



CITY OF MABLETON, GEORGIA
Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
November 10, 2025 at 6:30 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL WORK SESSION AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION**
- 4. PLEDGE OF ALLEGIANCE**
- 5. AGENDA ITEMS AND DISCUSSION**
 - a. First Read - An Ordinance Setting the FY 2026 Regular Meeting Schedule - City Clerk Susan Hiott**
 - b. Financial Reports - 1st Quarter Financials FY 2026 - Finance Director Karen Ellis**
 - c. First Read - An Ordinance Amending Chapter 14, Animal Control, of the City of Mableton Code of Ordinances - City Attorney Emilia Walker-Ashby**
- 6. PRE REGULAR MEETING AGENDA REVIEW**
- 7. ANNOUNCEMENTS**
- 8. EXECUTIVE SESSION (IF NEEDED) FOR LITIGATION (O.C.G.A. 50-14-3(B)(1)(A) REAL ESTATE (O.C.G.A. 50-14-3 (B)(1)) PERSONNEL (O.C.G.A. 50-14-3 (B)(2)) AND MISC. EXEMPTIONS (O.C.G.A. 50-14-3 (B)(4)&(5))**
- 9. ADJOURNMENT**

Persons with special needs relating to handicapped accessibility, disability, or foreign language may contact the City Clerk at (404) 927-9502 or susan.hiott@mableton.gov at least three days prior to the meeting. The clerk can be located at the City of Mableton Administrative Offices, 1245 Veterans Memorial Highway, Mableton, Georgia 30126 during regular office hours.



AGENDA ITEM MEMORANDUM

MEETING OF: November 10, 2025

DEPARTMENT: [DEPARTMENT]

ISSUE/AGENDA ITEM TITLE: First Read - An Ordinance Setting the FY 2026 Regular Meeting Schedule - City Clerk Susan Hiott

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. Copy of Copy of 2026 2- Council Meetings Schedule-MF
2. Ordinance Setting the FY 2026 Regular Meeting Schedule Rev. 11.7.25 (1)

CITY OF MABLETON – MAYOR AND COUNCIL REGULARLY

SCHEDULED MEETINGS – 2026

The Mableton Mayor and Council’s regularly scheduled meetings, during the calendar year of 2026, are to be held at the **EpiCenter135 Riverside Pkwy, Austell, GA 30168** at 6:30 p.m. The second work session of the month starts at 5:15 p.m. prior to the regular meeting. The regular meetings are held on the 2nd and 4th Wednesday of the month. The Monday Work Sessions start at 6:30 p.m. and will be held at **1245 Veterans Memorial Highway, Hawthorne Plaza, Suite 20, Mableton**. *Additional special called meetings may be called and posted in accordance with Mableton City Charter and Georgia Open Meetings Law. Cancellations or changes in meeting location or time will be posted. Meeting locations change if a holiday.*

Date/2026	Type Meeting	Starting Time		Date/2026	Type Meeting	Starting Time
January 6*	Tuesday Regular Meeting Per Charter	6:30 P.M.		July 6 - 8	NO MEETINGS July 4th on Sat.	SUMMER BREAK Offices closed on Friday
January 28*	Wednesday Work Session	5:15 P.M.		July 22*EC	Wednesday Work Session	5:15 P.M.
January 28*	Wednesday Regular Meeting	6:30 P.M.		July 22*EC	Wednesday Regular Meeting	6:30 P.M.
January - GMA Cities United Summit	Jan. 23-26, 2026	Omni Hotel Centennial Park - Atlanta		August 10**VMH	Monday Work Session	6:30 P.M.
February 9**VMH	Monday Work Session	6:30 P.M.		August 12*EC	Wednesday Regular Meeting	6:30 P.M.
February 11*EC	Wednesday Regular Meeting	6:30 P.M.		August 26*EC	Wednesday Work Session	5:15 P.M.
February 27 - March 1	Spring Planning Conference	TBD		August 26*EC	Wednesday Regular Meeting	6:30 P.M.
February 25*EC	Wednesday Work Session	5:15 P.M.		September 9 - Wed. *EC	Wednesday Work Session Labor Day was on Monday	5:15 P.M.
February 25*EC	Wednesday Regular Meeting	6:30 P.M.		September 9*EC	Wednesday Regular Meeting	6:30 P.M.
March 9**VMH	Monday Work Session	6:30 P.M.		September 23*EC	Wednesday Work Session	5:15 P.M.
March 11*EC	Wednesday Regular Meeting	6:30 P.M.		September 23*EC	Wednesday Regular Meeting	6:30 P.M.
March 25*EC	Wednesday Work Session	5:15 P.M.		October 14 - Wed. *EC	Wednesday Work Sess.* Indigenous People Day on Monday	5:15 P.m.
March 25*EC	Wednesday Regular Meeting	6:30 P.M.		October 14*EC	Wednesday Regular Meeting	6:30 P.M.
April 6**VMH	Monday Work Session	6:30 P.M.		October	Fall Planning Conference	TBD
April 8*EC	Wednesday Regular Meeting	6:30 P.M.		October 28*EC	Wednesday Work Session	5:15 P.M.
April 22*EC	Wednesday Work Session	5:15 P.M.		October 28*EC	Wednesday Regular Meeting	6:30 P.M.
April 22*EC	Wednesday Regular Meeting	6:30 P.M.		November 9 - *Mon.EC	Monday Work Session - Epi Center	5:15 P.M.
May 11**VMH	Monday Work Session	6:30 P.M.		November 9 - Mon*.EC	Monday Reg. Mtg. Wed. is Veterans Day - Epi Ctr.	6:30 P.M.
May 13 *EC	Wednesday Regular Meeting	6:30 P.M.		November 25 - Wednesday	NO MEETING	5:15 P.M. CANCELLED
May 27*EC	Wednesday Work Session	5:15 P.M.		November 25 - Wednesday	HAPPY THANKSGIVING November 26th	6:30 - NO MEETING CANCELLED
May 27*EC	Wednesday Regular Meeting	6:30 P.M.		December 7**VMH	Monday Work Session	6:30 P.M.
June 8**VMH	Monday Work Session	6:30 P.M.		December 9*EC	Wednesday Regular Meeting	6:30 P.M.
June 10*EC	Wednesday Regular Meeting	6:30 P.M.		December 21-23	NO MEETINGS	MERRY CHRISTMAS
Public Hearings	Budget Adoption	TBD				
June 24*EC	Wednesday Work S	5:15 P.M.		<i>* Epi Center- EC</i>	<i>*Meet at Epi Center</i>	<i>EC</i>
June 24*EC	Wednesday Regular	6:30 P.M.		<i>** 1245 Vet. Mem. Highway -Suite 20</i>	<i>** Meet at Administrative Offices - VMH Suite 20</i>	<i>VMH</i>
June 26-30, 2026	GMA Conference	Savannah, GA				

**AN ORDINANCE ADOPTING THE YEAR 2026 REGULAR MEETING SCHEDULE
AND OTHER PURPOSES.**

WHEREAS, the City of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, Sec. 2.19 of the City Charter provides that “[t]he city council shall hold regular meetings at such times and places as shall be prescribed by ordinance”;

WHEREAS, the City Council desires through this Ordinance to adopt a regular meeting schedule for year 2026; and

WHEREAS, the City Council finds this Ordinance to be in the best interest of the health, safety and welfare of the City.

IT IS HEREBY ORDAINED, by the governing authority of the City of Mableton as follows:

Section 1. The City Council hereby adopts the 2026 Regular City Council Meeting Schedule, **as attached** hereto. Any scheduling and/or location changes that becomes necessary with respect to this schedule shall be publicly noticed as required by law.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.
- (b) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (c) 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. 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.
- (d) In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this

Ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the Ordinance.

Section 3. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 4. The effective date of this Ordinance shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law. In the event that any effective date and/or tax commencement date herein is invalid and/or determined to be invalid, said effective date and/or tax commencement date shall instead be the earliest date allowed by law.

SO ORDAINED this _____ day of November, 2025.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney



AGENDA ITEM MEMORANDUM

MEETING OF: November 10, 2025

DEPARTMENT: [DEPARTMENT]

ISSUE/AGENDA ITEM TITLE: Financial Reports - 1st Quarter Financials FY 2026 - Finance
Director Karen Ellis

BACKGROUND/SUMMARY: Financial Reports - 1st Quarter Financials FY 2026

BUDGETED/FINANCIAL IMPACT – FUND: none

RECOMMENDATION:

ATTACHMENTS:

1. Council Presentation FY2026 QTR 1

CITY OF MABLETON

FY 2026 FINANCIAL REVIEW

Quarter 1: July-September 2025

Prepared by the Finance Department

November 12, 2025





CITY OF MABLETON - NOTES TO THE FINANCIAL STATEMENTS*
For First Quarter Ending September 30, 2025

CITY OF MABLETON

Financial Overview/ Highlights

The City is currently at 25% of the Fiscal Year. Our fiscal year begins July 1 and ends June 30.

GENERAL FUND

\$1,354,779 , 10.39% above anticipated year to date.

\$2,339,123 , 14.60% less than expected year to date.

Variance Analysis

Account Name	YTD Actual	Annual Budget	% of Budget	Explanation
Revenues				
Franchise Taxes	\$92,168	\$2,265,000	4.07%	Payments rec'd quarterly - on target
Business & Occupational Tax	\$100,744	\$2,500,000	4.03%	Most collections occur in March
Insurance Premium Tax	\$0	\$4,250,000	0.00%	Only collected once a year on 10/15
Licenses & Permits	\$302,847	\$1,000,000	30.28%	Trending above budget estimates
Interest	\$52,275	\$20,000	261.38%	Above interest rate projected in budget
Total revenue collections are				
Expenditures				
Risk Management	\$47,496	\$85,000	55.88%	Liability Insurance paid in full for year
Total expenditures to-date are				

* All financials are considered unaudited until final review and report issued by the City's auditors.



City of Mableton
CASH & INVESTMENTS
Statement of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For First Quarter Ending September 30, 2025

CASH / INVESTMENT		INTEREST RATE	ACCT BALANCE
CITY OF MABLETON			
TRUIST BANK			
	CHECKING	0.00%	\$556,283
TOTAL TRUIST			\$556,283
UNITED BANK			
	CHECKING	0.00%	\$91,950
	MONEY MARKET	3.45%	\$4,921,261
TOTAL UNITED BANK			\$4,921,261
GEORGIA FUND 1			
	POOLED INVESTMENT	4.28%	\$1,746,182
TOTAL GEORGIA FUND 1			\$1,746,182
TOTAL CASH & CASH EQUIVALENTS			\$7,223,726
MABLETON URBAN REDEVELOPMENT AGENCY			
UNITED BANK			
	MONEY MARKET	4.20%	\$2,491,469
TOTAL UNITED BANK			\$2,491,469
TOTAL CASH & CASH EQUIVALENTS			\$2,491,469



General Fund



Revenues through 9/30/2025

	Current Period Actuals	Year-to-Date Actuals	Annual Budget	Budget Available + (-)	% Budget Actual	Projected Year End 6/30/2026
Revenues						
Property Taxes (TAVT)	773,227	773,227	2,850,000	2,076,773	27%	3,092,908
Franchise Taxes	92,168	92,168	2,265,000	2,172,832	4%	2,468,672
Business & Occupational Tax	100,744	100,744	2,500,000	2,399,256	4%	2,604,464
Insurance Premium Tax	-	-	4,250,000	4,250,000		4,250,000
Licenses & Permits	302,847	302,847	1,000,000	697,153	30%	1,211,388
Charges for Services	31,918	31,918	11,000	(20,918)	290%	69,671
Fines & Forfeitures	-	-	-	-		-
Interest	52,275	52,275	20,000	(32,275)	261%	209,100
Miscellaneous	1,600	1,600	-	(1,600)	0%	1,600
Transfer from Other Funds	-	-	140,625	140,625		-
Other Financing Sources	-	-	-	-		-
Total Revenues	1,354,779	1,354,779	13,036,625	11,681,846	10.39%	13,907,803



Expenditures through 9/30/2025

	Current Period Actuals	Year-to-Date Actuals	Annual Budget	Budget Available + (-)	% Budget Actual	Projected Year End 6/30/ 2026
Expenditures						
City Council	77,313	77,313	370,100	292,787	20.89%	309,253
City Mayor	111,923	111,923	483,300	371,377	23.16%	447,690
City Manager	150,416	150,416	794,800	644,384	18.92%	752,663
City Clerk	58,585	58,585	421,350	362,765	13.90%	404,339
Finance & Administration	190,743	190,743	1,086,400	895,657	17.56%	962,972
City Attorney	-	-	600,000	600,000		600,000
Information Technology	92,425	92,425	951,100	858,675	9.72%	909,699
Human Resources	77,039	77,039	679,400	602,361	11.34%	658,158
Risk Management	47,496	47,496	85,000	37,504		65,000
Facilities & Property Management	143,522	143,522	1,141,900	998,378	12.57%	974,089
Communications	94,839	94,839	534,050	439,211	17.76%	519,356
General Administration	6,781	6,781	234,700	227,919	2.89%	177,122
Municipal Court	48,916	48,916	730,900	681,984	6.69%	705,664
Sustainability Waste & Beautification	44,753	44,753	481,400	436,647	9.30%	469,011
Parks & Recreation	66,312	66,312	1,018,900	952,588	6.51%	755,249
Community Development	433,997	433,997	2,662,600	2,228,603	16.30%	2,635,989
Code Enforcement	218,082	218,082	1,058,200	840,118	20.61%	932,328
Economic Development	85,982	85,982	618,800	532,818	13.89%	612,926
Other Financing Uses	390,000	390,000	2,073,193	1,683,193	18.81%	2,073,193
Total Expenditures	2,339,123	2,339,123	16,026,093	13,686,969	14.60%	14,964,701

Change in Fund Balance	(984,344)	(984,344)	(2,989,468)	(2,005,123)		(1,056,898)
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Fund Balance - Beginning		7,565,466	7,565,466			7,565,466
Fund Balance - Ending		6,581,122	4,575,999			6,508,569



Tree Fund



Revenues & Expenditures

	Current Period	Year-to-Date	FY2026	Budget	%
	Actuals	Actuals	Annual Budget	Available + (-)	Budget Actual
REVENUES					
Development Impact Fees	\$ -	\$ -	\$ -	\$ -	-
Other Misc Revenue	-	-	-	-	-
Total revenues	\$ -	\$ -	\$ -	\$ -	-
EXPENDITURES					
Current:					
Approved Projects	\$ -	\$ -	\$ 160,000	\$ 160,000	
Total Expenditures	\$ -	\$ -	\$ 160,000	\$ 160,000	
OTHER FINANCING SOURCES (USES)					
Transfers in from General Fund	\$ -	\$ (40,000)	\$ (160,000)	\$ (120,000)	
Total Other financing sources and uses	\$ -	\$ (40,000)	\$ (160,000)	\$ (120,000)	
Net change in fund balances	-	40,000	-	(40,000)	
Fund balance - beginning		-	-		
Fund balance - ending		\$ 40,000	\$ -		



Six Flags Special District Fund



Revenues & Expenditures

	Current Period	Year-to-Date	FY2026	Budget	%
	Actuals	Actuals	Annual Budget	Available	Budget
				+ (-)	Actual
REVENUES					
Real Property Tax-Current Year	\$ -	\$ -	\$ 1,250,000	\$ (1,250,000)	
Interest Revenues	-	-	-	-	
Total Revenues	\$ -	\$ -	\$ 1,250,000	\$ (1,250,000)	
EXPENDITURES					
Contracted Services	\$ -	\$ -	\$ 54,000	\$ 54,000	
Contingency	-	-	1,196,000	1,196,000	
Total Expenditures	\$ -	\$ -	\$ 1,250,000	\$ 1,250,000	
Excess of revenues over expenditures	\$ -	\$ -	\$ -		
Net change in fund balances		\$ -	\$ -		
Fund balances - beginning			-	-	
Fund balances - ending		\$ -	\$ -		



Hotel/Motel Tax Fund



Revenues & Expenditures

	Current Period Actuals	Year-to-Date Actuals	FY2026 Annual Budget	Budget Available + (-)	% Budget Actual
REVENUES					
Taxes					
Hotel/Motel Taxes	\$ 103,749	103,749	\$ 375,000	\$ 271,251	38%
Total Revenues	\$ 103,749	103,749	\$ 375,000	\$ 271,251	38%
OTHER FINANCING SOURCES (USES)					
Transfers out to General Fund	\$ (38,906)	(38,906)	\$ (140,625)	\$ (101,719)	38%
Transfers out to Meet Mableton	\$ (64,843)	(64,843)	(234,375)	(169,532)	38%
Total Other financing sources/uses	\$ (103,749)	(103,749)	\$ (375,000)	\$ (271,251)	38%
Net change in fund balances	-	-	-	-	
Fund balance - beginning		-	-		
Fund balance - ending		-	\$ -		



Capital Projects Fund



Revenues & Expenditures

	Current Period Actuals	Year-to-Date Actuals	Year-to-Date Actuals Including Encumb	FY2026 Annual Budget	Budget Available + (-)	% Budget Actual
REVENUES						
Charges for Service	\$ -	\$ -	\$ -	\$ -	\$ -	-
Interest Revenue	-	-	-	-	-	-
Realized Gain or Loss on Investments	-	-	-	-	-	-
Other Misc Revenue	-	-	-	-	-	-
Total revenues	\$ -	\$ -	\$ -	\$ -	\$ -	-
EXPENDITURES						
Capital Outlay						
Finance	\$ -	\$ -	\$ -	\$ -	\$ -	-
Information Services	18,353	18,353	18,353	150,000	131,647	12%
General Govt Bldg	352,630	352,630	352,630	500,000	147,370	71%
Passive Parks/Greenspace	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Total Capital Outlay	\$ 370,983	\$ 370,983	\$ 370,983	\$ 650,000	\$ 279,017	133%
Excess of revenues over expenditures	\$ (370,983)	\$ (370,983)	\$ (370,983)	\$ (650,000)	\$ (279,017)	57%
OTHER FINANCING SOURCES (USES)						
Transfers in from General Fund	\$ (350,000)	\$ (350,000)	\$ (350,000)	(1,400,000)	\$ 1,050,000	25%
Proceeds of Sale of Assets	-	-	-	-	-	-
Contingencies	-	-	-	750,000	750,000	-
Total other financing sources and uses	\$ (350,000)	\$ (350,000)	\$ (350,000)	\$ (650,000)	\$ 1,800,000	54%
Net change in fund balances	(20,983)	(20,983)	(20,983)	-	-	-
Fund balance - beginning				-	-	-
Fund balance - ending	\$ (20,983)	\$ (20,983)	\$ (20,983)	-	-	-



Urban Redevelopment Agency Fund



Revenues & Expenditures

	Current Period Actuals	Year-to-Date Actuals	FY2026 Annual Budget	Budget Available + (-)	% Budget Actual
REVENUES					
Interest Revenues (United)	\$ -	\$ -	\$ -	\$ -	
Interest Revenues (Truist)	30,305	30,305	-	30,305	
Total revenues	\$ 30,305	\$ 30,305	\$ -	\$ 30,305	
EXPENDITURES					
Capital Outlay					
General Government Buildings	\$ 70,526	\$ 70,526	\$ -	\$ (70,526)	
Arbitrage Yield Reduction Payment	-	-	-	-	
Bond Principal	-	-	260,000	260,000	
Bond Interest	-	-	253,193	253,193	
Fiscal Agent's Fees	-	-	-	-	
Total Capital Outlay	\$ 70,526	\$ 70,526	\$ 513,193	\$ 442,667	14%
Excess of revenues over expenditures	\$ (40,221)	\$ (40,221)	\$ (513,193)	\$ (412,362)	
OTHER FINANCING SOURCES (USES)					
Transfers in from General Fund	\$ -	\$ -	\$ 513,193	\$ (513,193)	
Transfers out to General Fund	-	-	-	-	
Revenue Bond Proceeds	-	-	-	-	
Total other financing sources and uses	\$ -	\$ -	\$ 513,193	\$ (513,193)	
Net change in fund balances		\$ (40,221)	\$ -		
Fund balance - beginning		2,565,771	2,565,771		
Fund balance - ending		\$ 2,525,550	\$ 2,565,771		



- Serving the citizens of Mableton through integrity, accountability, and sound financial management





AGENDA ITEM MEMORANDUM

MEETING OF: November 10, 2025

DEPARTMENT: [DEPARTMENT]

ISSUE/AGENDA ITEM TITLE: First Read - An Ordinance Amending Chapter 14, Animal Control, of the City of Mableton Code of Ordinances - City Attorney Emilia Walker-Ashby

BACKGROUND/SUMMARY: Cobb County attorneys have asked for some changes to our Animal Ordinance to reflect their Animal Ordinance. Attorney Walker-Ashby will be submitting the revised Animal Ordinance.

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. Updated Animal Services Ordinance Rev. 11.17.25

STATE OF GEORGIA
COBB COUNTY
CITY OF MABLETON

ORD

AN ORDINANCE ~~CREATING~~ UPDATING CHAPTER 14, ANIMAL CONTROL, OF
THE CITY OF MABLETON CODE OF ORDINANCES AND FOR OTHER LAWFUL
PURPOSES

WHEREAS, the City of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, Sec. 1.13(1) of the City Charter authorizes the City “[t]o regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances”;

WHEREAS, the City Council desires through this Ordinance to exercise its powers and authority under the City Charter and other applicable laws to promotion the health and general welfare of the City; and

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety, and general welfare of the City.

IT IS HEREBY ORDAINED by the governing authority of the City of Mableton, as follows:

Section 1: Chapter 14, Animal Control, of the The City Code of Ordinances is hereby deleted in its entirety, and replaced with a new Chapter 14, Animal Control, amended to create Chapter 14, Animal Control, to read as follows:

CHAPTER 14 – ANIMAL CONTROL

ARTICLE 1 – IN GENERAL

Sec. 14.1.1 – ~~Definitions~~ Jurisdiction, enforcement and applicability.

~~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:~~

~~*Abandonment (of an animal)* means the act of any person who:~~

(1) — ~~Abandons an animal by leaving an animal unattended for a period of time in excess of 24 hours without food, water, adequate ventilation or shelter on public or private property, including but not limited to the property of the owner/custodian;~~

(2) — ~~Puts out, leaves, abandons, or in any other way discards any animal on public or private property, including but not limited to the property of the owner/custodian, and including but not limited to leaving an animal contained in a box, bag, fence, house or other structure or tethered;~~
~~or~~

(3) — ~~Places an animal in the custody of a state licensed entity, such as but not limited to a veterinary clinic, grooming facility, boarding facility, or pet sitter for treatment, boarding, or other care, and fails to reclaim the animal by the agreed upon time.~~

Abused animal means any animal that has been harmed by an act, an omission or neglect, including but not limited to any animal that has been:

(1) — ~~Deprived of adequate food, water, shelter, ventilation, care, space, or veterinary care.~~

(2) — ~~Physically harmed, tortured, mutilated, beaten, or illegally killed.~~

(3) — ~~Trained/used for fighting other animals.~~

(4) — ~~Used as bait to train/lure other animals to fight/kill.~~

Adequate means sufficient; commensurate; equally efficient; equal to what is required; suitable to the case or occasion; satisfactory.

Animal shall not include fish or any pests that might normally be exterminated or removed from a business, a residence or other structure.

Animal bite means any physical contact of the teeth, nails, or claws of an animal with human flesh, including but not limited to a scrape, puncture, pierce, scratch or tear, so long as bleeding results.

Animal care facility means any licensed animal control/services shelter that is either maintained by or under contract with any state, county, or municipality whose mission and practice is the rescue and placement of animals in permanent homes or animal rescue organizations.

Animal mill means an individual or entity that keeps and/or breeds animals in conditions where animals are frequently caged for extended periods of time, do not receive adequate care, and/or are not kept in an environment conducive to the health and well-being of the animals.

Animal Services Board means the Animal Services Board of Cobb County, Georgia.

Animal services officer means an individual authorized by the City, City Manager or applicable law to carry out the duties imposed by this chapter.

Attacking or biting animal means:

(1) — ~~Any animal which poses a physical threat to human beings or other animals by virtue of an attack that caused property damage and/or physical injury.~~

(2) — ~~An animal shall not be an "attacking or biting animal" within the meaning of this chapter if:~~

a. — ~~It inflicts an injury upon a person when the animal is being used by a law enforcement officer to carry out the law enforcement officer's official duties.~~

b. — ~~The injury inflicted by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort; was tormenting, abusing or assaulting the animal; had in the past been reported to have tormented, abused or assaulted the animal; or was committing or attempting to commit a crime.~~

~~Bedding (adequate) means sufficient quantity of dry, non-contaminated, safe bedding, which is appropriate to the animal's age, size, species, and breed requirements.~~

~~Board of health means the Cobb County Board of Health, or its authorized representatives, which shall include officers or employees of CCAS.~~

~~Care (adequate/humane) means attention to the needs of an animal, including but not limited to, the provision of adequate water, food, shelter, bedding, sanitary conditions, ventilation, heating/cooling (temperature control), space, exercise and veterinary medical attention necessary to maintain the health of the animal with regard to the specific age, size, species, and breed of animal.~~

~~CCAS means, collectively, the animal services agents and employees who, under the direction of the Cobb County Animal Services Director or City, operate as a unit of the Cobb County Department of Public Safety, its successor department(s), or other entity selected by the City, whether by Contract or otherwise, to carry out the duties of animal services for the City pursuant to this chapter and federal/state laws.~~

~~CCAS shelter means the facility operated by CCAS for the purpose of providing shelter and care for dogs, cats, or other animals taken into custody under the provisions of this chapter.~~

~~Classified dog means any dog that has been classified either as a dangerous dog or vicious dog pursuant to the Responsible Dog Ownership Law, O.C.G.A. § 4-8-20, et seq.~~

~~Confinement means restriction of an animal to a home, basement, garage, building, pen, or other escape-proof enclosure. Confinement by a rope, chain, tether, fenced yard or other area accessible by other animals or persons, other than the caretaker, is not considered confinement.~~

~~Costs means the costs associated with the confiscation of classified dogs or vicious animals that are determined by the Board of Commissioners and shall be paid by the owner to CCAS.~~

~~Dangerous dog means any dog that:~~

~~(1) — Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;~~

~~(2) — Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or~~

~~(3) — While off the owner's property, kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.~~

~~(4) — No dog shall be classified as a dangerous dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties, or if the person injured by such dog was a person who, at the time, was~~

~~committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under Chapter 5 of Title 16 of the Official Code of Georgia.~~

~~*Dead animal* means a deceased animal including the carcass or parts of a carcass.~~

~~*Director* means the Cobb County Animal Services Director and/or other designee of the City Manager.~~

~~*Dispose of* means:~~

~~(1) — The sale of any live animal at public or private sale, the giving or adopting of a live animal to an individual/entity, or the transference of ownership of a live animal to CCAS or any licensed humane society, licensed rescue group or licensed veterinarian.~~

~~(2) — Appropriate burial or cremation of a dead animal as directed in this chapter.~~

~~*Dog control officer* is the Director of CCAS and is charged with the responsibility for the administration and enforcement of the Responsible Dog Ownership Law, set forth in O.C.G.A. § 4-8-20, *et seq.* The Director has the authority to use CCAS staff to assist in the implementation of his or her duties under the Responsible Dog Ownership Law.~~

~~*Domestic animal* means any animal other than wildlife, wild animals, or exotic animals as defined by this chapter that is domesticated by humans so as to live and breed in a tame condition.~~

~~*Effluent* means an outflow or discharge of waste.~~

~~*Euthanasia* means the legal act of putting animals to death using humane methods approved by the Georgia Department of Agriculture.~~

~~*Exercise (adequate)* means bodily exertion suitable to the age, size, species and breed of animal to maintain normal good health, muscle tone, non-aggressive temperament, and normal behavior.~~

~~*Exotic animal* means any animal that is not indigenous to the State of Georgia.~~

~~*Fence* means a structure of wire, wood, stone or other materials, including invisible fencing, which is of sufficient height and strength to act as a barrier against the passage of the animal it is intended to enclose.~~

~~(1) — A fence does not include an "invisible fence" if the fence is:~~

- ~~a. — Turned off or the animal is not wearing a properly operating signaling device;~~
- ~~b. — Ineffective for any animal that has learned it can cross the fence line;~~
- ~~c. — Intended to be a means of keeping people or animals out of an enclosed area; or~~
- ~~d. — Buried in or adjacent to the county right-of-way.~~

~~(2) — An invisible fence is not an acceptable means of control for a vicious animal, a classified dog, or an animal that is in estrus/heat.~~

~~*Feral cat* means a cat that has no owner and was either born in the wild and lacks socialization or was returned to the wild and became untrusting of humans. A feral cat is typically untamed and evasive.~~

~~*Fighting animal/game animal* means any animal that has aggressive parentage, or an animal bred and/or trained to:~~

- (1) — Exhibit aggressive qualities;
- (2) — Have no instinct to withdraw from a fight or to display signs of submission;
- (3) — Fight to the point of complete exhaustion or death with minimal provocation;
- (4) — Suppress the animal's instinct for self-preservation;
- (5) — Inflict maximum damage to the animal's opponents;
- (6) — Offer little or no indication that an attack is imminent; or
- (7) — Be ready/willing for combat and unyielding in combat.

Food (adequate) means sufficient quantity of non-contaminated and nutritionally adequate food, fed according to age, size, species and breed requirements, or as directed by a veterinarian, which is sufficient to prevent starvation, malnutrition or risk to the animal's health. Garbage or spoiled/rancid food is not considered adequate food.

Foster home means a temporary home that cares for animals until they can be placed in a permanent home or returned to CCAS or its designee for adoption/disposal. Foster homes must be affiliated with and controlled by licensed rescue groups and/or licensed animal shelters.

Garbage means all refuse matter/effluent. Garbage includes, but is not limited to animal or vegetable refuse, by-product of a restaurant, kitchen, or meat/poultry processing establishment, spoiled/rancid food and refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise (that is normally discarded).

Grid means a manufactured type of wood, plastic, or wire flooring specifically designed to be used in an area where an animal is housed.

Hoarder means a person or entity that:

- (1) — Collects animals and fails to provide them with humane/adequate care;
- (2) — Collects dead animals that are not properly disposed of as required by this chapter; or
- (3) — Collects, houses, or harbors animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

Human exposure to rabies means any bite, scratch, or other situation in which saliva or central nervous system (CNS) tissue of a potentially rabid animal enters an open wound, fresh wound, or comes in contact with a mucous membrane by entering the eye, mouth, or nose. Touching or handling a potentially rabid animal with the possible exception of a bat or touching or handling another animal or inanimate object that has had contact with a rabid animal does not constitute an exposure unless wet saliva or CNS tissue entered a fresh, open wound or had contact with a mucous membrane. Likewise, contact with the urine, feces, or blood of a potentially rabid animal does not constitute an exposure since the pathogenesis of rabies is such that the virus follows nerve pathways and has only limited circulation in the blood.

Impoundment means the taking into custody of an animal by CCAS.

Licensed means having a valid Georgia state license issued under the authority of the State of Georgia.

Lure means an animal used to bait/teach/encourage another animal to chase, fight or kill other animals.

~~*Manager* means a manager of CCAS and/or his or her designee.~~

~~*Neglect* means absence of adequate care that is unintentional.~~

~~*Neglect (willful)* means the intentional withholding of adequate food, water and humane care required by an animal to prevent starvation, dehydration, death, or other harmful/debilitating conditions.~~

~~*Nuisance animal* means any animal that:~~

- ~~(1) — Damages, soils, defiles, eliminates or defecates on private property other than its owner's property or on public property;~~
- ~~(2) — Causes unsanitary or offensive conditions or otherwise endangers public health, welfare or safety;~~
- ~~(3) — Causes a disturbance by barking, howling or other noisemaking for a period of more than 15 minutes;~~
- ~~(4) — Chases vehicles, bicycles, or people;~~
- ~~(5) — Is in estrus and not confined in a manner which can keep it away from intact males of the same species; or~~
- ~~(6) — Causes serious annoyance to a neighboring residence and interferes with the reasonable use and enjoyment of that property.~~

~~*Owner* means any person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping or having custody or control of any animal subject to this chapter. This definition is intended to embrace any person who is a custodian.~~

~~*Police department* means the Cobb County Police Department or City Police Department.~~

~~*Primary enclosure* means any structure or device used to restrict an animal to a limited amount of space, such as a fence, building, room, pen, run, cage, stall, paddock, or pasture, that provides adequate space and shelter.~~

~~*Proper enclosure* means an enclosure for keeping a dangerous dog, vicious dog or vicious animal securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of another animal or any person other than the owner or caretaker.~~

~~The enclosure must:~~

- ~~(1) — Be designed to prevent the animal from escaping, and:
 - ~~a. — If the enclosure is a fence, the fence must be high enough to keep the animal from climbing over and must be secured at the bottom to keep the animal from digging under.~~
 - ~~b. — If the enclosure is a pen or structure other than a fence, the pen or structure must have secure sides, top and bottom constructed or secured in such a manner to prevent the animal's escape, and be of a height and strength to maintain the animal within it.~~~~
- ~~(2) — Provide adequate shelter.~~
- ~~(3) — Provide adequate space for the animal.~~

~~*Provoked attack* means an attack resulting when a domestic animal is placed in a situation such that an expected reaction would be to bite or attack.~~

~~*Relinquished* means written transfer of ownership of an animal by the owner to CCAS.~~

~~*Rescue animal* means a dog, cat, or other animal temporarily maintained by a licensed rescue group until the animal can be placed in a permanent home.~~

~~*Rescue group (licensed)* means any individual or entity that houses and cares for rescue animals until permanent homes can be located and that maintains all required federal, state and local licenses/registrations.~~

~~*Restraint of animal* means complete and immediate control of an animal by a physical device while under the direct supervision of a competent person.~~

~~*Running at large* means any domestic animal not under the control and restraint of the owner or the owner's designee.~~

~~*Sale of animals* means the transfer of ownership of an animal through verbal or written agreement to a new owner in exchange for money, goods, services, or fees.~~

~~*Sanitary conditions* means animal living space free from health hazards, irritants, or conditions that may endanger or pose a significant risk to an animal's health. In the case of farm animals, nothing in this section shall be construed as imposing sanitation requirements or standards more stringent than normally accepted animal husbandry and humane practices as defined by this chapter and Georgia state law as regulated by the Georgia Department of Agriculture.~~

~~*Serious injury* means any physical injury caused by a dog that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.~~

~~*Shelter (adequate)* means protective cover for a domestic animal appropriate for the species and providing adequate space to maintain the animal in good health, which also prevents pain, suffering or a significant risk to the animal's health.~~

~~(1) — Adequate shelter includes but is not limited to the following:~~

~~a. — Sufficient coverage and insulation to protect an animal from extreme hot and cold temperatures;~~

~~b. — Sufficient protection from the elements to keep the animal dry;~~

~~c. — Sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating; and~~

~~d. — Adequate bedding or resting area suitable for the breed, species, age, size, and medical condition of the animal.~~

~~(2) — Adequate shelter is structurally sound housing which provides an animal with:~~

~~a. — Adequate space;~~

~~b. — Four solid walls or an "igloo" type of structure;~~

~~c. — A roof;~~

d. — A dry floor that is either:

1. — Solid, or

2. — Grids, provided the animal can easily stand, walk, lay and sit on the grids without its feet or body parts being caught, damaged, or injured. The grids and area under the grids must be designed so that they can be cleaned and sanitized.

e. — An entrance; and

f. — Adequate space for the number of animals on the property.

(3) — Materials not suitable for shelters include but are not limited to:

a. — Inadequately insulated containers;

b. — Crates with exposed sharp edges;

c. — Metal or plastic drums;

d. — Abandoned or parked vehicles;

e. — Porches or decks;

f. — Lean-tos;

g. — Any other structure that fails to provide sufficient protection from the elements; and

h. — Any other structure that is not safe or suitable for housing the species.

Space (adequate) means:

(1) — Sufficient safe space for adequate exercise suitable to the age, size, species and breed of animal;

(2) — Sufficient space during periods of confinement, suitable to the age, size, species and breed of animal to permit the animal to turn about freely, stand, sit, or lie, move, etc. in a comfortable and normal position; or

(3) — For sick or injured animals, confinement as directed by a veterinarian.

Strict confinement/isolation for animals bitten by rabid animal means confinement for the period of time recommended by the State of Georgia and kept inside a home, basement, garage, or suitable building, and isolated from other animals and people other than the caretaker while the animal is being observed for symptoms of rabies. An animal within a fenced yard, on a chain, or otherwise in an area accessible in any way to other animals or persons other than the caretaker is not in a strictly confined area.

Temperature control (adequate) means maintaining temperatures recommended for animals by the Department of Agriculture guidelines for shelters and farm animals.

Tether means any chain, rope, leash, tie-out or wire designed to restrain an animal which is attached to an animal's collar or halter and is also attached to a stationary object. Acceptable temporary tethers include appropriate size chain, leash, rope or other tethering device that is of adequate length to satisfy the space and exercise requirements for the animal. In any event, any tether must be a minimum of ten feet in length. Tethering devices, as referred to in this chapter, are the type commonly used for the size animal involved and are attached to the animal by means of a properly fitted collar or harness.

~~*Training group (licensed)* means an appropriately licensed organization or individual that trains animals to assist physically handicapped persons, to assist search and rescue operations, and/or to work with government agencies or law enforcement agencies.~~

~~*Unprovoked attack or without provocation* means an attack that is not provoked as defined by this chapter.~~

~~*Unsanitary conditions* means animal living space including shelter and exercise area, contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animal's health, including but not limited to:~~

- ~~(1) — Excessive animal waste;~~
- ~~(2) — Garbage, trash or effluent;~~
- ~~(3) — Standing water or mud;~~
- ~~(4) — Rancid/contaminated food or water;~~
- ~~(5) — Fumes, foul or noxious odors, contaminated air, hazardous chemicals or poisons;~~
- ~~(6) — Decaying materials;~~
- ~~(7) — Uncontrolled parasite or rodent infestation; and~~
- ~~(8) — Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.~~

~~*Ventilation (adequate)* means fresh air sufficient to provide for the health of an animal.~~

~~*Veterinarian* means a doctor of veterinary medicine licensed to diagnose and treat diseases and injuries in animals.~~

~~*Veterinary care (adequate)* means medical care of an animal from or under the direction of a licensed 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.~~

~~*Veterinary clinic (licensed)* means a business facility where veterinary medicine is practiced.~~

~~*Vicious animal* means:~~

- ~~(1) — Any animal, other than a dog, which:~~
 - ~~a. — Constitutes a physical threat to human beings or other animals by virtue of an attack of such severity or intensity as to cause severe property or physical damage; or~~
 - ~~b. — Makes an unprovoked attack on animals or on human beings; or~~

~~e. — Intentionally attacks physical property in an effort to cause harm to a human or other animal.~~

~~(2) — An animal shall not be a vicious animal within the meaning of this chapter if:~~

~~a. — It inflicts an injury upon a person when the animal is being used by a law enforcement officer carrying out official duties; or~~

~~b. — The injury inflicted by the animal was sustained by a person who was committing a willful trespass or other tort, was tormenting, abusing or assaulting the animal, had in the past been reported to have tormented, abused or assaulted the animal, or was committing or attempting to commit a crime.~~

~~*Vicious dog* means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack. No dog shall be classified as a vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties, or if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under Chapter 5 of Title 16 of the Official Code of Georgia.~~

~~*Water (adequate)* means clean, fresh water sufficient to prevent dehydration, properly sustain health, and prevent significant risk to the animal's health. For the purposes of this chapter, snow, ice or rancid/ contaminated water are not considered adequate water.~~

~~*Wild animal/wildlife* means any animal which is indigenous to this state, but not included in the definition of a domestic animal, and including any hybrid animal that is part wild animal.~~

~~Sec. 14.1.2 — Penalty for violation of chapter.~~

~~Any person who violates any provision of this chapter shall be punished as allowed by law.~~

~~Sec. 14.1.3 — Interpretation of chapter.~~

~~(a) — 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 or state law.~~

~~(b) — Nothing in this chapter shall be interpreted or applied so as to create any liability on the part of county, or any employee, board or official which enforces or fails to enforce any of the provisions provided in this chapter or any provisions in the Responsible Dog Ownership Law.~~

~~Sec. 14.1.4 — Incorporation of state law; construction.~~

~~(a) — *Incorporation.* The state law known as the Responsible Dog Ownership Law, O.C.G.A. § 4-8-20, et seq., is adopted and incorporated in this chapter by reference and made part of this chapter. Any portions of this chapter that are expressly inconsistent with the terms and provisions of the Responsible Dog Ownership Law are repealed.~~

~~(b) — *Construction.* This chapter shall be construed to effectuate its purposes and policies and to supplement existing state or federal laws as may relate to animals.~~

~~Sec. 14.1.5 — Jurisdiction and interlocal agreement.~~

~~The jurisdiction for enforcement of this chapter shall be in the city; however, the county may contract or enter into agreements with other municipalities to enforce this chapter for joint animal services or for the provision of animal services and for the separate or joint use of personnel,~~

~~facilities and equipment for such services. Such agreements or contracts shall be subject to any state law, which may govern. The City of Mableton hereby adopts the Animal Control Ordinance of Cobb County, being Chapter 10 of the Official Code of Cobb County, Georgia, as amended, as an ordinance of the City of Mableton as if set forth herein in its entirety. Such ordinance shall be applicable and enforceable within the city limits of the City of Mableton. The governing authority of the City shall contract through an intergovernmental agreement with Cobb County, Georgia, for animal control within the City. This shall include enforcement of the Animal Control Ordinance of Cobb County within the City, and the Dangerous Dog Control Law as set forth in O.C.G.A. §§ 4-8-20 through 4-8-30. Any person who violates any provision of this chapter shall be punished as allowed by law. A violation requiring a citation shall be cited in accordance with Cobb County's adopted numbering structure. Such citations shall be adjudicated in Cobb County Magistrate Court as allowed in state law. The City waives the requirements of O.C.G.A. 15-10-153.~~

~~Sec. 14.1.6 – Interference with animal services officer.~~

~~It shall be unlawful to interfere with any animal services officer by taking or attempting to take any animal from any vehicle used to transport such animal, or by taking or attempting to take any animal from the animal services impounding areas, or by any other method which would block or hinder any officer referred to in this section from performing his or her duties.~~

~~Sec. 14.1.7 – Disposal of dead animal.~~

~~(a) – Abandonment of dead animals; requirements as to disposal generally.~~

- ~~(1) – It shall be unlawful for any person who owns or is caring for an animal which has died or has been killed to abandon the animal, its parts, or blood. Under no conditions may dead animals be abandoned at any location, including but not limited to, in wells or open pits of any kind on private or public land.~~
- ~~(2) – No person shall dispose of an animal, its parts or blood, by burial on the land of another without the permission of the owner of the land.~~
- ~~(3) – Arrangements for proper burial must be made with a county official in order to dispose of a dead animal in a county landfill.~~

~~(b) – Removal and disposition of dead animals within rights-of-way and on public property. Any other provision of this section to the contrary notwithstanding, it shall be the duty of CCAS and the Cobb County Department of Transportation to remove and dispose of the carcasses of all dead animals found within the rights-of-way of all county roads maintained either totally or in part from county funds.~~

~~(c) – Methods of disposal of dead animals. Methods which can be used for disposal of dead animals are burial and incineration in a county approved incinerator. Disposal of animal carcasses by either of the approved methods must be completed within 12 hours after the death or discovery of the carcass unless the carcass is properly refrigerated or frozen.~~

- ~~(1) – If incineration is chosen, the entire carcass must be reduced to ashes in the incineration process only in a county approved incinerator.~~
- ~~(2) – Carcasses which are buried must be buried at least three feet below the ground level, but no more than eight feet, and have not less than three feet of earth over the carcass.~~

~~(3) Mutilation of dead domestic animals is prohibited.~~

~~Sec. 14.1.8 – Treatment of diseased or injured animals.~~

~~When, in the opinion of the CCAS manager, an animal in the custody of CCAS is:~~

- ~~(1) Diseased or injured and in need of immediate treatment so as to lessen the animal's suffering or to prevent the spread of communicable disease, the CCAS manager or designee shall immediately obtain the services of or place the animal with a licensed veterinarian for the purpose of administering necessary treatment.~~
- ~~(2) Suffering needlessly due to a life-threatening disease or injury, and a licensed veterinarian recommends euthanasia as the most humane course of action, and the CCAS manager or designee agrees that the best interest of the animal would be served by euthanizing the animal, then the animal shall be humanely euthanized regardless of whether or not the normally required impoundment period has expired.~~

~~Sec. 14.1.9 – Animals creating nuisances.~~

~~The owner of any animal shall be in violation of this chapter if the animal exhibits any behavior or engages in any activity defined as a "nuisance animal" under this chapter.~~

~~Sec. 14.1.10 – Requirements for possessing classified dogs; registration; insurance; inspection.~~

- ~~(a) It shall be unlawful for an owner to have or possess within this state a classified dog without a certificate of registration issued in accordance with the provisions of this Code section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.~~
- ~~(b) Unless otherwise specified by this section, a certificate of registration for a dangerous dog shall be issued if the dog control officer determines that the following requirements have been met:
 - ~~(1) The owner has maintained an 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.~~~~
- ~~(c) Except as provided in subsections (e) and (f) of this section, a certificate of registration for a vicious dog shall be issued if a dog control officer determines that the following requirements have been met:
 - ~~(1) The owner has maintained an 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;~~
 - ~~(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;~~
 - ~~(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 \$50,000.00 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 dog.~~
- ~~(d) No certificate of registration shall be issued to any person who has been convicted of two or more violations of the Responsible Dog Ownership Law.~~
- ~~(e) No person shall be the owner of more than one vicious dog.~~
- ~~(f) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:~~
 - ~~(1) A serious violent felony as defined in Section 17-10-6.1 of the Official Code of Georgia;~~
 - ~~(2) The felony of dogfighting as provided for in Section 16-12-37 of the Official Code of Georgia or the felony of aggravated cruelty to animals as provided for in Section 16-12-4 of the Official Code of Georgia; or~~
 - ~~(3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in Sections 16-13-31 and 16-13-31.1 of the Official Code of Georgia from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.~~
- ~~(g) Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a vicious dog, a dog control officer shall verify that the owner is continuing to comply with provisions of this chapter. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this chapter.~~
- ~~(h) Fees. An annual fee to register classified dogs as set by the Board of Commissioners shall be paid by the owner to CCAS.~~
- ~~(i) Right to inspect. CCAS shall have the right to inspect, randomly and without notice, a dangerous dog or vicious dog, which is required to be confined pursuant to this section, in its environment. Permission of the owner or person in custody of the animal confined shall not be unreasonably withheld.~~
- ~~(j) The owner of a classified dog shall notify the dog control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the dog control officer within 24 hours if the dog has died or has been euthanized.~~
- ~~(k) 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.~~
- ~~(l) The owner of a classified dog who moves from one jurisdiction to another within the State of Georgia shall register the classified dog in the new jurisdiction within ten days of becoming a resident and notify the dog control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into this state shall register the dog as required in Section 4-8-27 of the Official Code of Georgia within 30 days of becoming a resident.~~

Sec. 14.1.11—Control of animal.

~~(a) General control.~~

- ~~(1) It shall be unlawful for the owner of any animal to permit such animal to be out of his immediate control and restraint, or to be left unattended off the premises of the owner, or to be upon the property of another person without the permission of the owner or person in possession of such other property. For the purposes of this chapter, condominium and apartment common property shall not be considered to be the premises of the animal owner. Voice control does not constitute control of an animal.~~
- ~~(2) Restraint of dogs and/or animals shall be maintained as follows:~~
 - ~~a. When upon the premises of the owner, all animals shall be kept indoors or in a primary enclosure as defined by this chapter in such a manner as to contain the animal within the bounds of the owner's premises, or on a leash in the hands of a person that possesses the ability to restrain the animal.~~
 - ~~b. When off the premises of the owner, all animals shall at a minimum be maintained on an appropriate chain, leash or tie not exceeding six feet in length, and in the hands of a person who possesses the ability to restrain the animal.~~
 - ~~c. It shall be unlawful for any owner of a dog to chain, tie, fasten or otherwise tether the dog to a stationary object or pulley run as a means of confinement, except that the dog may be temporarily confined by a tether while attended by its owner, notwithstanding subsections (2)a. and (2)b. of this section.~~
- ~~(3) The requirements of subsection (2) of this section shall not apply in the areas zoned for agricultural purposes where the owner of the dog is using the dog for hunting or working purposes and has the dog in his possession or control. If the dog is being used for hunting purposes the owner shall have on his person a valid hunting license. Dogs, while hunting, or show dogs while being shown, are not required to wear a collar or dog tag; but the owner shall have the dog tag in his possession where it may be shown upon demand of a representative of CCAS.~~
- ~~(4) No person shall tie, stake or fasten any animal within any street, alley, sidewalk, right-of-way, or other public place within the city or in such manner that the animal has access to any portion of any street, alley, sidewalk or other public place.~~
- ~~(5) Every female dog and cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with an intact male of the same species except for planned breeding.~~
- ~~(6) Every animal shall be restrained and controlled so as to prevent it from causing property damage, harassing pedestrians or bicyclists, molesting passersby, chasing vehicles, or attacking persons or other animals.~~
- ~~(7) Exception: Sec. 14.1.11(a)(2)b. shall not apply to the areas contained within the Sweat Mountain Dog Park or within any other county or city dog park designated as such by the applicable governing authority, provided that all other rules, regulations and ordinances connected to the use of that area are followed. All owners must possess the ability to restrain their dog(s) and must be present in the off-leash area of said park with any dog(s) they brought into the park, to adequately control or restrain them if needed, so as to prevent injury to other people or dogs in the off-leash area.~~

~~(b) Control of attacking, biting, or vicious animal.~~

- ~~(1) The above provisions concerning general control and contained in subsection (a) of this section are applicable to attacking, biting, or vicious animals.~~
- ~~(2) When upon the premises of the owner, attacking, biting, or vicious animals shall be kept indoors or in a proper enclosure as defined by this chapter. Permanent or temporary tethering as a means of enclosure is not permissible.~~

~~(c) Control of classified dogs.~~

- ~~(1) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:~~
 - ~~a. The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;~~
 - ~~b. The dog is contained in a closed and locked cage or crate; or~~
 - ~~c. The dog is working or training as a hunting dog, herding dog, or predator control dog.~~
- ~~(2) It shall be unlawful for an owner of a vicious dog to permit the dog to be:~~
 - ~~a. Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:~~
 - ~~1. The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or~~
 - ~~2. The dog is contained in a closed and locked cage or crate; or~~
 - ~~b. Unattended with minors.~~

~~Sec. 14.1.12 – Attacking or biting animals.~~

~~The owner of any animal that exhibits the characteristics or behavior as set forth in the definition of "attacking or biting animal" set forth in this chapter shall be in violation of this chapter.~~

~~Sec. 14.1.13 – Vicious animals; possession of vicious animals.~~

- ~~(a) The owner of any animal shall be in violation of this chapter if the animal engages in any activity or exhibits any behavior falling within the definition of a "vicious animal" under this chapter.~~
- ~~(b) Upon being adjudicated guilty of or entering a guilty plea or nolo contendere plea to a charge made under this provision, the owner of the vicious animal, if allowed to maintain the animal will have to adhere to the following requirements for possessing a vicious animal:~~
 - ~~(1) The owner must possess a proper enclosure to confine the vicious animal; and~~
 - ~~(2) The owner must post the premises with a vicious animal warning sign.~~

- ~~(c) Right to inspect. CCAS shall have the right to inspect, randomly and without notice, a vicious animal which is required to be confined pursuant to this section in its environment. Permission of the owner or person in custody of the animal confined shall not be unreasonably withheld.~~
- ~~(d) Any person who releases a vicious animal either willfully through failure to exercise due care or control or who takes such animal out of such proper enclosure in such a manner which is likely to cause injury to another person or damage to the property of another person shall be in violation of this chapter.~~

~~Sec. 14.1.14 – Attacking and biting animals; classified dogs; report of; confiscation.~~

~~(a) Notice to the county.~~

- ~~(1) Any person having information an animal has bitten or attacked a person shall immediately report such information to CCAS.~~
- ~~(2) Notwithstanding the provisions of subsection (a)(1) of this section, the owner of a vicious animal shall notify CCAS immediately, but in any case within 24 hours, if the animal is loose, unconfined, has attacked a human, has died or has been sold or donated. If the animal has been sold or donated, the designation travels with the animal, and the original owner shall provide CCAS with the name, address and telephone number of the new owner of the animal, and the former owner shall inform the new owner of the designation.~~

~~(b) Confiscation of biting animals. Upon receiving notice that an animal has bitten or attacked a person, an authorized person from CCAS shall investigate the incident. Any animal determined to have bitten a person shall be immediately strictly confined and isolated for observation at CCAS or, at the owner's option, the owner may immediately take the biting animal to a licensed veterinarian. In the event the licensed veterinarian is closed or unable to take the animal at that time, the animal will be immediately transported to the CCAS shelter and held until the animal can be transported to a veterinary clinic. Regardless of the quarantine or confinement location, the owner shall be responsible for all expenses incurred. The biting animal shall be segregated and isolated for at least ten days from the date of the bite.~~

- ~~(1) Nothing shall prohibit CCAS from allowing an animal to remain in strict confinement on the premises of the owner subject to daily inspections by CCAS so long as the health, safety, and welfare of any person or animal is not threatened. Those animals may include but are not limited to the following:
 - ~~a. A female animal that is nursing offspring and that is current on her rabies vaccination.~~
 - ~~b. A vaccinated animal if the animal has a medical condition, verified by a written statement from a licensed veterinarian, and confinement at CCAS or a veterinary clinic would be detrimental to the health and welfare of the animal.~~
 - ~~c. An animal that is current on its vaccination and has bitten its owner, caretaker, or member of its family.~~~~
- ~~(2) No animal that is in strict confinement for biting shall be vaccinated for rabies until the end of the quarantine period.~~

- ~~(3) No animal that is in strict confinement shall be sterilized or undergo any other surgical procedure during the quarantine period unless the surgery is necessary for a life-threatening medical condition or injury.~~
- ~~(c) *Confiscation of classified dogs.* A dangerous dog or vicious dog shall be immediately confiscated by any dog control officer or by a law enforcement officer in the case of any violation of the Responsible Dog Ownership Law. A refusal to surrender a dog subject to confiscation shall be a violation of this chapter.~~
- ~~(d) *Return of confiscated classified dogs or vicious animals.*~~
- ~~(1) Any vicious animal that has been confiscated under the provisions of subsection (b) of this section shall be returned to its owner upon the owner's compliance with the provisions of this chapter and upon payment of reasonable confiscation costs provided in this chapter. If the owner has not complied with the provisions of this section within 20 days of the date the vicious animal was confiscated, the vicious animal shall be destroyed in an expeditious and humane manner. The payment of reasonable confiscation costs and the return of a vicious animal shall not bar or affect an action against the owner for violation of this chapter.~~
- ~~(2) The owner of any classified dog that has been confiscated pursuant to subsection (c) of this section may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with section 10-10, unless such confiscation is deemed to be in error by the dog control officer or the Animal Services Board. All fines and all charges for services performed by a law enforcement or dog control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.~~
- ~~a. In the event the owner of any classified dog has not complied with the provisions of this chapter within 14 days of the date the dog was confiscated, such dog shall be released to an animal shelter, as such term is defined in section 4-14-2 of the Official Code of Georgia, or euthanized in an expeditious and humane manner and the owner may be required to pay the costs of housing and euthanasia.~~

~~Sec. 14.1.15 – Prohibited animals.~~

~~It shall be unlawful to purchase, sell, own, possess, harbor or breed skunks, foxes, prairie dogs, raccoons, coyotes, wolves, hybrid wolves, any hybrid animal that is part wild animal, exotic cats or any other wildlife unless licensed by the respective federal or state department of agriculture to possess such animal.~~

~~Sec. 14.1.16 – Ferrets.~~

~~European ferrets, *mustela putorius furo*, may be sold, purchased, exhibited, or held as pets, provided that the ferret owner can provide valid documentation that the ferret was sexually spayed or neutered prior to seven months of age and is vaccinated against rabies by a licensed veterinarian with a properly administered vaccine approved for use on ferrets by the United States Department of Agriculture.~~

~~ARTICLE II. ADMINISTRATION AND ENFORCEMENT~~

~~DIVISION 1. GENERALLY~~

~~Sec. 14.2.1.1—CCAS responsibility and staff.~~

- ~~(a)—CCAS shall have primary responsibility for animal control and welfare in the city.~~
- ~~(b)—*Powers and duties of Director.* The Director shall be primarily responsible, with support from the Director of the Department of Public Safety and the assistance of his or her staff, for the enforcement of this chapter; and his or her duties shall include but not limited to the following:~~
 - ~~(1)—Responsible for the operation of the CCAS shelter and the performance of such duties and the keeping of such records.~~
 - ~~(2)—Cooperation with the Cobb County Board of Health in the enforcement of rabies control regulations and of animal control directives.~~
 - ~~(3)—Cooperation with animal welfare organizations.~~
 - ~~(4)—Taking up and impounding animals which are in violation of this chapter, using any and all means available that are humane in nature.~~
 - ~~(5)—Housing animals at the CCAS shelter, or at any facility designated by CCAS to function or serve as an auxiliary shelter.~~
 - ~~(6)—Keeping a record of the number, description and disposition of all animals impounded or otherwise taken into custody, showing in detail in the case of each animal the following:~~
 - ~~a.—A general description by sex, breed and approximate age, together with any identification tag, vaccination tag or other marking, if any;~~
 - ~~b.—The date of receipt;~~
 - ~~c.—The date and manner of disposal;~~
 - ~~d.—The name and address of the person reclaiming or adopting;~~
 - ~~e.—The fees and charges;~~
 - ~~f.—The proceeds of sales received;~~
 - ~~g.—The condition of the animal when received;~~
 - ~~h.—Any treatment administered to the animal, including any drugs, medication or appliances;~~
 - ~~i.—The condition of the animal when reclaimed, redeemed, adopted or purchased; and~~
- ~~(d)—*Identification.* Animal services officers shall wear uniforms and badges containing individual names while engaged in the execution of their duties. The Director and managers shall possess badges for use in the execution of their duties, but shall not necessarily wear uniforms.~~
- ~~(e)—*Dog control officer.* A dog control officer shall carry out all duties provided for by the Responsible Dog Ownership Law for the county or any other local government pursuant to contract or agreement; and his or her duties shall include, but not be limited to the following:~~

- ~~(1) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or a vicious dog.~~
- ~~(2) When a dog control officer determines that a dog is subject to classification as a dangerous dog or a vicious dog, the dog control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing from the Animal Services Board on the dog control officer's determination within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the dog control officer's determination shall become effective for all purposes under the Responsible Dog Ownership Law, O.C.G.A. § 4-8-20, et seq. If an owner cannot be located within ten days of a dog control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the dog control officer.~~
- ~~(3) If a hearing is requested, the Animal Services Board shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that classification shall become effective. If the determination is that the dog is to be euthanized, the notice shall specify the date by which the euthanasia shall occur.~~
- ~~(4) The Animal Services Board's final decision is subject to judicial review by the Cobb County Probate Court in accordance with O.C.G.A. § 15-9-30.9.~~

~~Sec. 14.2.1.2 – Fees.~~

- ~~(a) The fees with respect to all services performed in connection with enforcement of this chapter shall be set by the Board of Commissioners from time to time. A copy of such fee schedule shall be posted at the headquarters of CCAS and may be changed at any time and from time to time as determined by the Board of Commissioners.~~
- ~~(b) The fees established and collected under this chapter and pursuant to the Responsible Dog Ownership Law are not penalties but are imposed for the sole purpose of defraying expenses borne by the county for animal control and welfare under this chapter and are subject to change at any time.~~
- ~~(c) CCAS may waive any part of the normally required fees at the Director's discretion.~~

~~DIVISION 2. ANIMAL IMPOUNDMENT, REDEMPTION AND ADOPTION~~

~~Sec. 14.2.2.1 – Impoundment of animals found running at large; notice to owner.~~

- ~~(a) Subject to the Responsible Dog Ownership Law and the provisions of this chapter relating to rabies control and the rules and regulations of the Board of Health and this chapter, any animal found running at large or otherwise engaged in any activity or existing in a condition prohibited by this chapter or by the Responsible Dog Ownership Law shall be taken and impounded at the CCAS shelter.~~

- ~~(b) Any person may take into custody any animal running at large in violation of this chapter and place with CCAS.~~
- ~~(c) Any person who takes into custody an animal running at large in violation of this chapter shall deliver such animal to the CCAS shelter without fee or charge. However, a person may house the animal for five business days while attempting to locate and/or contact the owner. Once in the custody of the CCAS shelter, the shelter shall hold and dispose of such animal in the same manner as though such animal had been running at large and impounded by officers of CCAS.~~
- ~~(d) Upon receipt for impoundment of any domesticated animal found to have any means of identification, the CCAS shall immediately make diligent efforts to ascertain the identity of the animal's owner. If identified, CCAS shall, within 24 hours of receipt, telephone the owner to give notice of the impoundment. If CCAS is unable to contact the owner by telephone, it shall send notice of impoundment to the owner by certified mail.~~
- ~~(e) Diseased, injured, or pregnant animals, and animals in need of immediate veterinary care so as to lessen the suffering, prevent the spread of a communicable disease to other animals, and/or to save the animal's life, shall be treated by or under the direction of a licensed veterinarian. If an animal is suffering from any life-threatening disease or injury where life cannot be maintained and a slow death would be inhumane, and the licensed veterinarian and the CCAS Director agree that the best interest of the animal would be served by euthanizing the animal, then the animal shall be humanely euthanized regardless of whether or not the normally required impoundment period has expired.~~
- ~~(f) Any licensed veterinarian who is caring for an animal during the period of impoundment shall immediately notify a CCAS manager if the animal dies.~~

~~Sec. 14.2.2.2 – Taking; selling; impounding of owned animals.~~

- ~~(a) Any person who takes, steals, or deliberately lures a cat, dog or other domestic animal off the property of the owner without permission of the owner, or who deliberately releases such animal from the property of the owner, without the permission of the owner, shall be in violation of this chapter.~~
 - ~~(1) A law enforcement officer or the CCAS manager or his or her designee who takes an animal as directed in this chapter while performing his or her duties as defined by this chapter shall not be in violation of this section.~~
 - ~~(2) An animal that has been injured, that is in danger, or whose health or safety has been compromised may be removed by CCAS without being in violation of this chapter.~~
 - ~~(3) Any CCAS officer who finds an animal in need of immediate medical care or treatment due to a life-threatening illness or injury or finds an animal in danger, may remove the animal from public or private property if the removal is for the purpose of seeking immediate medical care for the animal, or is in the immediate best interest of the animal. If the animal is removed from a private residence, notice shall be left at the owner's residence advising the owner of the impoundment and reason for impoundment.~~
- ~~(b) It shall be a violation of this chapter for any person who, knowing the identity of an animal's owner, without permission of said owner does any of the following:~~

- ~~(1) Relinquishes the animal to CCAS without notifying CCAS of the animal owner's name and address;~~
- ~~(2) Relinquishes the animal to CCAS and falsely represents him or herself as the owner of the animal;~~
- ~~(3) Sells the animal; or~~
- ~~(4) Gives the animal away.~~

~~Sec. 14.2.2.3 – Entrapment of animals; methods, duration, access to food and water, etc.~~

~~(a) Trapping of animals is permitted only if all of the following are complied with:~~

- ~~(1) The trap shall be a humane trap that is safe and non-debilitating;~~
- ~~(2) The trap must be placed in such a manner to prevent injury to children;~~
- ~~(3) Traps set to operate must be checked at least every eight hours;~~
- ~~(4) Traps must not be set for more than eight hours prior to the earliest possible transport to the animal shelter; and~~
- ~~(5) Traps can only be placed on public or private property with permission of the owner or lessor of the property.~~

~~(b) Trapped animals:~~

- ~~(1) Shall be given food and water as needed to prevent malnutrition and dehydration;~~
- ~~(2) May not be treated in a cruel or abusive manner;~~
- ~~(3) That are domestic animals and are seriously ill or severely injured shall be taken to a licensed veterinarian or the animal shelter for evaluation, care and disposition;~~
- ~~(4) That are domestic animals that appear to be uninjured and reasonably healthy shall be taken to animal shelter or returned to the owner if known; and~~
- ~~(5) That are wild animals or wildlife shall be taken to the animal shelter.~~

~~Sec. 14.2.2.4 – Period of impoundment or confinement.~~

- ~~(a) All periods specified in this section shall be deemed to commence at 12:01 a.m. of the day following the day of impoundment or confinement.~~
- ~~(b) Other than those dogs confiscated under sections Sec. 14.1.14(c), Sec. 14.3.2, or Sec. 14.4.8, all impounded animals shall be kept at the animal shelter for a period of not less than five working days unless redeemed within such period.~~
- ~~(c) Wildlife or wild animals as defined by this chapter which have been captured by or come to be in the custody of CCAS shall not be deemed impounded and need not be retained for any minimum length of time. Wildlife and wild animals received by CCAS will be disposed of in accordance with federal and state guidelines.~~
- ~~(d) Any animal which is voluntarily surrendered to CCAS shall be deemed permanently relinquished to CCAS and may be immediately adopted, destroyed or otherwise disposed of as though it had been impounded.~~

~~Sec. 14.2.2.5 – Redemption; abandonment.~~

- (a) ~~The owner of any impounded animal may regain possession of the animal upon payment of all applicable fees specified in section Sec. 14.2.1.2 and compliance with the terms of this chapter. Such redemption shall not affect any criminal liability of the owner, which may exist with respect to any violation of this chapter and shall not preclude proceedings against the owner for the purpose of pursuing sanctions under this chapter. The following exceptions apply:~~
- ~~(1) Any animal impounded as a result of cruelty, abuse, neglect, or any other reason defined by this chapter as inhumane treatment may be retained by CCAS until such time as the case is disposed of in a court competent to hear such matters.~~
 - ~~(2) Any impounded animal adopted from CCAS that was not spayed or neutered per the adoption agreement may immediately be reclaimed by CCAS, and the owner may not be permitted to reclaim said animal.~~
- (b) ~~Any impounded animal not redeemed within the period specified in sections Sec. 14.1.14(d) or Sec. 14.4.8, whichever is applicable, shall be considered abandoned to CCAS, in which event all rights of ownership shall vest in CCAS; and the owner shall have no further claim to such animal.~~

~~Sec. 14.2.2.6 – Adoption.~~

- (a) ~~CCAS shall endeavor to locate adopters for adoptable animals. No adoption shall become final until the termination of the impoundment period or confinement period provided for in this chapter. No person under 18 years of age may adopt an animal and all adopters must provide proper identification prior to the adoption.~~
- (b) ~~As a condition precedent to adoption, all fees pursuant to this chapter shall be paid by the adopter.~~
- (c) ~~The CCAS Director shall have the right to refuse adoption to any person or entity who, for any reason, in the discretion of the Director or his or her designee, may be deemed unsuitable as an adopter.~~
- (d) ~~No transfer of any animal held at the animal shelter shall be valid without the written approval of CCAS.~~
- (e) ~~All animals adopted from the animal shelter shall be neutered or spayed. Upon completion of neutering or spaying, within the period specified by CCAS, the veterinarian performing such operation shall submit to CCAS signed certification of such operation. The adopter shall be responsible for providing proof that the animal has been sterilized within seven days of the surgery or will ensure that the licensed veterinarian responsible for the spay/neuter surgery submits signed verification to CCAS that the sterilization process has been accomplished.~~
- (f) ~~No person residing in the same household, nor any corporation, institute or other entity, may adopt more than three animals within any 12-month period; however, nothing shall prohibit CCAS discretion to donate more than three animals in a 12-month period, if the donation is in the best interest or welfare of the animal or it is in the best interest of public safety.~~
- (g) ~~Notwithstanding any other provisions of this chapter, CCAS shall have the right to keep any animal which could otherwise be adopted or sold.~~

~~Sec. 14.2.2.7 – Sale of animals.~~

~~CCAS shall have the exclusive right to dispose of all animals that have been relinquished to CCAS, impounded or confiscated and not redeemed within the period specified by CCAS, including but not limited to domestic animals, farm animals, livestock, exotic animals, birds and reptiles, in any manner deemed appropriate and in the best interest of the animal and in accordance with this chapter.~~

~~Sec. 14.2.2.8 – Destruction of animals.~~

- ~~(a) Subject to those dogs falling within subsections (b) and (c) of this section, any impounded animal within one of the following categories may be destroyed at the discretion of CCAS, in as humane a manner as possible:~~
 - ~~(1) Any animal not redeemed within the periods specified in this chapter or which by reason of age, disease, temperament or injury, is not considered adoptable or otherwise placeable, or when limitations on available kennel space at CCAS exist.~~
 - ~~(2) Any animal, which is suffering excessively, without regard to whether the period of confinement designated in this chapter has expired.~~
 - ~~(3) Any animal, which presents a danger or exhibits a propensity for aggressive behavior towards any person or other animal, without regard to whether the period of confinement designated in this chapter has expired.~~
- ~~(b) A superior court judge may order the euthanasia of a classified dog if the court finds, after notice and opportunity for hearing as provided by O.C.G.A. § 4-8-23, that the classified dog has seriously injured a human or presents a danger to humans not suitable for control pursuant to this chapter and:~~
 - ~~(1) The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or~~
 - ~~(2) Any local governmental authority has filed with the court a civil action requesting the euthanasia of the dog.~~
- ~~(c) A dog that is found, after notice and opportunity for hearing as provided by the Responsible Dog Ownership Law, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this section.~~

~~Sec. 14.2.2.9 – Neutering and spaying.~~

- ~~(a) No impounded animal shall be neutered or spayed (sterilized) without the owner's consent until the period of redemption has expired, except any animal that in the opinion of a licensed veterinarian must be sterilized in order to save its life may be sterilized by a licensed veterinarian prior to the expiration of the redemption period.~~
- ~~(b) CCAS shall accomplish the sterilization of any animal whose period of impoundment has expired or that has been voluntarily surrendered to the county by:~~
 - ~~(1) Requiring adopters to sign a binding agreement to have the adopted animal sterilized within a period specified by CCAS as follows:~~
 - ~~a. Within 30 days from the date of adoption for animals over the age of six months.~~
 - ~~b. Within the first six months of age for sexually immature animals.~~

- ~~(2) By CCAS sterilizing the animal prior to adoption.~~
- ~~(3) If the animal cannot be sterilized as required due to disease, medical condition, or for other reasons as specified by a veterinarian, then signed verification from a licensed veterinarian shall be delivered to CCAS by the adopter and the animal shall be sterilized upon recovery or as soon as recommended by the veterinarian.~~
- ~~(c) The adopter of any animal required to be sterilized pursuant this chapter shall be responsible for providing CCAS proof that the animal has been sterilized within seven days of the surgery. The adopter will not be relieved of this responsibility until the veterinarian performing the sterilization certifies to CCAS that the sterilization has been accomplished, or unless the veterinarian certifies to CCAS in writing that the animal has died.~~
- ~~(d) Any adopted animal not sterilized within the time specified may be reclaimed by CCAS.~~

~~ARTICLE III. RABIES CONTROL~~

~~Sec. 14.3.1 – Rabies inoculation, tag requirement for dogs, cats and ferrets.~~

- ~~(a) Insofar as the control of rabies is concerned, this chapter shall be construed and enforced consistently with any rules and regulations promulgated by the Board of Health. CCAS and the public safety director and his or her designees are authorized and directed to enforce any such rabies control rules and regulations which may be promulgated by the Board of Health.~~
- ~~(b) All dogs, cats and ferrets shall be vaccinated by four months of age and revaccinated as recommended by the current Compendium of Animal Rabies or a licensed veterinarian according to the type of vaccine and the duration of its effectiveness.~~
- ~~(c) Animals that may not be vaccinated for health reasons at the direction of a licensed veterinarian and those under the suggested age shall wear a collar with identification tags when off the property of the owner.~~
- ~~(d) Ferrets are not required to wear a collar and tag, however the owner, caretaker or veterinarian shall provide proof of vaccination upon demand of CCAS.~~
- ~~(e) It shall be unlawful for any person to keep or harbor or allow to be kept or harbored any dog or cat over four months of age without a collar, which shall have attached thereto a valid vaccination tag.~~
 - ~~(1) Dogs, while legally hunting or working on agricultural property with permission of the owner, are not required to wear a collar with identification tags when off the property of the owner.~~
 - ~~(2) Show animals are not required to wear a collar or rabies tag while being shown as required by this chapter provided that the owner/handler shall have the rabies tag in his or her possession where it may be shown upon demand of a representative of CCAS.~~
 - ~~(3) Animals that are housed at licensed kennels, shelters, or veterinary clinics are exempt from wearing collars and rabies tags provided the animal has been properly vaccinated and the veterinarian/caretaker has the rabies tag or proof of vaccination in his or her possession where it may be shown upon demand of a representative of CCAS.~~

- (4) ~~Cats and dogs over four months of age that are on the owner's property are not required to wear their rabies tag provided the animal has been properly vaccinated and the veterinarian/caretaker has the rabies tag or proof of vaccination in his or her possession where it may be shown upon demand of a representative of CCAS.~~
- (f) ~~Any dog or cat entering the county for the purpose of a temporary stay not exceeding 14 days shall be exempt from the rabies tag provision of this section, but shall be subject to all other provisions of this chapter.~~

~~Sec. 14.3.2 – Animals bitten by rabid animals/suspected rabid animals.~~

- (a) ~~Dogs, cats and ferrets current on their rabies vaccinations that are bitten by a suspected or proven rabid animal shall be revaccinated immediately, confined and observed for the recommended time set by the State of Georgia. Confinement is the responsibility of the owner and subject to unannounced inspections by CCAS to ensure compliance.~~
- (b) ~~Unvaccinated dogs, cats and ferrets that are bitten by a suspected or proven rabid animal should be humanely euthanized immediately. If the owner is unwilling to euthanize the animal, the exposed animal must be placed in strict confinement/isolation for the period of time set by the State of Georgia and vaccinated one month prior to being released from isolation. Confining the animal in strict isolation is the responsibility of the animal owner and subject to unannounced inspections by CCAS.~~
- (c) ~~Cattle and livestock that are current on their rabies vaccinations bitten by a suspected or proven rabid animal shall be revaccinated immediately, confined, and observed for the period of time set by the State of Georgia. Confining the animal in strict isolation is the responsibility of the animal owner and subject to unannounced inspections by CCAS.~~
- (d) ~~Unvaccinated cattle or livestock bitten by a suspected or proven rabid animal should be destroyed (slaughtered) immediately. Under special circumstances and with the approval of CCAS and the Board of Health, the owner may opt to keep the exposed animal under very strict confinement/isolation and close observation for the period of time set by the State of Georgia.~~
- (e) ~~Any animal bitten by a suspected or proven rabid animal that is not destroyed and manifests any of the symptoms of rabies should be immediately examined by a licensed veterinarian. If the licensed veterinarian determines the animal is displaying symptoms of rabies and the symptoms cannot be attributed to any other illness or injury, the animal shall be humanely euthanized and CCAS shall be notified.~~
- (f) ~~All animals will be managed in accordance with the guidelines established in the most current edition of the Georgia Rabies Control Manual.~~

~~ARTICLE IV. CRUELTY AND RELATED OFFENSES~~

~~Sec. 14.4.1 – Cruelty to animals.~~

- (a) ~~Any person who abuses an animal, or aids another person in abusing an animal, or causes or permits an animal to abuse another animal, by acting or failing to act, shall be in violation of this chapter. Cruelty to an animal includes but is not limited to:~~
- (1) ~~Willful neglect as defined by this chapter;~~
- (2) ~~Failure to provide reasonable remedy or relief for any injured or diseased animal;~~

- ~~(3) Overloading, overdriving;~~
- ~~(4) Beating, torturing, tormenting or mutilating;~~
- ~~(5) Abandonment;~~
- ~~(6) Killing any animal or causing the same to be done;~~
- ~~(7) Failure to maintain adequate care;~~
- ~~(8) Failure to provide adequate food;~~
- ~~(9) Failure to provide adequate water;~~
- ~~(10) Failure to provide adequate shelter;~~
- ~~(11) Failure to provide adequate bedding;~~
- ~~(12) Failure to provide adequate primary enclosure;~~
- ~~(13) Failure to provide adequate exercise;~~
- ~~(14) Failure to provide adequate space;~~
- ~~(15) Failure to maintain sanitary conditions;~~
- ~~(16) Failure to provide adequate ventilation;~~
- ~~(17) Failure to provide adequate temperature control;~~
- ~~(18) Hoarding or collecting animals as defined by this chapter;~~
- ~~(19) Owning, managing, obtaining, confining or caring for any number of animals in an animal mill as defined by this chapter; or~~
- ~~(20) Otherwise treating any animal in a cruel or inhumane manner;~~
- ~~(b) Exceptions:~~
 - ~~(1) Licensed veterinarians who perform surgery or euthanasia and CCAS personnel who euthanize animals under the direction of the CCAS Director per the guidelines of the Georgia Veterinary Medical Association, Georgia Department of Agriculture and this chapter are not in violation of this chapter.~~
 - ~~(2) A person shall not be guilty of cruelty when the person is protecting his or her life, the life of another person or animal that is being attacked by an animal that is attempting to severely harm or kill him or her, provided that the person being attacked is not committing a crime or is not aggravating or inciting the animal to attack, and has not aggravated, injured, abused, or assaulted the animal in the past.~~

Sec. 14.4.2 – Aggravated cruelty to animals.

- ~~(a) Any person shall be in violation of this chapter and shall be guilty of aggravated cruelty who knowingly and maliciously causes or aids another person or animal in causing or attempting to cause the death, physical harm or serious disfigurement of an animal by, but not limited to, any of the following:~~
 - ~~(1) Rendering a part of such animal's body useless;~~

- ~~(2) Drowning, severely starving, severely dehydrating, strangling, suffocating, burying alive, or burning;~~
- ~~(3) Attempting to kill, abuse, maim, disfigure, dismember, mutilate or torture any animal; or~~
- ~~(4) Administering poison to any animal or exposing any animal to any poisonous or toxic/deadly substance.~~
- ~~(b) Exception: Licensed veterinarians who perform surgery or euthanasia and CCAS personnel who euthanize animals under the direction of the CCAS manager per the guidelines of the Georgia Veterinary Medical Association, Georgia Department of Agriculture and this chapter are not in violation of this chapter.~~
- ~~(c) Exception: A person shall not be guilty of aggravated cruelty when the person is protecting his or her life, or the life of another person or animal that is being attacked by an animal that is attempting to severely harm or kill him or her, provided that the person or animal being attacked is not committing a crime or is not aggravating or inciting the animal to attack, and has not aggravated, injured, abused or assaulted the animal in the past.~~

~~Sec. 14.4.3 – Abandonment of a domestic animal.~~

- ~~(a) Any person who engages in any behavior or activity defined as "abandonment (of an animal)" under this chapter, shall be in violation of this chapter.~~
- ~~(b) Exception: An animal that is deserted when premises are temporarily vacated for the protection of human life during a disaster or emergency hospitalization shall not be regarded as abandoned under this section where the owner or custodian lacked sufficient time or resources to make reasonable arrangements for the adequate care and custody of the animal.~~
- ~~(c) Exception: An animal relinquished through a written agreement with CCAS, the Humane Society of Cobb County, other licensed rescue group, licensed veterinarians, individual, or other entity shall not be deemed abandoned but shall be considered relinquished to the entity.~~
- ~~(d) Exception: An animal left unattended when its sole owner dies shall not be deemed abandoned, and shall be impounded by CCAS until CCAS can locate a family member to take custody of the animal. If a family member cannot be located, then the animal will be held in compliance with section 10-67 of this chapter.~~

~~Sec. 14.4.4 – Fighting of animals.~~

- ~~(a) No animal shall be used for fighting.~~
- ~~(b) No animal shall be used to train other animals to fight.~~
- ~~(c) No animal shall be used as bait to encourage aggressive or fighting behavior in other animals.~~
- ~~(d) No person shall own, possess, keep, harbor, train, lend, borrow, or handle any dog, cat, bird/fowl, or other domestic, feral or wild animal with the intent that such animal shall be engaged in any animal fight/fight training, exhibition of animal fighting or being used as bait for fighting/aggressive animals.~~
- ~~(e) No person shall train, assist, umpire/referee or in any way participate in the training of any animal to be used for animal fighting or used as bait or for animal fighting, or torment, badger or bait any animal for the purpose of fighting or blood sport training or any other such activity,~~

~~the primary purpose of which is the training/conditioning of animals for aggressive or vicious behavior or animal fights or exhibitions of fighting animals.~~

- ~~(f) No person shall charge admission to, participate in, or be present as a spectator, handler, timekeeper, referee, guard, etc. at any animal fight/battle.~~
- ~~(g) No person shall profit from any activity connected with any animal fight or exhibition of animals fighting or training, or competitions or matches of fighting animals.~~
- ~~(h) Any animal found to be used in violation of subsections (a), (b), (c), (d) or (e) of this section will be immediately confiscated by CCAS.~~

Sec. 14.4.5—Animal fighting/training arenas/areas.

~~No person shall, for the purpose of any exhibition/ occurrence of animal fighting, training for animal fighting, or training of animals to display aggressive behaviors:~~

- ~~(1) Build, make, maintain, or keep a pit or other animal fighting arena or area, whether permanent or portable, on premises owned or occupied by him;~~
- ~~(2) Allow a pit or other animal fighting arena or area whether permanent or portable, to be built, made, maintained, or kept on his premises; or~~
- ~~(3) Build, make, maintain, or keep a pit or other animal fighting arena or area, whether permanent or portable, on public or private property.~~

Sec. 14.4.6—Training equipment.

~~No person shall:~~

- ~~(1) Possess, use, sell, give, trade, or loan apparatus, paraphernalia, pit supplies, implements, programs, drugs or equipment used to train or condition animals to be aggressive, aggressive animals, game animals, or animals used to train other animals to be aggressive.~~
- ~~(2) Use any animal as bait or as a lure in training dogs for racing or other competitions.~~

Sec. 14.4.7—Animals in motor vehicles.

~~Any person shall be in violation of this chapter who:~~

- ~~(1) Transports an animal in a pickup or other open vehicle unless the animal is either:
 - ~~a. Fully enclosed within the vehicle.~~
 - ~~b. Protected by a belt, halter, tether, cage, container or other device that will prevent the animal from falling, jumping or being thrown from the motor vehicle and that will protect the animal from harm.~~~~
- ~~(2) Leaves an animal in a parked vehicle when temperatures inside the vehicle may adversely affect the animal's health and welfare. When the conditions inside a parked vehicle constitute an imminent threat to the animal's health or safety, any animal left in a parked vehicle may be removed from that vehicle by CCAS, any law enforcement agency, or fire agency.~~
- ~~(3) Leaves an animal unrestrained or unattended in any parked open vehicle.~~

- ~~(4) Leaves an animal in any vehicle where it must stand, sit or lie on extremely hot or cold surfaces including but not limited to truck beds.~~

~~Sec. 14.4.8 – Impoundment of animals inhumanely or cruelly treated.~~

~~Any animal that has not received humane care, that has been subjected to cruelty in violation of this article, or that is used or intended for use in any violation of this article, shall be immediately impounded by CCAS.~~

ARTICLE V. MISCELLANEOUS OFFENSES

~~Sec. 14.5.1 – Selling/giving away of animals; use of animals as prizes.~~

~~Selling or giving away animals in front of or on private property or public property, other than the animal owner's property, without the owner's permission, is prohibited. A licensed rescue group, licensed animal shelter, licensed veterinarian, licensed pet dealer, or licensed humane society which has all required governmental licenses, registrations and has obtained permission from the owner of the business or property, may sell or give away animals on private or public property, including but not limited to: retail stores, businesses, flea markets, yard sales and CCAS property.~~

~~Sec. 14.5.2 – Motorist hitting domestic animal to make report.~~

~~Any person who strikes or causes injury to any domestic animal while operating a motor vehicle shall notify the owner of the nature of the injury and the location of the incident. If the owner is unknown, the person striking or injuring the animal shall notify CCAS, the county police department, or any law enforcement agency.~~

~~Sec. 14.5.3 – Exhibition of animals.~~

~~(a) Animal exhibitions will be permitted provided that the exhibitor:~~

- ~~(1) Has all valid licenses and permits that are required by the state, county or city available for inspection on demand;~~
- ~~(2) Abides by all federal, state and local laws, ordinances, rules and guidelines that apply to such exhibits;~~
- ~~(3) Does not exhibit any animal that is ill or injured;~~
- ~~(4) Has a licensed veterinarian either present or on call to attend to any injured/ill animal;~~
- ~~(5) Confines/controls all animals to protect the public and the animals from harm; and~~
- ~~(6) Ensures that all animals are treated in accordance with this chapter.~~

~~(b) Legal exhibitions include but are not limited to petting zoos, circuses, dog shows, individuals or groups displaying/marketing animals for adoption or sale, etc., unless otherwise prohibited in this chapter. Animals that are high-risk carriers of rabies such as foxes, raccoons, and skunks shall not be exhibited in petting zoos or any exhibition where they can come in contact with people.~~

~~(c) Exhibitions of animals for illegal purposes as stated in local ordinances, this chapter, state and federal laws are strictly prohibited.~~

~~(d) No person shall in any manner or for any reason encourage, instigate, promote, assist, exhibit, organize, sponsor, host or participate in an exhibition/demonstration of the following types of animals including but not limited to those animals that are:~~

~~(1) Used or potentially used for fighting or training for fighting;~~

~~(2) Game animals;~~

~~(3) Bred with the intent to fight; or~~

~~(4) Aggressive animals.~~

~~Sec. 14.5.4—Sanitation.~~

~~(a) Animal owners, or persons who care for animals at the person's residence, must keep their property, including but not limited to their yards, porches, balconies, decks, and interior living spaces reasonably free of animal waste including feces and urine and the residue thereof. Animal waste will be removed in a timely manner by placing said material in a closed or sealed container and thereafter disposing of it in the animal owner's trash receptacle, sanitary disposal unit, or other closed or sealed refuse container, so as to provide a sanitary and odor-free condition at all times. The waste removal method described above shall not apply to those persons maintaining animals on tracts of land seven acres or greater.~~

~~(b) 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. 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.~~

~~(c) Any person found in violation of subsection (a) or (b) of this section shall be in violation of this chapter, subject to the following exceptions:~~

~~(1) Persons using guide dogs or assistance dogs are exempt from removing feces;~~

~~(2) Hunting dogs being used in a legal hunt with permission of the property owner; or~~

~~(3) Law enforcement officers working police trained dogs.~~

Section 2. It is hereby declared to be the intention of the City Council that:

(a) All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

(b) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(c) 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. 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.

(d) In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this Ordinance

which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the Ordinance.

Section 3. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 4. The effective date of this Ordinance shall be ~~June 1, 2025~~the date of adoption, unless required otherwise by the City Charter, state and/or federal law. In the event that any effective date herein is determined by a Court of law to be invalid, said effective date shall instead be the earliest date allowed by law.

SO ORDAINED this _____ day of _____, 2025.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

~~—~~Dr. Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney