the owner's current information.
3. Third violation within 12 months immediately following the first violation: an impound fee of an amount established in the Rockdale County Animal Services Fee Schedule for a third violation shall be imposed, and the owner shall be responsible for having the dog spayed or neutered by a licensed veterinarian within 30 days of reclaim; however, the dog shall not be spayed or neutered if a minimum of two licensed veterinarians each provide a written statement that spay or neuter would be medically unsafe for the dog.

(c) *Adoption.* Rockdale County Animal Services may offer for adoption to any person, not limited by this chapter, any animal unredeemed or unclaimed by the owner after 72 hours and upon compliance with the following provisions:

1. Payment of the adoption fee as set from time to time by the Board of Commissioners in the Rockdale County Animal Services Fee Schedule and cost of rabies inoculation, if needed.
2. All fertile dogs and cats adopted from Rockdale County Animal Services shall be neutered or spayed before going to the new adopted home. This shall not apply to licensed rescue groups adopting animals from the animal services shelter. The licensed groups will be required to spay or neuter the animals after taking possession of the animals in accordance with Georgia Department of Agriculture rules and regulations.
3. The person or organization seeking to adopt a dog or cat that is not old enough or healthy enough, as deemed by a licensed veterinarian, to be spayed or neutered before going into the new home, will be given an appointment date to return the animal to the contracted vet for the County to have the procedure completed by the date approved from the contracted veterinarian. Failure to comply will result in a citation issued for violation of this section.
4. Upon complete of neutering or spaying within the period specified by this section, the person or organization who adopted the dog or cat shall provide proof of the sterilization to Rockdale County Animal Services within ten (10) days of sterilization.
5. In the event, and for whatever reason, to include the giving of an animal to another individual or organization, the animal is no longer in the possession of

the person or organization who adopted the animal, the person or organization shall sign an affidavit as to the whereabouts of the animal. Any such transfer shall not release the adopter from the contract.

6. No person in the same household, nor any corporation, institute, or other entity, may adopt more than four (4) animals within any 12-month period; however, nothing shall prohibit the Rockdale County Animal Services Manager to donate more than four (4) animals in a 12-month period if the donation is in the best interest or welfare of the animal or is in the best interest of public safety.
- (d) *Disposition.* If a dog or cat is not claimed by the owner within the time prescribed or adopted, then it shall be the duty of the Rockdale County Animal Services to dispose of it in as humane and painless manner as possible.”

### **Section 10**

That a new Section 18-25 of Article 3 of the Code of Rockdale County, Georgia be adopted, which new section shall provide as follows:

“Section 18-25 – Limiting adoptions

- (a) Rockdale County Animal Services 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 or 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 years after the surrender, without a written waiver from the Rockdale County Animal Services Manager.
- (b) Animals not placed for adoption through Rockdale County Animal Services may be made available to adoption facilitators and organization on a first come first served basis. Adoption facilitators and organizations must provide proof of Georgia state licensing prior to adopting each individual animal. Adoption facilitators and organizations may be required to pay an adoption facilitator/rescue fee and shall reimburse Rockdale County for any medical care/testing done on the animal by the county or its agents.
- (c) All animals housed in the shelter are at the final discretion of the Rockdale County Animal Services Manager.
- (d) Any person convicted of cruelty, neglect, or abandonment of animals will not be allowed to adopt an animal from the animal services shelter for three (3) years after the date of conviction, without written waiver from the Rockdale County Animal Services Manager.”

### **Section 11**

That a new Section 18-32 of Article 4 of the Code of Rockdale County, Georgia be adopted, which new section shall provide as follows:

“Section 18-32 – When collar and tag required

- (a) For each dog three months of age or older, it shall be the duty of the dog owner or custodian to provide a collar and affixed current rabies inoculation tag issued by a veterinarian licensed to practice veterinary medicine in the state. The collar and tag shall be worn at all times; except that the wearing of the collar and tag is not required for dogs participating in a dog show, dogs residing in licensed kennels, or in veterinary clinics or dogs being used for hunting purposes and the owner or person in possession of the dog has a valid hunting license in their possession.
- (b) It shall be unlawful for any person to attach a vaccination tag or license tag to the collar of any animal for which it was not issued.”

### **Section 12**

That Section 18-34 of Article 4 of the Code of Rockdale County, Georgia be amended by removing the current Section 18-34(e) in its entirety and replacing same with a new Section 18-34(e), which shall provide as follows:

“Section 18-34 – Quarantine

- (e) The owner or custodian of each animal subject to quarantine, which is designated to be no longer than 120 calendar days, invoked by the Rockdale County Animal Services Manager or his/her designee for examination by the Centers of Disease Control State Lab.”

### **Section 13**

That the term “Dog control officer” as defined in section 18-41 of Article 5 of the Code of Rockdale County, Georgia, be amended by deleting said term and definition in its entirety and replacing same as follows:

*“Animal control officer* means the employee(s) designated by the Rockdale County Board of Commissioners to aid in the administration and enforcement of the provisions of this article.”

Further, all referenced in the Code or ordinances, wherever in whatever context they may occur to “dog control officer” are hereby amended to read “animal control officer.”

### **Section 14**

That Section 18-45 of Article 4 of the Code of Rockdale County, Georgia be amended by removing the current Section 18-45(c) in its entirety and replacing same with a new Section 18-45(c), which shall provide as follows:

“18-45 – Procedures for classification as dangerous dogs or vicious dogs

- (c) During the pendency of any hearing or appeal or a determination that a dog is a dangerous or vicious dog as provided for in this section, the owner of the dog shall

confine the dog at the expense of the owner, at a veterinary hospital, licensed kennel facility, or in a proper enclosure deemed suitable by the manager of animal services.”

### **Section 15**

That a new Section 18-46 of Article 5 of the Code of Rockdale County, Georgia be adopted, which new section shall provide as follows:

“Section 18-46 – Requirements for possessing classified dogs.

- (a) It is unlawful for an owner to have or possess within the county a classified dog without a certificate of registration issued in accordance with the provisions of this section. Each and every animal classified under this section must be either spayed or neutered within 30 days of classification before being eligible for issuance of a certificate of registration. Certificates of registration shall be nontransferable and shall be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.
- (b) Subject to the additional requirements of this article, a certificate of registration for a dangerous dog shall be issued if the animal control officer determines that the following requirements have been met:
  - (1) The owner has maintained a proper enclosure designed to securely confine the dangerous dog on the owner’s property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and,
  - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides; 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 dog; and,
  - (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$100,000.00 of the maximum amount authorized by Georgia law issued by an insurer authorized to transact business in this state insuring the owner of the dangerous dog against liability for an bodily injury or property damage caused by the dangerous dog; and,
  - (5) The owner will pay an initial registration fee as set by the board of commissioners in the Rockdale County Animal Services Fee Schedule and then an annual renewal fee as set by the board of commissioners in the Rockdale County Animal Services Fee Schedule.
- (c) Except as otherwise provided in this article, a certificate of registration for a vicious dog shall be issued if the animal control officer determines that the following requirements have been met:
  - (1) The owner has maintained a proper enclosure designed to securely confine the vicious dog on the owner’s property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property; and,
  - (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 dog, and,
  - (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$300,000.00 or the maximum amount authorized by Georgia law 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 vicious dog; and,
  - (5) The owner will pay an initial registration fee as set by the board of commissioners in the Rockdale County Animal Services Fee Schedule and then an annual renewal fee as set by the board of commissioners in the Rockdale County Animal Services Fee Schedule.
- (d) The owner of a classified dog shall notify the animal control officer, within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died or been euthanized, or has been sold or relocated. If the dog has been sold or relocated, the owner shall also provide the animal control officer with the name, address, and telephone number of the new owner of the dog. A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.
  - (e) The owner of a classified dog shall notify the animal control officer if the owner is moving out of the county. The owner of a classified dog who moves to the county from another jurisdiction within the State of Georgia shall register the classified dog with the county within ten (10) days of becoming a resident and notify the animal control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who is a new resident of the state of Georgia shall register the dog as required in this section within thirty (30) days of becoming a resident.
  - (f) Issuance of a certificate of registration or renewal of a certificate of registration by the animal control officer in the county does not warrant or guarantee that the requirements specified in this section are maintained by the owner of a classified 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.
  - (g) An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. Pursuant to Georgia law, law enforcement agencies, including those of the county and the municipalities within the county, will cooperate with animal control officers in enforcing the provisions of this article.
  - (h) At the time of renewal of a certificate of registration, in addition to any regular dog licensing fees, an animal control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the classified dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this article. Failure to renew a certificate of registration within ten (10) days of the renewal date or initial classification date shall constitute a violation of this article.
  - (i) No certificate of registration shall be issued to any person who has been convicted of two or more violation of this article.
  - (j) No certificate of registration for a vicious dog shall be issued to any person (or to any person residing with such person) who has been convicted (from the time of conviction until two years after completion of his or her sentence) of:
    - (1) A serious violent felony as defined in O.C.G.A § 17-10-6.1; or

- (2) The felony of dogfighting as provided for in O.C.G.A. § 16-12-37 of the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or
- (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. § 16-13-31.1.

### **Section 16**

That a new Section 18-51 of Article 6 of the Code of Rockdale County, Georgia be adopted, which new section shall provide as follows:

“Section 18-51 – Regulations.

The following regulations shall apply to all public dog parks owned and/or leased by the county:

- (a) The hours of operation for the Rockdale County dog parks shall be from sunrise to sundown; however, the hours may be adjusted for any facility by the director of parks and recreation of the county. No person shall remain in or upon the grounds of any public dog park during the hours when such public dog park is closed.
- (b) Entrance and exit gates must be kept closed at all times.
- (c) Dogs must remain leashed at all times while entering and exiting the park on a leash no longer than ten (10) feet in length.
- (d) Dogs must be removed from the park at the first sign of aggression toward another person or animal.
- (e) Any and all female dogs in heat and puppies under four (4) months of age are not allowed on premises for any reason and at any time.
- (f) Owners must remain inside the park gates, with their dog's leash, within view, and within voice control of their dog at all times.
- (g) No more than three dogs per person, and the individual responsible for supervising the dog must be at least 18 years of age.
- (h) Children and infants must be kept under strict supervision at all times.
- (i) Dogs must be legally licensed, have current vaccinations, and shall wear a visible license tag while in the dog park.
- (j) Owners are fully responsible for any damages or harm done to the park, people, or other dogs during their visit.
- (k) Owners are responsible for cleaning up and properly disposing of dog waste in the designated containers located at the dog park.
- (l) In addition to the above regulations specific to county dog parks, all regulations as provided for in section 70-2-(b) shall apply, unless otherwise noted.

### **Section 17**

Ordinances in conflict with this Ordinance are hereby repealed.

**Section 18**

This Ordinance shall become effective upon adoption.


This 10 day of August, 2021.

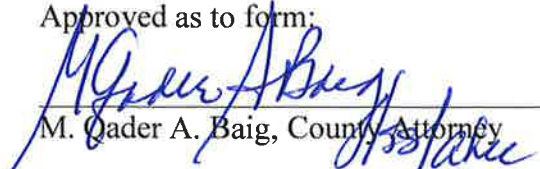
**Rockdale County, Georgia  
Board of Commissioners**

By:   
Osborn Nesbitt, Sr., Chairman

By:   
Sherri L. Washington

By:   
Doreen L. Williams

Attest:   
Jennifer Rutledge, County Clerk

Approved as to form:  
  
M. Qader A. Baig, County Attorney

First Reading: 7/27/2021

Second Reading: 8/10/2021



**Board of Commissioners  
Agenda Item Transmittal Form  
Ordinance Transmittal Form**

<b>Type of Request:</b> Ordinance amendment		County Clerk Use Only Ordinance #: 0-2021-25	
<input type="checkbox"/> <b>Submission Information</b> Contact Name: Dan Morgan  Department: EMA / Animal Services		<input type="checkbox"/> <b>Information</b> Summary of Request: To have the BOC adopt the amended ordinance to Chapter 18 concerning the care and control of animals.	
<input type="checkbox"/> <b>Department Director /Elected Official Signature</b> I have reviewed the attached, and it is approved as to substance. Signature: <i>Dan Morgan</i> Date: 06/15/2021		<input type="checkbox"/> <b>Chief of Staff Signature</b> I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____	
<input type="checkbox"/> <b>County Attorney Signature</b> I have reviewed the attached, and it is approved as to form. Signature: _____ Date: _____		<input type="checkbox"/> <b>Director of Legislative Affairs/County Clerk Signature</b> I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____	

**Notes and Comments:** The attached ordinance (Chapter 18) of the RC code. The amendments include the official name change of Animal Control to Animal Services, establishing definitions, updating the adoption restrictions so they are not breed specific, ensuring that the ordinance is in agreement with the new fee schedule and the Animal Services Strategic Plan and to correct and/or clean up grammar and wording within the ordinance.

This ordinance has been reviewed and amended by EMA, Animal Services and by RC Legal.