

**AN ORDINANCE OF THE WHITFIELD COUNTY
BOARD OF COMMISSIONERS AMENDING CHAPTER 4 OF THE
WHITFIELD COUNTY CODE OF ORDINANCES**

Ordinance 2019- 0311

WHEREAS, the Whitfield County Board of Commissioners has regulated the maintenance and keeping of domesticated animals within Whitfield County in order to protect the health, welfare, and safety of the citizens of Whitfield County; and

WHEREAS, the Whitfield County Board of Commissioners has, from time to time, amended said ordinance in order to protect the health, welfare, and safety of the public; and

WHEREAS, the Whitfield County Board of Commissioners finds such amendments to be useful, necessary, and proper, and protective of the health, welfare, and safety of the public.

NOW, THEREFORE, BE IT RESOLVED and ORDAINED by the Whitfield County Board of Commissioners that Chapter 4 of the *Whitfield County Code of Ordinances*, entitled "Animals," be amended by amending section 4-9, entitled "Owner Reclaims," to provide in subsection (a) that the owner reclaim fee for an intact animal shall be \$150.00 and shall double for each successive pickup of the same animal and providing that the owner reclaim fee for a sterilized animal shall be \$25.00 and shall double for each successive pickup of the same animal; by renumbering existing section 4-10 to new section 4-11; by renumbering existing section 4-11 to new section 4-12; by renumbering existing section 4-12 to existing section 4-13; by creating a new sec. 4-10, entitled "Spay/Neuter Requirement," to provide that owners of all dogs and cats within Whitfield County shall be required to have such animal spayed or neutered by the time the animal is six (6) months of age, unless either the owner is a registered Georgia animal breeder or unless the owner provides documentation signed by a Georgia licensed veterinarian that an animal is not presently medically able to be spayed or neutered, and providing for dismissal of a first offense of this requirement if proof is provided that the dog or cat has since been spayed or neutered; and for other purposes.

BE IT ORDAINED by the Board of Commissioners of Whitfield County and by the authority of same, **IT IS HEREBY ORDAINED** as follows:

1. Amend Section 4-9 of the *Whitfield County Code of Ordinances* by leaving subsections (b,) (c,) (d,) (e,) and (f,) as currently set forth and by amending subsection (a,) as follows:

Sec. 4-9. Owner Reclaims.

- (a) An owner of an impounded intact animal, which has not been spayed or neutered, may reclaim such animal during normal business hours upon meeting all conditions set forth herein and upon the payment of a fee of \$150.00 per animal retrieved for a first offense. For each successive impoundment of the same animal, the fee shall double, but in no instance shall such fee exceed \$600.00. An owner of an impounded sterilized animal, which has been spayed or neutered, may reclaim such animal during normal business hours upon meeting all conditions set forth herein and upon the

payment of a fee of \$25.00 per animal retrieved for a first offense. For each successive impoundment of the same animal, the fee shall double, but in no instance shall the fee exceed \$200.00.

2. Amend existing section 4-10, entitled "Interpretation of Chapter," by renumbering said section without further change to become new section 4-11.
3. Amend existing section 4-11, entitled "Incorporation of State Law; Construction," by renumbering said section without further change to become new section 4-12.
4. Amend existing section 4-12, entitled "Severability," by renumbering said section without further change to become new section 4-13.
5. Create new section 4-10, to be entitled "Spay/Neuter Requirement," to provide that owners of all dogs and cats within Whitfield County shall be required to have such animal spayed or neutered by the time the animal is six (6) months of age, unless either the owner is a registered Georgia animal breeder or unless the owner provides documentation signed by a Georgia licensed veterinarian that an animal is not presently medically able to be spayed or neutered, and providing for dismissal of a first offense of this requirement if proof is provided that the dog or cat has since been spayed or neutered, and for other purposes, as follows:

Sec. 4-10. Spay/Neuter Requirement.

- (a) Within Whitfield County, no person may own, keep, or be in possession of a dog or cat that is six (6) months of age or older which has not been spayed or neutered, unless otherwise exempt from this requirement hereunder.
- (b) Whether a dog or cat shall have attained at least six (6) months of age shall be determined by the Whitfield County Animal Control Director, by any duly-authorized Animal Control Officer, by any licensed veterinarian, or by reliable veterinary medical records concerning any such dog or cat.
- (c) Any dog or cat kept for purposes of commercial breeding by a person holding a current breeder's license issued by the Georgia Department of Agriculture, Animal Protection System, shall be exempt from this requirement.
- (d) Any dog or cat for which a licensed veterinarian has signed a document expressing a medical opinion that the animal should not be spayed or neutered for health reasons shall be exempt from this requirement for the duration of the relevant health condition.
- (e) Any citation issued for a first offense violation of this requirement shall be dismissed by the Whitfield County Magistrate Court if, prior to arraignment thereon, the Defendant shall provide reliable veterinary medical records demonstrating that such dog or cat has been spayed or neutered.

6. These amendments shall become effective immediately following enactment by the Board of Commissioners of Whitfield County, Georgia, the public health, safety, and welfare requiring it.
7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
8. It is hereby declared to be the intention of the Board of Commissioners of Whitfield County that the sections, paragraphs, sentences clauses, and phrases of this Ordinance area severable and if any shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

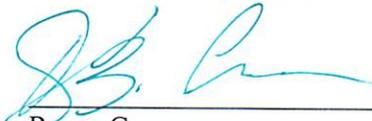
SO ORDAINED, this 11th day of March, 2019.



R. Lynette Laughter, Chairman



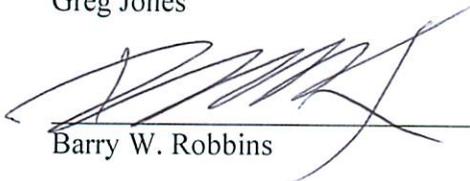
Harold Brooker, Vice Chairman



Roger Crossen

ABSENT

Greg Jones



Barry W. Robbins

Attest:



Blanca Cardona, Whitfield County Clerk
(SEAL)