(Ordinance No. \_\_\_\_\_\_\_\_\_\_, 2023)

Amendments to Chapter 2-5 “Animal and Fowl”

**AN ORDINANCE BY THE COUNTY COMMISSION OF FLOYD COUNTY, GEORGIA**

 WHEREAS, the County regulates Animals and Fowl at Chapter 2-5 of its code; and

 WHEREAS, the County has plenary authority to regulate animals and fowl for the health and welfare of both its citizenry and animals; and

 WHEREAS, the County desires to control the unintended or uncontrolled breeding of animals within the county through the implementation of spay and neuter requirements; and

 WHEREAS, the County desires to improve the identification of animals by the Floyd County Animal Control for purposes of location and confirmation of owners of lost or stray animals and to identify recidivist violators of the Floyd County Code of Ordinances; and

 WHEREAS, the County desires to amend its ordinances to provide additional relevant definitions.

 NOW, THEREFORE, be it ordained and enacted by, and it is hereby ordained and enacted by the Floyd County Commission, as follows:

 **Section 1:**

 The Code of Ordinances of Floyd County, Georgia, shall stand amended by adding the following definitions to Section 2-5-1:

“*Alteration*: The surgical removal of the reproductive organs of a cat or dog in order to render the animal unable to reproduce; commonly referred to as spay or neuter.

*Altered animal*: Any animal that has had its reproductive organs surgically removed in order to render the animal unable to reproduce. This includes any surgery, procedure or event rendering the animal physically incapable of reproducing offspring. This includes the removal of ovaries or castration. This is commonly referred to as spay or neuter.

*Commercial Breeding*: The breeding of animals for a fee or compensation pursuant to a breeding license through the Georgia Department of Agriculture

*Intact Animal*: An animal that has not been spayed or neutered.

*Microchip*: An electronic device inserted under an animal’s skin. The device, when scanned, reveals a unique identifier containing enough owner information to be contacted.

*Sexually mature animal*: Any cat that has reached the age of one hundred twenty (120) days or four months or more; or dog that has reached the age of one hundred eighty (180) days or six (6) months or more.

*Working Dog*: Animals deemed to be “Working Dogs” are defined as: a dog suitable by size, breeding, or training for useful work (such as draft, herding, show, sporting and hunting) especially as distinguished from one suitable primarily for a pet; and is trained for and employed in meaningful work.

The requirements for this definition are not met by the animal simply possessing common canine traits or characteristics

 **Section 2:**

 The Code of Ordinances of Floyd County, Georgia, shall stand amended by adding the following language to the reserved Section 2-5-4:

Sec. 2-5-4 – Alteration of Dogs and Cats

(a) It shall be unlawful for any person to own, keep, or be in possession of a sexually mature dog or cat which has not been spayed or neutered, unless otherwise exempt from this requirement hereunder.

(b) Whether a dog or cat has reached the age of sexual maturity, as defined in this chapter, shall be determined by the Floyd County Animal Control Director, by a duly-authorized Animal Control Officer, by a licensed veterinarian, or by reliable veterinary medical records concerning any such dog or cat.

(c) Spay or Neuter of an animal is not required if:

(1) The owner provides documentation signed by a licensed veterinarian that an animal is currently unable to be safely altered due to health concerns. Such provision shall require the documentation to include an estimated timeframe in which the animal should be medically sound for alteration, if said licensed veterinarian is reasonably able to make such a determination.

(2) The owner is a registered and licensed Georgia Pet Dealer through the Georgia Department of Agriculture and the animal in question is kept for purposes of Commercial Breeding.

(3) The animal is deemed to be a Working Dog as defined in this Chapter.

(d) Prior to the court date listed on the citation, any citation issued for a violation of this section may be dismissed if the owner provides proof to the Floyd County Magistrate Court that he or she has since had the animal altered so as to be in compliance.

**Section 3:**

 The Code of Ordinances of Floyd County, Georgia, shall stand amended by adding the following language to the reserved Section 2-5-5:

Sec. 2-5-5 – Microchipping of pets

(a) It shall be unlawful for any person to own, keep, or be in possession of a sexually mature dog or cat which does not have a microchip for identification, unless otherwise exempt from this requirement hereunder.

(b) Whether a dog or cat has reached the age of sexual maturity, as defined in this chapter, shall be determined by the Floyd County Animal Control Director, by a duly-authorized Animal Control Officer, by a licensed veterinarian, or by reliable veterinary medical records concerning any such dog or cat.

(c) The current microchip status of animal will be verified by using a microchip scanner, by reviewing medical records, or by the use of other reliable information available to the Floyd County Animal Control Director.

(d) Microchipping of an animal is not required if:

(1) The owner provides documentation signed by a licensed veterinarian that an animal is currently unable to be microchipped due to health concerns. Such provision shall require the documentation to include an estimated timeframe in which the animal should be medically sound for microchipping, if said licensed veterinarian is reasonably able to make such a determination.

 (d) Prior to the court date listed on the citation, any citation issued for a violation of this section may be dismissed if the owner provides proof to the Floyd County Magistrate Court that he or she has since had the animal microchipped so as to be in compliance.

 **Section 4:**

 All laws and parts of law in conflict herewith are specifically repealed.

 **Section 5:**

 It is hereby declared to be the intention of the Floyd County Commission that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same would have been enacted by the Floyd County Commission without the incorporation herein of any such unconstitutional phrase, clause, sentence, paragraph or section.

 ADOPTED AND APPROVED by the Floyd County Commission at a regularly scheduled meeting on this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2023. Commissioners \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ voting “Aye” and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ voting “No”.

 BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 CHAIRPERSON,

 FLOYD COUNTY COMMISSION

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 SECRETARY,

 FLOYD COUNTY COMMISSION