

EXHIBIT "A"

§ 14-48

PAULDING COUNTY CODE

DIVISION 2. PET SHOPS

Sec. 14-66. Compliance with chapter.

All pet shops, including pet shops operated in conjunction with another holding facility, shall in addition to the other requirements of this chapter comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a permit.

(Res. No. 00-08, § 4-7(e), 3-28-2000)

Sec. 14-67. Water.

There shall be available hot water at a minimum temperature of 160 degrees Fahrenheit for washing feed and water bowls and disinfection, and cold water easily accessible to all parts of the pet shop. Fresh water for consumption shall be available to all species of animals at all times. Containers are to be cleaned and disinfected each day.

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

Sec. 14-68. Room temperature.

The room temperature of the pet shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

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

Sec. 14-69. Cages and enclosures.

All cages and enclosures in pet shops are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to the animal's full length.

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

Secs. 14-70—14-85. Reserved.**DIVISION 3. WILD AND EXOTIC ANIMALS.****Sec. 14-86. License required.**

No person or business shall own, harbor or permit to be kept or harbored a wild or exotic animal within the county, other than those persons who have received a written license to harbor and/or own a wild or exotic animal, as described in this division, and those licensed animal establishments which have received approval in writing by the animal control department as a license for such animal.

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

Sec. 14-87. Licensing.

Licenses required by this division may be granted upon presentation of evidence satisfactory to the animal control department that appropriate safeguards for the protection of the public are maintained and that the state department of natural resources has been properly notified of the proposed harboring of such wild and/or exotic animal and have not objected to harboring of such animal.

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

Sec. 14-88. Public notice.

All persons and or businesses which have received a license to harbor, keep and/or own a wild or exotic animal, as described in this division, shall at all times conspicuously post on the

premises where the wild and/or exotic animal is harbored, kept, housed, or sheltered, a notice in form and substance approved by the animal control department which states that a wild and/or exotic animal is kept on the premises. In addition, the person and or business which has received a license to harbor, keep and/or own a wild or exotic animal, as described in this division, shall at all times conspicuously post on the premises where the wild or exotic animal is harbored, kept, housed, or sheltered, a copy of the written license to harbor, keep and/or own a wild or exotic animal.

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

Sec. 14-89. Sales.

Any animal establishment approved by the animal control department for offering for sale any wild and exotic animal shall post conspicuously at the place of sale or display a notice in form and substance approved by the animal control department which no person may lawfully own, keep, harbor or permit to be kept or harbored, any wild and exotic animal within the county, without obtaining a written license and approval for such animal.

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

Sec. 14-90. Impoundment.

The animal control department may impound any wild or exotic animal that is owned or harbored in violation of this chapter, and may destroy or rehabilitate any such animal upon conviction of its owner or other responsible person for a violation of this section, notwithstanding the impoundment provisions of this chapter. Any wild or exotic animal impounded pursuant to the provisions of this subsection shall remain impounded or confined by the animal control department until a final order of disposition is entered by a court of competent jurisdiction with respect to the violations of the provisions of this chapter.

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

Secs. 14-91—14-120. Reserved.

ARTICLE III. IMPOUNDMENT AND ADOPTION

Sec. 14-121. Authorized.

Any animal at large or otherwise in violation of the provisions of this chapter may be impounded in the animal shelter in a humane manner, for a period of not less than three days. If within that time an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this chapter, the animal shall become the absolute property of the animal control department, which may convey ownership of the animal to any responsible person on any conditions that the animal control department may prescribe, or the animal control department may humanely destroy the animal.

(Res. No. 00-08, § 4-8(a)(1), 3-28-2000)

Sec. 14-122. Entry onto private property.

An animal control officer may follow an animal that has been seen by that officer running at large onto private property to capture and impound the animal. No injunction, action or claim for damages may be brought against the animal control department or its officers, agents or employees with respect to actions contemplated in this article.

(Res. No. 00-08, § 4-8(a)(2), 3-28-2000)

Sec. 14-123. Notice generally.

The animal control department shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter that the animal has been impounded, the manner by which the animal may be reclaimed, and that the animal may be destroyed and shall become the property of the animal control department as provided in this article.

(Res. No. 00-08, § 4-8(a)(3), 3-28-2000)

Sec. 14-124. Notice when owner known.

Following the impoundment of an animal found at large which has on it its owner's address and prior to its destruction, the animal control authority shall give the owner three days' notice of the proposed destruction by letter, or phone, or knocker.

(Res. No. 00-08, § 4-8(a)(4), 3-28-2000)

Sec. 14-125. Refusal to release.

Notwithstanding any provisions of this chapter to the contrary, the animal control department may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for any time period as the animal control department may determine.

(Res. No. 00-08, § 4-8(a)(5), 3-28-2000)

Sec. 14-126. Destruction.

(a) Notwithstanding any provision of this chapter to the contrary, the animal control department may humanely destroy any animal impounded in the animal shelter when the animal control department reasonably believes that the destruction of the animal is necessary to prevent disease or injury to the animals or to humans due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, the likelihood of danger or injury to humans or animals, or any other condition.

(b) Notwithstanding any provision of this chapter to the contrary, the animal control department may humanely destroy any animal impounded in the animal shelter when the animal control department reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and/or severe suffering or death.

(Res. No. 00-08, § 4-8(a)(6), (7), 3-28-2000)

Sec. 14-127. Fees authorized.

The animal control department may set all appropriate fees pertaining to the care and impoundment of impounded animals.

(Res. No. 00-08, § 4-8(a)(8), 3-28-2000)

Sec. 14-128. Liability for fees.

The owner of an animal impounded in the animal shelter shall be liable for all fees and charges, notwithstanding the destruction or adoption of the animal.

(Res. No. 00-08, § 4-8(a)(9), 3-28-2000)

Sec. 14-129. Adoption.

The animal control department may convey ownership of any animal which has become the property of the animal control department to a responsible person subject to any conditions as may be prescribed by the animal control department, including, but without limitation, the following:

- (1) Payment of an adoption fee to be set by the animal control department and any vaccination, licensing or veterinary costs;
- (2) Evidence satisfactory to the animal control department that the animal has been, or will be, examined by a veterinarian and vaccinations against rabies and other disease have been or will be administered;
- (3) Evidence satisfactory to the animal control department that the animal has been, or will be, neutered or spayed.

(Res. No. 00-08, § 4-8(b), 3-28-2000)

Secs. 14-130—14-170. Reserved.**ARTICLE IV. ANIMAL CONTROL HEARING BOARD****Sec. 14-171. Composition.**

There is hereby created in and for the unincorporated area of Paulding County, Georgia a board to be known as the Paulding County Animal Control Hearing Board, which shall consist of not more than five members who shall be appointed for a term of not more than one year each. All proposed appointments to the animal control hearing board shall be subject to the nomination and confirmation process whereby recommendations for nominations shall be submitted to the Chairman of the Paulding County Board of Commissioners who shall present formal nominations to the board of commissioners for a vote and confirmation.

In making these nominations for the Paulding County Animal Control Hearing Board, the Chairman of the Paulding County Board of Commissioners shall seek proposed recommendations of members to make up the Paulding County Animal Control Hearing Board as follows:

- (1) One member shall be recommended by the post one commissioner to the chairman for nomination;
- (2) One member shall be recommended by the post two commissioner to the chairman for nomination;
- (3) One member shall be recommended by the post three commissioner to the chairman for nomination;
- (4) One member shall be recommended by the post four commissioner to the chairman for nomination;
- (5) One member shall be the recommended by the chairman as an at-large member.

Each member so appointed shall be a resident of Paulding County, Georgia and shall serve for a term as designated and until a successor shall be appointed to replace such member as provided herein. Term periods shall run from January 1st though December 31st of each calendar year.

In the event any recommendation is not received or not nominated by the chairman of the board of commissioners or not confirmed by the board of commissioners, the chairman of the board of commissioners may make a substitute nomination of another resident of Paulding County subject to confirmation by the board of commissioners.

(Res. No. 04-05, § 1, 1-27-04)

Sec. 14-172. Purpose.

The Paulding County Animal Control Hearing Board is a limited authority board and is hereby authorized to conduct the hearings regarding the classification of animals as "dangerous" or "potentially dangerous" as contemplated by O.C.G.A. §§ 4-8-22 and 4-8-24. In doing so, the animal control hearing board shall adopt and substantially follow the procedures for these hearings as set forth in section 14-173.

(Res. No. 04-05, § 2, 1-27-04)

Sec. 14-173. Policy and procedures.

(a) As provided by O.C.G.A. § 4-8-22 and Resolution No. 04-05 of the Paulding County Board of Commissioners, the Paulding County Animal Control Hearing Board has been created and designated as the local hearing agency for hearings regarding the classification of dogs as dangerous or potentially dangerous by the Paulding County Animal Control Department.

(b) These hearings shall be held only when requested by the dog owners, in writing, in accordance with O.C.G.A. § 4-8-24 and shall be convened by the animal control hearing board for the limited purpose of considering evidence regarding the animal control department's

determination that the animal at issue is a dangerous dog or a potentially dangerous dog. At its first called meeting of the year, the animal control hearing board shall select its schedule for meetings. Such schedule shall consist of one meeting per month to be held on a standard day and time [for example: the 2nd Thursday of the month at 12:00 PM; the 15th of the month at 5:00 PM] and location [for example: Public safety building conference room, Henry Winn Development Building conference room]. Such meeting schedule and location shall be advertised in the local legal organ as public meetings in accordance with O.C.G.A. § 50-14-1 and posted at the selected meeting location.

(c) Requests for hearings shall be sent to the animal control department who is responsible for forwarding the notice to the chairman of the Paulding County Animal Control Board. When a hearing is requested, the chairman of the animal control hearing board shall review the approved schedule and select the next available hearing date, provided the date is within the applicable 30-day time limit provided by O.C.G.A. § 4-8-24. Notice of the time, date and place of the hearing will be provided to the animal control department who will then send notice of same to the dog owner by certified mail.

(d) The animal control department shall be responsible for providing the animal control hearing board with all documentation it deems necessary to understand the case, including, but not limited to, incident reports and animal control department citations. In doing so, the animal control department shall provide at least one copy of all such documentation for every board member as well as one additional copy to be submitted for the minutes of the hearing.

(e) The hearing shall be presided over by the chairman of the animal control hearing board or another officer of the board in the absence of the chairman, and shall be attended by a representative of the county attorney's office. The secretary of the animal control hearing board or another officer of the board in the absence of the secretary shall be responsible for taking minutes of the hearing which minutes shall be written and approved at the board's next scheduled meeting. The minutes will be kept on file at the animal control department's office. In order for the hearing to proceed, a quorum of the animal control hearing board must be present.

(f) The chairman or any other member shall review the following procedures that will be adhered to during the hearing:

- (1) Anyone in attendance at the hearing wishing to speak on behalf or in opposition to designation of the animal as a dangerous dog or a potentially dangerous dog that is on the agenda for a hearing must be recognized and they will be asked to state their name and place of residence, and then to sign their name on a sheet provided by the board.
- (2) The person recognized to speak will be allowed to speak on any point relevant to the animal classification being considered.
- (3) The animal control department shall begin the proceeding by stating the contents of its investigation, conducted pursuant to O.C.G.A. § 4-8-23, and its decision to designate the dog as a dangerous dog or a potentially dangerous dog. The animal control department shall be given a maximum of 15 minutes to present its case. If more than

one speaker represents animal control, the 15 minutes shall be divided among the various speakers. Speakers are encouraged to refrain from presenting information that has previously been stated. In no case, however, shall the animal control department in its presentation be allowed more than the allotted time, no matter how many speakers represent the group, unless so extended by the board. The animal control department may choose, but is not required to be, represented by an attorney.

- (4) The dog owner shall next be provided an opportunity to present information to the board. The dog owner shall be given a maximum of 15 minutes to present his case. Any groups which are present are encouraged to choose a spokesperson to present their views. If more than one speaker represents the dog owner, the 15 minutes shall be divided among the various speakers. Speakers are encouraged to refrain from presenting information that has previously been stated. In no case, however, shall the dog owner be allowed more than the allotted time no matter how many speakers represent the dog owner unless so extended by the board. The dog owner may choose, but is not required to be, represented by an attorney.
- (5) The chairman may then ask if there any persons present wishing to speak in favor of the animal control's determination to classify the dog as a dangerous dog or a potentially dangerous dog. If so, proponents of the classification are allowed to speak, but shall be given a maximum of 15 minutes in total to present their case. Any groups which are present are encouraged to choose a spokesperson to present their views. The chairman may request representatives of each side to speak for the entire group. If more than one speaker represents a group, the 15 minutes shall be divided among the various speakers. Speakers are encouraged to refrain from presenting information that has previously been stated. In no case, however, shall any group be allowed more than the allotted time no matter how many speakers represent the group unless extended by the board.
- (6) The chairman may then ask if there any persons present wishing to speak in opposition of the animal control's determination to classify the dog as a dangerous dog or a potentially dangerous dog (besides the dog owner). If so, opponents of the classification are allowed to speak, but shall be given a maximum of 15 minutes in total to present their case. Any groups which are present are encouraged to choose a spokesperson to present their views. The chairman may request representatives of each side to speak for the entire group. If more than one speaker represents a group, the 15 minutes shall be divided among the various speakers. Speakers are encouraged to refrain from presenting information that has previously been stated. In no case, however, shall any group be allowed more than the allotted time no matter how many speakers represent the group unless extended by the board.
- (7) Any documentation provided to the board by either the animal control department, the dog owner, or any other group, must include one original to be filed with the meeting minutes and at least one copy for each board member.

- (8) During and following the hearing presentations, the board and/or the county attorney's office may ask any pertinent questions of the animal control department, or its representative, or the dog owner, or his representative, or any other group or person who offered oral testimony to aid in their understanding of the case. Questions and responses shall not be counted as part of the maximum 15-minute presentation time limit.
- (9) No further public input will be allowed without the consent of the board.
- (10) At the conclusion of the public hearing, the chairman will request a motion to close the hearing and after voting on same, the hearing shall be closed.
- (11) The chairman will announce to the persons in attendance at the hearing that the board may choose one of three options with regard to the case: (1) To sustain (agree with) the classification of the animal as a dangerous dog or potentially dangerous dog; (2) To modify the classification as a dangerous dog or potentially dangerous dog; or (3) to overrule the animal control department's classification of the animal as a dangerous dog or potentially dangerous dog.

(g) Pursuant to O.C.G.A. § 4-8-24, the animal control hearing board has ten days in which to make its decision and the decision shall be in writing mailed to the dog owner by certified or overnight mail and it shall state a date in which the decision/classification is effective. The dog owner is responsible for providing to the board an address in which to mail the board's decision. Provided however, the board shall try to make an effort to vote on its decision on the date of the hearing and announce its decision, but the board reserves the right to use the ten day period allotted by law.

(h) The decision by the animal control hearing board must be approved by at least a simple majority of the board; provided however, a quorum of the board must be present for the hearing.

(Res. No. 04-05, § 2, 1-27-04)

Sec. 14-174. Minutes.

The animal control hearing board shall be responsible for selecting a chairman of the animal control hearing board and a secretary responsible for keeping the minutes of each hearing. The hearing minutes, when drafted and adopted, shall be forwarded to the Paulding County Animal Control Office for filing and record maintenance. The county attorney's office shall be in attendance at each meeting of the animal control hearing board to ensure the terms of O.C.G.A. § 4-8-24 are followed.

(Res. No. 04-05, § 3, 1-27-04)

Sec. 14-175. Meetings.

The Paulding County Animal Control Hearing Board shall select one date every month to hold its meetings along with a meeting location and shall advertise the board's yearly schedule in the local legal organ and post the meeting schedule at the meeting location in accordance

with the Georgia Open Meetings Law. Provided however, the animal control hearing board shall meet only upon the call of a meeting pursuant to a dog owner's request for a hearing pursuant to O.C.G.A. § 4-8-24. In the event no hearings have been requested, the animal control hearing board's scheduled meeting shall be cancelled and notice of the cancellation will be posted at the meeting location.

When requesting a hearing, the dog owner shall send his request to the Paulding County Animal Control Office. The animal control office shall be responsible for informing the chairman of the animal control hearing board of the request. The chairman of the animal control hearing board will review the calendar for the next available hearing date in which to hold the hearing pursuant to the terms of O.C.G.A. § 4-8-24(d) and provide the date, time and location of the hearing to the animal control office so that the applicable notices can be sent setting the hearing.

(Res. No. 04-05, § 4, 1-27-04)

Sec. 14-176. Compensation; expenses.

The members of the Paulding County Animal Control Board shall be paid at a flat rate to help defray their costs and expenses incurred as a member of said board at a rate of \$25.00 per member per meeting. In the event the animal control board or any member thereof is required to incur any expenses which are the subject matters of these hearings, said board members shall be reimbursed at the current rate of reimbursement as is available to the office of the board of commissioners of the county pursuant to the written policy thereon. Provided however, that all expenses must be pre-approved by the Paulding County Finance Department for reimbursement prior to the expenses being incurred for it to be eligible for reimbursement.

(Res. No. 04-05, § 5, 1-27-04)