RESOLUTION NO.: 07-21
ADOPTING AMENDMENTS TO THE ORDINANCES
OF PAULDING COUNTY, GEORGIA CREATING THE
2007 PAULDING COUNTY ANIMAL CONTROL ORDINANCE

STATE OF GEORGIA

COUNTY OF PAULDING

WHEREAS, the Board of Commissioners of Paulding County is charged with the responsibility of protecting the health, safety, and welfare of the citizens of Paulding County with respect to the control and regulation of animals in the County;

WHEREAS, the 2000 version of the Paulding County Animal Control Ordinance has been revised at various times to meet the needs of the growing population of Paulding County, Georgia;

WHEREAS, at the request of the Animal Control staff and Marshal's Office, this Commission has been asked to again revise these ordinances to address some of the recent issues in control, enforcement and prosecution which have arisen;

WHEREAS, in order to protect the health, safety, and welfare of the citizens of Paulding County, the Board of Commissioners believes that it is in the best interest of the citizens of the county to amend the current county ordinances in Chapter 14 of the Paulding County Code of Ordinances, entitled AAnimals≅;

NOW THEREFORE, be it resolved by the Paulding County Board of Commissioners that Chapter 14 of the Paulding County Code of Ordinances is hereby amended in the following respects:

1.

Chapter 14 of the Paulding County Code of Ordinances shall be amended by striking the entire Chapter therein and inserting in its place the newly revised Chapter 14 ordinances as set forth and shown in the attached Exhibit "A". Said series of ordinances shall be known in its entirety as the 2007 Animal Control Ordinance.

2.

Said 2007 Animal Control Ordinance of Paulding County shall have an effective date of May 1, 2007.

3.

All other aspects of the Code of Ordinances of Paulding County shall remain in full force and effect.

SO RESOLVED THIS ____ DAY OF _____, 2007.

VOTE ON RESOLUTION

	Yes	**No**	**Abstain/Absent**
Chairman Jerry Shearin	____	____	_____
Post 1 Larry Ragsdale	____	____	_____
Post 2 Don Powell	____	____	_____
Post 3 Hal Echols	____	____	_____
Post 4 Wayne Kirby	____	____	_____

ATTEST:

Clerk, Paulding County Board of Commissioners

Exhibit "A"

CHAPTER 14 ANIMALS

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned animal means any animal which has been:

(1) Placed upon public property or within a public building unattended or uncared for;

(2) Placed upon the private property of another without the express permission of the owner, custodian or tenant of the property and is left unattended or uncared for; or

(3) On the property of the owner or custodian of such animal for more than 36 hours unattended and without food and water.

Animal means any type of domestic animal commonly kept as a pet including, but not limited to, dogs and cats.

Animal establishment means any pet shop, kennel, grooming shop, auction, performing animal exhibition or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

Animal shelter means any facility operated by any governmental entity, humane society, or other organization for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large. An animal is considered at large when it is not under control as provided in this chapter.

Auctions means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. Individual sales of animals by owners are not auctions as defined in this chapter.

Cruelty means every act, omission or neglect whereby unjustifiable pain, suffering, maiming or death may be caused or permitted to any animal as defined in this section.

Fenced enclosure means an enclosure made of wire, wood, stone or other materials which is of sufficient height and strength to act as a barrier against the passage of the animal it is intended to enclose. An "invisible fence" is not an acceptable fenced enclosure for an animal.

Hobby breeder means a person who offers for sale one litter of animals during a 12-month period per household. A household which sells two litters during a 12-month period, even if the litters are produced from different animals, will not be considered a hobby breeder and will be subject to the registration procedures applicable to animal establishments and breeders as designated in this chapter.

Humane manner means care of an animal to include, but not to be limited to, adequate heat, ventilation, sanitary shelter, wholesome fresh food, and access to fresh, clean, wholesome water at all times, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

Kennel means any premises where any person who engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals, excluding licensed veterinarians and veterinary clinics and hospitals and facilities owned and/or operated by government entities.

Neutered means incapable of sexual reproduction.

Nuisance means an animal shall be considered a nuisance if it:

(1) Damages, soils, defiles or defecates on private property (other than the property

of the owner of the animal), or public property and recreational areas;

(2) Causes unsanitary, dangerous or offensive conditions;

(3) Causes a disturbance by excessive barking or other noise making;

(4) Molests, attacks or interferes with persons on public or private property, unless the animal is a guard dog actively performing its duties while confined to the property of the owner or responsible person; or

(5) Chases vehicles or attacks other animals.

Owner means any person who has title to or the right to possession of an animal, including, but not limited to, the caretaker or custodian of any animal or person harboring or having control of an animal. An animal is deemed in a person's possession if it is fed or sheltered for three consecutive days or more.

Pet shop means any person engaged in the business of buying or selling two or more species of live animals with the intent that they be kept as pets.

Spayed means incapable of sexual reproduction.

Under control means any animal shall be considered under control if it is on the property and/or premises of its owner, or is secured by a leash, chain, or lead of sufficient strength to prevent it from escaping from its owner when away from the premises of the owner. An animal may be considered under control if the owner is accompanying the animal and has voice, whistle or other control over such animal and such animal is trained to respond to such voice, whistle or other control. The burden of proving that an animal is trained to respond to voice, whistle or other control remains with the owner of such animal and a rebuttable presumption exists that an animal which is not confined to the premises of its owner without being secured by a chain, leash or lead of sufficient strength or fence to prevent it from escaping is not under control of its owner.

Unsanitary means and involves conditions such as, but not limited to, filth and bacteria, which endanger the health of humans and/or animals.

Veterinary clinic and *hospital* means a clinic or hospital operated by a licensed veterinarian.

Vicious animal means any animal which constitutes a physical threat to human beings or other animals by virtue of one or more documented unprovoked attacks or threats of attack of such severity as to cause physical injury, or significant mental trauma to the victim. An animal is also considered to be vicious if it makes an unprovoked attack on other animals or on physical property. Animal attacks shall be documented by reporting such attacks to the county animal control office. If the animal attack involves the biting of a person or another animal, the attack shall also be reported to the county animal control office.

Wild and exotic animals means any monkey or other nonhuman primate, such as raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, ferret, bear, llama, wild rabbit, tarantula, wild rodent, and reptiles, including, but not limited to, crocodiles, alligators, poisonous snakes, caiman, and gavial, and any other animal so designated by the animal control department.

(Res. No. 00-08, § 4-2, 3-28-2000)

Cross references: Definitions generally, § 1-4.

Sec. 14-2. Scope of chapter.

Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal, state or municipal law.

(Res. No. 00-08, § 4-3, 3-28-2000)

Sec. 14-3. Enforcement responsibility.

The provisions of this chapter shall be enforced by the animal control department, the marshal's office, and the county sheriff's department. Persons in violation of this chapter shall be subject to the jurisdiction of the superior court, magistrate court or recorder’s court of the county.

(Res. No. 00-08, § 4-9(a), 3-28-2000)

Sec. 14-4. Interference.

No person shall interfere with, hinder or molest the animal control department or any other officer in the performance of his duties. No person shall seek to release any animal in the custody of the animal control department, except as provided in this chapter.

(Res. No. 00-08, § 4-9(b), 3-28-2000)

Sec. 14-5. Right of entry.

(a) The animal control officers, sheriff's deputies and other enforcement officers of the county are hereby authorized to enter upon any premises or parcel of land for the purpose of seizing and impounding any animal found therein or thereon to be in violation of this chapter, including, but not limited to, an animal that has bitten a person within ten days of the biting incident.

(b) The animal control department may use any force necessary to remove any animal locked in a closed vehicle between the dates of May 1 and September 13. The operator of the vehicle will be charged with cruelty to animals as defined in this chapter. No injunction or claim for damages may be placed against the animal control department or its officers for this action.

(Res. No. 00-08, § 4-9(c), 3-28-2000)

Sec. 14-6. Summons.

Representatives of the animal control department, county marshal's office and officers of the county sheriff's department are hereby authorized to issue a summons to any person for violation of any provision of this chapter. The summons shall be in a form approved by the county court with jurisdiction, shall designate the offense charged and shall require the person so charged to appear before the county court with jurisdiction on a date certain to answer all charges therein.

(Res. No. 00-08, § 4-9(d), 3-28-2000)

Sec. 14-7. Equipment.

The animal control department is authorized to employ any equipment it deems necessary to enforce the provisions of this chapter, including, but not limited to, humane wire box traps, and the animal control department may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

(Res. No. 00-08, § 4-9(e), 3-28-2000)

Sec. 14-8. Penalties for violations.

Violators of this chapter (Chapter 14: Animals) shall be punished through a system of fines as follows:

- 1st violation resulting in a conviction or guilty plea or nolo contendere plea: $300.00 fine.
- 2nd violation resulting in a conviction or guilty plea or nolo contendere plea: $500.00 fine.
- 3rd and all subsequent violation(s) resulting in a conviction or guilty plea or nolo contendere plea: $1,000.00 fine.

No portion of the fines may be waived, stayed, deferred, withheld, suspended, substituted or otherwise excused or negated. Additionally, after the third violation resulting in conviction or guilty plea or nolo contendere plea, violators may be incarcerated for not more than sixty 60 days per violation. Community service may be included in addition to any penalty, but not in lieu of the fine schedule provided for herein. Any violator shall be responsible for all court costs as determined by the court. If such violation is continued, each day's violation shall be a separate offense.

(Res. No. 00-08, § 4-9(f), 3-28-2000)

Sec. 14-9. Records.

It shall be the duty of the animal control department to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.

(Res. No. 00-08, § 4-10, 3-28-2000)

Sec. 14-10. Maintenance of premises.

An animal owner's premises shall be maintained in such a manner as not to constitute either a private nuisance to the adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing or operating a business within 50 feet of the premises.

(Res. No. 00-08, § 4-4(a), 3-28-2000)

Sec. 14-11. Animal or fowl enclosures.

It shall be unlawful for any person to have, control or possess any pasture or enclosure for livestock or fowl in any fashion not authorized by the zoning ordinances of the county. All pastures or enclosures shall at all times be kept and maintained in a proper, clean and sanitary condition.

(Res. No. 00-08, § 4-4(b), 3-28-2000)

Sec. 14-12. Confinement of animals.

It shall be the duty of any animal owner to ensure an animal is under control of its owner and to prevent the animal from having access to the property of another person. An animal may leave the property of the animal owner, but the animal owner must have the animal under control and must prevent the animal from having access to the property of another person without the permission of that person, or from attacking, threatening or harassing other persons, or from damaging other persons' property. No animal shall be allowed to roam free and when not on the property of its owner must be on a leash, or similar physical control device, and in the control of a person.

Any owner of a domestic animal will confine that animal inside a building or fenced enclosure. No animal shall be tied as a permanent measure of restraint, nor left unattended on a chain, lead, runner, cable, rope, leash, or similar tethering device in an unfenced area where people or other animals can wander into the tethered animal’s proximity. Any animal owner restraining an animal without the use of a fenced enclosure will be in violation of this chapter. Animals who are tied on a chain, lead, runner, cable, rope, leash or other similar tethering device as a temporary measure of restraint within a building or fenced enclosure shall not be tethered more than 12 hours in any 24-hour period.

Any owner of a female animal in heat (capable to be bred and become pregnant) shall confine such animal in a building or secure enclosure (sufficient to prevent the female animal in heat from escaping and to prevent another animal from entering the enclosure) to prevent breeding. Any female animal in heat roaming loose or tethered without the protection of a fence or barrier will be in violation of this chapter.

Persons who permit their animals to defecate on public or private property other than their own property are required to immediately pick up the feces, bag the feces, and properly dispose of the feces. Such animal waste shall be removed by placing said matter in a closed or sealed container and thereafter disposing of it in the animal owner’s or public trash receptacle, sanitary disposal unit or other closed or sealed refuse container. This paragraph shall not apply to:

1. Persons using guide dogs or assistance dogs;
2. Hunting dogs being used in a legal hunt with permission of the property owner; or,

3. Law enforcement officers working police trained dogs.

(Res. No. 00-08, § 4-4(c)(1), 3-28-2000)

Sec. 14-13. Restraint.

It shall be the duty of any animal owner to restrain his animal in such a manner as to prevent the animal from attacking, threatening, or harassing any person on the public right-of-way of the roads, streets, highways and sidewalks in the county.

(Res. No. 00-08, § 4-4(c), 3-28-2000)

Sec. 14-14. Vicious animals.

Any owner of a vicious animal shall confine it within a building or secured enclosure (sufficient to prevent the animal from escaping and to prevent a person or another animal from entering the enclosure) and will not remove it from such building or fenced enclosure unless it is securely muzzled and under restraint by a person who is at least eighteen years of age or older. Any vicious animal not secured as provided in this chapter is hereby declared a nuisance and may be impounded pursuant to the provisions of this chapter and/or confined by the animal control department for a period of 30 days, provided that, if an action is brought in any court of competent jurisdiction concerning the attack or attempt to attack by such animal, the period of confinement may be extended within the discretion of the animal control department, until the entry of a final order of disposition in such action. Further, in any prosecution of an owner or a responsible person of any vicious animal for any violation of this chapter, the court may, upon conviction entered against the owner or responsible person, order that the animal be humanely destroyed.

(Res. No. 00-08, § 4-4(c)(2), 3-28-2000)

Sec. 14-15. Animal noises.

(a) *Generally.* An owner of an animal shall not permit such animal to make frequent or continuous unnecessary noises or sounds across a residential or commercial boundary line.

(1) The owning, possessing or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks or makes other sounds which annoy or disturb an ordinary reasonable person of normal sensitivities across a residential or commercial boundary line shall be considered a nuisance and violation of this ordinance. Provided however, for the purpose of this article, "barking animal" shall mean an animal that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of fifteen (15) consecutive minutes at any time of the day or night; or barks intermittently for one-half (1/2) hour or more to the disturbance of any person at any time of day or night, regardless of whether the animal is physically situated in or upon private property; provided, however, that an animal shall not be deemed a "barking animal" if, at the time the animal is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the animal is situated.

(2) Any person disturbed by such noise from a barking animal may file a complaint with the animal control department.

(b) *Complaint procedure.* A complaint of animal noise shall be submitted to the animal control department in accordance with the following requirements:

(1) The complainant shall submit a complaint form stating the name and address of complainant, the name and address of the owner of the animal causing the disturbance, the type and physical description of such animal, and a description of the nature of the disturbance; such complaint form shall be accompanied by subsection (b)(2) or (b)(3) of this section.

(2) A videotape (for the purposes of this chapter the ‘videotape’ must be either

presented on a standard VHS format videotape, or in a digital format, upon optic media- either a CD or DVD- in a Microsoft Windows Media Player-compatible format), complete with sound, which depicts the animal responsible for the disturbance, in the act of causing or making disturbing and unnecessary sounds and/or noises for a period of no less than 15 minutes; the residence of the owner of such offending animal, unless the animal is being kept on commercial premises, in which case the videotape shall show such premises; and the premises of the complainant showing the distance between the complainant's premises and the premises of the owner of the offending animal; or

(3) An audiocassette (for the purposes of this chapter the 'audiocassette' must be presented on a standard audio cassette - a micro-cassette or mini-cassette can not be submitted or accepted) which includes a recording of the animal responsible for the disturbance in the act of causing or making the noises or sounds complained of for a period of no less than 15 minutes; a description of the approximate distance between the complainant's premises and the offending animal; and a statement by the complainant describing the approximate distance between the audiocassette recorder and the offending animal at the time the recording was made. If the complainant seeks to submit an audiocassette recording to verify the written complaint, he shall include the signed statements of two persons, not related to the complainant, witnessing the recording that the recording is true and accurate.

(c) *Department action.* Upon receipt of a complaint submitted in accordance with the requirements set forth in subsection (b) of this section, the animal control department shall conduct an investigation of the complaint and, upon its determination that a violation has occurred, may issue a citation to the owner of such animal.

(Res. No. 00-08, § 4-4(c)(3), 3-28-2000)

Cross references: Noise control, § 46-61 et seq.

Sec. 14-16. Rabid animals.

(a) Every veterinarian shall report promptly to the state department of human resources and the animal control department all cases of rabies in animals treated by the veterinarian, giving the name and addresses of the owner of any animals bitten by the rabid animal, so far as known.

(b) Any person who knows that an animal, domestic or wild, is rabid or suspects an animal of having rabies or knows that an animal has been bitten by a rabid animal, shall promptly report the information, to the extent known, to the state department of human resources and the animal control department.

(c) It shall be the duty of the owner, the health department, physicians, hospitals or other person or agency gaining information that any domestic animal or person has been bitten or is probably infected with rabies, to incarcerate or impound the animal in the facility of a competent veterinarian or animal shelter within this county, where the animal shall be held for observation for any period of time as may be reasonably necessary to determine whether the animal is infected with rabies.

(Res. No. 00-08, § 4-4(e), 3-28-2000)

Sec. 14-17. Cruelty.

(a) It shall be unlawful for any person by commission or omission to:

(1) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat any animal;

(2) Fail to provide any animal they own or provide care for with proper food and veterinary care;

(3) Fail to provide any animal they own or provide care for with access to adequate shelter to protect it from all types of weather, 24 hours daily;

(4) Fail to provide any animal they own or provide care for access to good and

wholesome fresh water at all times;

(5) Intentionally poison any domestic animal;

(6) Allow or permit any fight between animals, or to allow or permit a fight in or upon any premises in that person's possession or under that person's control;

(7) Allow an animal they own or provide care for to be kept in unsanitary conditions;

(8) Keep or confine any animal in other than a humane manner.

(b) It shall be unlawful to release any animal on any property with the intent to abandon the animal. Each person who does abandon, knowingly or willingly permits such abandonment or aids in the abandonment of any animal, shall be in violation of this chapter.

(Res. No. 00-08, § 4-5, 3-28-2000)

Sec. 14-18. Vaccination, proof required.

(a) Any animal owner within the county shall have their animals over three months of age, including but not limited to dogs and cats, inoculated for the prevention of rabies in a manner pre-approved in writing by the county health department or by a licensed veterinarian in a manner consistent with state law and county department of health policies and regulations. Animal owners must be able to provide satisfactory documentation to Animal Control representative in the event that the animal:

- has been impounded by an Animal Control employee,
- is in the care and custody of Animal Control after being identified as a stray or abandoned animal,
- has been found to be the cause, source or is otherwise identified as being involved in a violation of any other county ordinance or state law,
- has bitten or scratched a human,
- has bitten or scratched another animal,
- has been in contact or otherwise exposed to a suspected rabid animal,
- is being walked in a public area.

For the purposes of this chapter, satisfactory documentation shall include at least one of the following:

- a current rabies vaccination tag identifying the name or otherwise identifying title of the animal in question which also displays a state-issued rabies vaccination control number,
- a copy of the paid invoice from a veterinarian’s office, indicating that the animal in question was administered a rabies vaccination,
- a letter or form from a veterinarian’s office, stating that the office records indicate that the animal in question was administered a rabies vaccination; and that such vaccination is currently effective,
- a letter or form from the county health department, stating that the office records indicate that the animal in question was administered a rabies vaccination; and that such vaccination is currently effective.

(b) The animal control department may adopt any other rabies control regulations as it deems necessary for the protection of the public health and safety.

(c) All rules and regulations of the county board of health and the state department of human resources presently existing or as adopted in the future pertaining to rabies control and vaccination are incorporated in this chapter by reference as though fully set forth in this chapter.

(Res. No. 00-08, § 4-6, 3-28-2000)

Secs. 14-19--14-39. Reserved.

ARTICLE II. ANIMAL ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 14-40. Special use permit required.

No person shall own or harbor, upon any property within the unincorporated portions of Paulding County, more than three dogs of six months of age or older or more than one litter of pups, or more than three cats of more than six months of age or more than one litter of kittens on any parcel of land zoned as one of the applicable 'residential' zoning categories, including, R-2, R-2 with sewer, PRD, OSRD, R-4, R-5, R-6, R-7 and Low Density Quality Residential Zoning District, as set forth in the Paulding County Zoning Ordinance; said property being also 1/3 acre or less in size, without having obtained a special use permit in compliance with Article X of the Zoning Ordinance of Paulding County.

Sec. 14-41. Permit required.

No person shall operate an animal establishment without first obtaining a permit from the animal control department in compliance with this chapter, nor may any person operate an animal establishment in a manner in violation of any provision of this chapter.

(Res. No. 00-08, § 4-7(a)(1), 3-28-2000)

Sec. 14-42. Duration, renewal.

The period of a permit issued under this article shall begin with the first day of the calendar year and run for one year. Renewal application for permits shall be made 30 days prior to and up to 60 days after January 1 of each year. Application for a permit for a new establishment under the provisions of this chapter shall be made within 60 days of the start of business or operation.

(Res. No. 00-08, § 4-7(a)(2), 3-28-2000)

Sec. 14-43. Separate facilities.

Every facility regulated by this article shall be considered a separate enterprise requiring an individual permit for each separate facility at different locations but owned by the same person shall be considered as two animal establishments.

(Res. No. 00-08, § 4-7(a)(3), 3-28-2000)

Sec. 14-44. Action on application.

The animal control department shall either issue or decline to issue a permit required by this article to the applicant. If a permit is not granted, it shall notify the applicant in writing of the reason for denial.

(Res. No. 00-08, § 4-7 (a)(4), 3-28-2000)

Sec. 14-45. Delay for reapplication upon denial.

Any animal establishment denied a permit under this article may not reapply for a period of at least 30 days. Each application shall describe any previous denial or revocation.

(Res. No. 00-08, § 4-7(a)(5), 3-28-2000)

Sec. 14-46. False information in application.

If an applicant for a permit required by this article is shown to have withheld or falsified any material information on any application, the animal control department may refuse to issue or is entitled to revoke any permit.

(Res. No. 00-08, § 4-7(a)(6), 3-28-2000)

Sec. 14-47. Revocation of permits.

(a) The animal control department may revoke any permit if the person holding the permit refuses or fails to comply with this chapter, or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this section.

(b) Whenever a permit is revoked for cause, or pending any proceeding to contest such action, the animal control department shall have the power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed for removal of animals from the premises and shall state the specific reasons for revocation. If any owner shall fail to remove the animals as directed, the animal control department may impound the animals pursuant to the provisions of this chapter.

(Res. No. 00-08, § 4-7(c), 3-28-2000)

Sec. 14-48. Miscellaneous requirements.

(a) An animal establishment shall not sell, trade or give away any dog or cat over three months of age unless the dog or cat has been vaccinated as required by this chapter.

(b) Building temperature shall be maintained at a level that is healthful for every species of animal kept in the kennel. Adequate ventilation shall be maintained.

(c) Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or top of cage, excluding tails.

(d) Cages are to be of material and construction that permit cleaning and sanitizing.

(e) Cage floors shall be of concrete, unless radiantly heated, and shall have a resting board or some type of bedding.

(f) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.

(g) All animal quarters and runs are to be kept clean and in a sanitary condition.

(h) The food shall be free from contamination, and shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(i) All animals shall have fresh water available at all times.

(Res. No. 00-08, § 4-7(d), 3-28-2000)

Sec. 14-49. Hobby breeder.

A person shall be considered a hobby breeder if they offer for sale or donation of more than one litter of animals during a 12-month period per household. A hobby breeder will not be subject to the registration procedures applicable to animal establishments and breeders as designated in this article. Hobby breeders shall only distribute such animals through private residences and may not be affiliated with any pet shop, breeder or animal establishment. Under this definition, a household which sells or donates two litters during a 12-month period, even if the litters are produced from different animals, will not be considered a hobby breeder and will be subject to the registration procedures applicable to animal establishments and breeders as designated in this article. Hobby breeders shall be required to register themselves as a ‘Hobby Breeder’ with Animal Control, provided however, that there shall be no cost to the hobby breeder to register.

(Res. No. 00-08, § 4-7(b), 3-28-2000)

Sec. 14-50. Pet distribution.

It shall be unlawful for any person to sell, barter, or gratuitously distribute any animal, fowl or reptile in a public place without an appropriate permit or license. This prohibition shall include,

but not be limited to, such distribution in commercial areas and along public roadways. Hobby breeders are also prohibited from distributing or selling animals along public roadways and in commercial areas and are restricted to distributing and selling animals from private residences. Nothing in this section shall be construed to prohibit that gratuitous distribution of pets in private residential areas.

(Res. No. 00-08, § 4-8.1, 3-28-2000)

Secs. 14-51--14-65. Reserved.