



**BALDWIN COUNTY COMMISSIONERS
PUBLIC HEARING**

April 15, 2025

1601 N Columbia St, Suite 220

5:00 PM

AGENDA

CALL TO ORDER

PUBLIC HEARING

1. Proposed amendments to Chapter 14 of Baldwin County Code of Ordinances entitled "Animals".

ADJOURNMENT

NOTICE OF PUBLIC HEARING

Pursuant to O.C.G.A. Section 36-13-8, notice is hereby given that a public hearing will be held Tuesday, April 15, 2025 at 5:00 PM at the Baldwin County Government Building, Suite 220, 1601 North Columbia Street to consider amendments to Chapter 14 of the Baldwin County Code of Ordinances entitled "Animals". The purpose of the public hearing is to receive public input on the proposed amendment.

The Animal Control Ordinance is available for review at www.baldwincountyga.com or in suite 230, Baldwin County Government Building, 1601 North Columbia Street.

ORDINANCE NO. O-2025-02

TO AMEND CHAPTER 14 OF THE BALDWIN COUNTY CODE OF ORDINANCES ENTITLED “ANIMALS”; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE BALDWIN COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS

SECTION 1. That section 14-31 of the Code of Ordinances, Baldwin County, Georgia is hereby amended to read as follows:

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. The word "shall" is mandatory and the word "may" is permissive.

Abandonment means the intentional or complete forsaking of any animal by its owner, without making reasonable arrangements for the adequate care and custody of the animal to be assumed by another person or the failure to return and resume responsibility of an animal at the designated time as arranged with the care giver. Abandonment also means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate and proper food and water for a period in excess of 36 hours, regardless of where such animal may be found or kept.

Adequate food means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian, which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food.

Adequate shelter means a protective covering for a domestic animal that provides adequate space and protection to maintain the animal in a state of good health, and that prevents, pain suffering, or significant risk to the animal's health, and;

- (1) Shelter shall consist of a completely enclosed structure with four sides (three of the sides being solid), a constructed floor, roof; and a door opening;
- (2) It shall also be clean, dry, and compatible with current weather conditions, in addition to age, size, species, and condition of the animal;
- (3) The structure shall be of sufficient size to allow the animal to stand, turn around, lie down, and go in and out of the structure comfortably;
- (4) Owner shall provide some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when ambient, outside temperature is below 60 degrees Fahrenheit;
- (5) The structure shall include heavy plastic or rubber flap to over the door and/or window openings during the months of December through March or when the ambient, outside temperature is below 60 degrees Fahrenheit;

- (6) From April through November, the structure shall either be shaded or moved out of direct sunlight,
- (7) If the shelter is made of wood, it shall be raised at least two inches off the ground to prevent seepage or rotting;
- (8) Because of heat generation and storm effects, examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Adequate veterinary care means medical care of an animal from or under the direction of a veterinarian and necessary to maintain the health of an animal based on the age, species, breed, etc., of the animal, or to prevent an animal from suffering from:

- (1) Ongoing infections;
- (2) Infestation of parasites;
- (3) Disease; or
- (4) Any other medical condition/injury where withholding or neglecting to provide such care would:
 - a. Endanger the health or welfare of the animal; or
 - b. Promote the spread of communicable diseases.

Adequate water means clear, clean, drinkable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice, rainwater and rancid or contaminated water.

Altered means it shall be the duty of the owner of a dog or cat declared by an authority or court of competent jurisdiction to be a potentially dangerous, dangerous or vicious animal, to have the animal surgically sterilized. Such sterilization must be performed by a licensed veterinarian within 30 days of a final order of an authority or court of competent jurisdiction declaring the animal to be a potentially dangerous animal, dangerous animal, or vicious animal.

Animal means any living thing, not a plant, other than man (excludes: rodents and insects).

Animal control officer means any person designated by the county board of commissioners as a law enforcement officer or agency for the purpose of administration and enforcement of the provisions of this chapter.

Animal shelter means any facility operated by the county board of commissioners or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter.

Community cat means any outdoor, un-owned, free-roaming cat that is altered and ear-tipped and lives as part of a colony with a designated caregiver.

Cruelty means:

- (1) Every act, omission, or neglect by which death, unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue to any animal when there is a reasonable remedy of relief;

- (2) Also includes transporting an unrestrained animal in an open-air vehicle (restraint must prevent animal from reaching sides of open-air vehicle) or transporting an unrestrained animal in the trunk of any vehicle or leaving an animal unattended in a closed vehicle without proper ventilation or temperature control, where the outside air temperature is 75 degrees Fahrenheit or above;
- (3) Also means allowing or causing any animal to participate in training for or engaging in an animal fight operated for sport, entertainment or gaming purposes. Routine medical procedures by a licensed veterinarian shall not be regarded as cruelty.

Domesticated animal means animals that are accustomed to living in or about the habitation of humans, including, but not limited to, cats, dogs, cows, fowl, horses, swine, domesticated wild animals and exotic animals.

Electronic animal confinement system shall mean a commercially produced, functioning and professionally installed electronic fence which utilizes an invisible electrically generated perimeter, in which the animal within the perimeter wears an electronic collar that produces an electric shock when the animal approaches or exceeds the perimeter.

Fence means any structure of wire, being 16 gauge or higher, wood, stone or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence shall be sufficient to prevent the animal from being able to jump, dig, or escape from confinement; and shall have slats installed for chain link if it is the only barrier to contain a dangerous/vicious animal.

Feral means an animal of a species normally domesticated that has reverted to a wild state.

Governing authority means the governing body or officials in which the legislative powers of the county are vested. *Guard dog* means any trained or untrained dog that is maintained for the purpose of safety or security and which is reasonably expected to attack persons or other animals independently or upon command.

Harbor means and includes legal ownership or providing regular care, shelter, protection, refuge, nourishment, or medical treatment.

Humane care of animals means but is not limited to the provision of adequate shelter and wholesome and adequate food and water consistent with the normal requirements and feeding habits of the breed.

Impoundment means the action of taking physical control of an animal by an animal control officer or other officers empowered to act by law and the transporting of such animal to the animal control facility.

Inhumane care means any act, omission or neglect which causes unjustifiable physical pain suffering or death to any living animal.

Inoculation against rabies means the injection subcutaneously or otherwise, of rabies vaccine approved by the state department of public health, and administered under the supervision of a licensed veterinarian and a certificate of vaccination or inoculation issued by the veterinarian.

Jurisdiction means, for the enforcement of this chapter, Baldwin County.

Open-air vehicle means the cargo area of any pickup truck that is not covered by a permanent attached utility cover or any convertible vehicle with its top down.

Owner means any person who owns, harbors, keeps and maintains, has lawful possession of, or knowingly causes or permits an animal to be harbored or kept, who has an animal in his care, who shelters or provides for such animal sufficient quantities of wholesome food and water seven consecutive calendar days or longer, and permits an animal to remain on or around his premises. The term "owner" shall also include any person hired or acting as custodian of the animal for its owner.

Pen means, as it pertains to dangerous/vicious dogs, a pad locked, fenced area within a perimeter fenced area that has secure sides that are buried two feet in to the ground or sunken in concrete and a secure top.

Proper collar or harness means any fitted collar or harness which provides enough room between the collar and the animal's throat through which two fingers may fit. Choke, pinch, or prong type collars may not be used in tethering, fastening, chaining, tying, or otherwise restraining a dog. Rope, cable, chain, wire or other similar materials are not suitable as a proper collar or harness.

Public nuisance. An animal shall be deemed to be a public nuisance if the animal:

- (1) It is repeatedly found at large.
- (2) It damages the property of someone other than the owner of the animal.
- (3) It aggressively chases, attacks or bites a person while off the property of the owner.
- (4) It produces, because of quantity, manner or method in which animals are kept, unsanitary conditions.
- (5) The owner of a dog or cat fails to remove feces deposited upon public property or upon the property of another. This subsection shall not be construed as to apply to hooved animals or livestock.
- (6) A dog continuously makes excessive noises. Excessive noises shall be defined as continuous howling, barking or crying or causing unreasonable annoyance continuously for a period of one-half hour or more. For the purposes of this chapter, the dog must be within 200 feet of the property line of the complaining party.
- (7) An in-heat female dog or cat is tethered outdoors or allowed to be at large thereby attracting males of the same species.

Records of appropriate authority means records of any county or municipal animal control agency, records of any county board of health, records of any federal, state or local courts, or records of an animal control officer provided for in this chapter.

Residential lot means the lot with a dwelling located thereon, exclusive of any vacant lots adjacent thereto under the same ownership.

Restraint means any animal which is:

- (1) On a hand-held leash; or
- (2) At a heel or beside a competent person and obedient to the person's commands while on the owner's real property limits; or

- (3) Within a vehicle being driven or parked on the streets and roads of the county; or
- (4) In a fenced area within the real property limits of the owner; or
- (5) Within a designated off-leash area of the dog park; or
- (6) Within an electronic animal confinement system and provided they are maintained in good working order and keep the animal contained; and
 - a. Contain permanent and prominently displayed signs around the perimeter of the electronic animal confinement system. The signs shall be clearly visible prior to entering such premises and shall read: "Caution - Electronic Animal Confinement System"
- (7) It shall be the duty of every owner of an animal to ensure that the animal is kept under restraint as defined herein and that precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner.
- (8) It shall be the duty of every owner to ensure that the enclosure must be securely locked at any time the animal is left unattended, after being issued a warning or citation by the animal control officer.
- (9) It shall be the duty of every owner of a classified animal to ensure that the animal is securely and humanely enclosed within a proper enclosure as a means of restraint.

Running-at-large means any animal which is off the property of its owner and not under the control of a competent person.

SECTION 2. That section 14-61 of the Code of Ordinances, Baldwin County, Georgia is hereby amended to read as follows:

After a dog or cat becomes the property of the county, the Baldwin County Animal Control Department may offer the animal for adoption provided that the person adopting the dog or cat complete an application and is approved through the adoption policy/procedure and shall pay an associated adoption fee. These costs cover the mandatory rabies vaccination, microchip, and mandatory spay or neuter procedure, as required by state law O.C.G.A § 4-14-3.

SECTION 3. That the Code of Ordinances, Baldwin County, Georgia is hereby amended by adding an article to be numbered V, which article reads as follows:

ARTICLE V. SPAY AND NEUTER REQUIREMENTS

Sec. 14-73. - Findings, purpose, and intent.

(a)The board of commissioners finds that unintended or uncontrolled breeding of dogs and cats within Baldwin County leads to the birth of unwanted puppies, kittens, dogs, and cats that become strays, suffer privation and hunger, and that may constitute public hazards, and are impounded and euthanized at great expense to the community and constituting a public nuisance and a public health hazard. Without action aimed at the cause of the problem this problem and its serious consequences, including the cycle of impoundment and euthanasia of unwanted animals will

remain unabated and will be compounded with time. It is declared that every feasible means of reducing the number of unwanted dogs, cats, puppies, and kittens be encouraged.

(b)The board of commissioners finds that one of the most effective, economical, humane, and ethical solution to the problem of dog and cat overpopulation is to substantially reduce, if not eliminate, unintended breeding and by such reduction or elimination seeks to promote the public health, safety, welfare, and environmental interests of its citizens.

Sec. 14-74. - Definitions.

For purposes of this chapter:

Feral means an animal of a species normally domesticated that has reverted to a wild state.

Harbor means and includes legal ownership or providing regular care, shelter, protection, refuge, nourishment, or medical treatment.

Service dog shall include dogs having been appropriately trained and actually being used as service dogs such as guide dogs, hearing dogs, assistance dogs, seizure alert dogs, and social/therapy dogs.

Sec. 14-75. Sterilization requirement.

- (a) No person may own, keep, harbor, or have custody of a dog or cat six months of age or older within Baldwin County that has not been spayed or neutered unless such person holds an unaltered animal permit for each unaltered dog or cat, or unless the dog or cat is otherwise exempt under this article.

Sec. 14-76. - Exemptions.

- (a) The following persons shall not be required to obtain an unaltered animal permit:
- (1) An individual who is a non-resident of Baldwin County and resides temporarily therein for a period not to exceed 120 days within a 12-month period;
 - (2) Lawful humane societies/animal shelters, whether public or private, licensed by the Georgia Department of Agriculture whose principal purpose is securing the adoption of dogs or cats or offering sanctuary for dogs or cats and which certify in writing to the animal welfare department that they does not engage in the breeding of dogs or cats. Such organizations must comply with the mandatory sterilization requirements applicable to animal shelters and rescue organizations pursuant to O.C.G.A. § 4-14-1 *et seq.*, the Georgia Animal Protection Act, O.C.G.A. § 4-11-1 *et seq.*, and other applicable laws and regulations of the Georgia Department of Agriculture; and

(3) Veterinary hospitals.

Sec. 14-77. Unaltered animal permit and licensing requirements.

- (a) The owner of an unaltered dog or cat six (6) months of age or older must apply to the Baldwin County Animal Control Department for an unaltered animal permit and license tag. The Baldwin County Animal Control Department shall issue an unaltered animal permit if the owner complies with the requirements set forth in this article and pays the permit fee, which shall be set forth in the fee schedule adopted by the board of commissioners. A certificate shall be issued identifying the animal as a permitted unaltered animal and must be made available for inspection at all times.
- (b) A lifetime unaltered animal permit and license tag is valid for the life of the animal identified in the unaltered animal permit.
- (c) An unaltered animal license tag shall be provided to the owner with every unaltered animal permit. The owner of the unaltered animal is required to see that the unaltered animal license tag is valid and is securely fastened to the animal's collar or harness at all times.
- (d) Owners who apply for an unaltered animal permit must provide proof of identification micro-chipping of the animal prior to issuance of the permit and license tag.
- (e) Unaltered animal permits may be obtained for the following animals:
 - (1) Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies, or such dogs designated as breeding stock by an appropriate agency or organization approved by the director of the Baldwin County Animal Control Department after consultation with knowledgeable professionals;
 - (2) Dogs having been appropriately trained and actually being used as a service dog, such as a guide dog, hearing dog, assistance dog, seizure alert dog, social/therapy dog, or such dogs designated as breeding stock by an appropriate agency or organization approved by the director of the Baldwin County Animal Control Department after consultation with knowledgeable professionals;
 - (3) Dogs documented as having been appropriately trained and actually being used by search and rescue agencies for search and rescue activities, or such dogs designated as breeding stock by an appropriate agency or organization approved by the director of the Baldwin County Animal Control Department after consultation with knowledgeable professionals;
 - (4) Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed/neutered;
 - (5) Dogs which are appropriately trained and actually being used for herding of other animals, or as livestock guardian dogs, hunting dogs, or such dogs designated as

breeding stock by an appropriate agency or organization approved by the director of the Baldwin County Animal Control Department after consultation with knowledgeable professionals;

- (6) Dogs or cats boarded in a licensed kennel or a business which boards such animals for professional training or resale; and
 - (7) Dogs or cats which are registered with the American Kennel Club, the Cat Fancier Association or other recognized registry or trained and kept for the purpose of show, field trials or agility trials.
- (f) A dog or cat for which an unaltered animal permit and license tag has been issued under this section shall not be used for breeding or stud purposes unless an appropriate permit is first obtained from the Georgia Department of Agriculture if such person is required to be licensed by the Georgia Department of Agriculture.(h) It shall be a violation of this article to counterfeit an unaltered animal permit or license tag, to maliciously destroy a permit or tag, or to fraudulently obtain an unaltered animal permit or license tag.
- (g) An unaltered animal permit issued pursuant to this article is a privilege and not a right.

Sec. 14-78. Deadline for compliance.

- (a) A dog or cat governed by this article shall be spayed or neutered by its owner or, if eligible, the owner shall obtain an unaltered animal permit within thirty (30) days of the dog or cat becoming six (6) months of age or by July, 1, 2025, whichever is the later in time, or, in the case of the owner who has acquired a dog or cat after it becomes six (6) months of age, within thirty (30) days of acquisition.

Sec. 14-79. Change in address/ownership

- (a) The address of the owner shall be presumed to be the residence of the dog or cat. All changes of address must be reported to the Baldwin County Animal Control Department in writing within thirty (30) calendar days following such change. A permit holder shall notify the Baldwin County Animal Control Department in writing of any change of ownership of a dog or cat within thirty (30) calendar days following such change. If an owner wishes to sell an animal, the unaltered animal permit must be prominently displayed.

Sec. 14-80. - Breeding permits.

- (a) No person shall breed a dog or cat or offer a dog or cat for breeding or stud purposes without first obtaining an appropriate breeding permit from the Georgia Department of Agriculture if such person is required to be licensed by the Georgia Department of Agriculture.
- (b) No person shall sell or offer for sale any dog, cat, puppy, or kitten in a public place in Baldwin County; provided, however, that this prohibition shall not apply to "adoption fairs" conducted by the animal welfare department or by a licensed animal rescue organization or animal shelter.

Sec. 14-81. Penalties

- (a) Any person who is issued a citation for violating this article for the first time shall be provided with a list of no cost and low cost spay and neuter services. If a first-time violator can demonstrate compliance with this Article within 60 days of the date the citation is issued, the citation shall be dismissed. Any person violating this article, or any provision hereof, upon conviction, shall be punished by a fine of not more than \$500.00.

Sec. 14-82. - Revocation.

- (a) Upon conviction of a violation of this article, the director of the Baldwin County Animal Control Department may revoke all unaltered animal permits held by such person and reject all applications for an unaltered animal permit submitted by such person for a period of 12 consecutive months.
- (b) Notice of revocation shall be sent to the person by certified mail, return receipt requested, statutory overnight delivery, or by hand delivery by the sheriff or animal control officer.
- (c) A person aggrieved by a decision of the director of the Baldwin County Animal Control Department to revoke an unaltered animal permit may appeal the decision to the county manager.
- (d) The appeal must be filed with the county manager's office in writing within ten days after receiving notice of the adverse action and it shall contain a concise statement of the reasons for the appeal. Failure to timely request an appeal shall render the revocation final. The county manager shall hold an administrative hearing in consideration of the appeal and issue a written decision within 30 days of receipt of the appeal.

SECTION 4.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable, and constitutional.

B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 5. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon its adoption by the Chairperson and Board of Commissioners of Baldwin County.

SO ORDAINED this ____ day of April, 2025.

ANDREW STRICKLAND
Chairman, Baldwin County Board of Commissioners

ATTEST:

BO DANUSER,
County Clerk

(Seal)