

**RESOLUTION ENTITLED
A RESOLUTION TO ENACT ORDINANCES FOR CHAPTER 30 OF THE CODE OF
ORDINANCES FOR DOOLY COUNTY**

WHEREAS, the Board of Commissioners of Dooly County, Georgia, desires to exercise its police powers for the good of the public and to preserve the peace;

WHEREAS, there are no county ordinances for an array of misdemeanor matters that could be addressed by an ordinance where such matters are returnable by summons and accusation to the Magistrate Court of Dooly County;

WHEREAS, the adoption of ordinances would alleviate the burden and backlog of cases by removing certain minor misdemeanor matters from the criminal docket of the Superior Court;

WHEREAS, there is a legitimate public purpose for the adoption of said ordinances;

WHEREAS, the Board of Commissioners of Dooly County desire to promote the public peace and access to substantial justice;

NOW THEREFORE, be it resolved by the Board of Commissioners of Dooly County, Georgia, and it is hereby **RESOLVED** by authority of same:

The Chapter 30 of the Code of Ordinances for Dooly County, Georgia be amended to include Chapter 30: Offense and Miscellaneous Provisions: Sections 30-2. – 30.20, as follows:

Sec. 30-2. – Criminal Trespass.

- (a) A person commits the offense of criminal trespass when he intentionally damages any property of another without consent of that other person and the damage thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or use of the property of another person without consent of that person.

- (b) A person commits the offense of criminal trespass when he knowingly and without authority:

- (1) Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person for an unlawful purpose;
 - (2) Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person after receiving, prior to such entry, notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant that such entry is forbidden; or
 - (3) Remains upon the land or premises of another person or within the vehicle, railroad car, aircraft, or watercraft of another person after receiving notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant to depart.
- (c) For the purposes of subsection (b) of this section, permission to enter or invitation to enter given by a minor who is or is not present on or in the property of the minor's parent or guardian is not sufficient to allow lawful entry of another person upon the land, premises, vehicle, railroad car, aircraft, or watercraft owned or rightfully occupied by such minor's parent or guardian if such parent or guardian has previously given notice that such entry is forbidden or notice to depart.
- (d) A person commits the offense of criminal trespass when he intentionally defaces, mutilates, or defiles any grave marker, monument, or memorial to one or more deceased persons who served in the military service of the state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors, or recounts the military service of any past or present military personnel of the state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof if such grave marker, monument, memorial, plaque, or marker is privately owned or located on land which is privately owned.
- (e) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-3 – Interference with government property.

- (a) A person commits the offense of interference with government property when he forcibly interferes with or obstructs the passage into or from government property and, upon conviction thereof, shall be punished as for a misdemeanor.

- (b) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-4 – Damaging, injuring, or interfering with property or public utility companies, municipalities, or political subdivisions

- (a) It shall be unlawful for any person intentionally and without authority to injure or destroy any meter, pipe, conduit, wire, line, post, lamp, or other apparatus belonging to a company, municipality, or political subdivision engaged in the manufacture or sale of electricity, gas, water, telephone, or other public services; intentionally and without authority to prevent a meter from properly registering the quantity of such service supplied; in any way to interfere with the proper action of such company, municipality, or political subdivision; intentionally to divert any services of such company, municipality, or political subdivision; or otherwise intentionally and without authority to use or cause to be used, without the consent of the company, municipality, or political subdivision, any service manufactured, sold, or distributed by the company, municipality, or political subdivision.
- (b) Where there is no evidence to the contrary, the person performing any of the illegal acts set forth in subsection (a) of this section and the person who with knowledge of such violation receives the benefit of such service without proper charge as a result of the improper action shall be presumed to be responsible for the act of tampering or diversion.
- (c) This section shall be cumulative to and shall not prohibit the enactment of any other general and local laws, rules, and regulations of state or local authorities or agencies and local ordinances prohibiting such activities which are more restrictive than this section.
- (d) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-5 – Injuring, tearing down, or destroying mailboxes; injuring, defacing, or destroying mail.

- (a) It shall be unlawful for any person willfully or maliciously to injure, tear down, or destroy any mailbox or receptacle intended or used for the receipt or delivery of mail or willfully or maliciously to injure, deface, or destroy any mail deposited therein.
- (b) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-6 – Littering public or private property or waters.

- (a) It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in the state or any waters in the state, unless:
- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to use such property;
 - (2) The litter is placed into a litter receptacle or container installed on such property;
or
 - (3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.
- (b) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-7 – Theft by shoplifting.

- (a) A person commits the offense of theft by shoplifting when he alone or in concert with another person, with the intent of appropriating merchandise to his own use without paying for the same or to deprive the owner of possession thereof or of the value thereof, in whole or in part, does any of the following:
- (1) Conceals or takes possession of the goods or merchandise of any store or retail establishment;
 - (2) Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;
 - (3) Transfers the goods or merchandise of any store or retail establishment from one container to another;
 - (4) Interchanges the label or price tag from one item of merchandise with a label or price tag for another item of merchandise; or

- (5) Wrongfully causes the amount paid to be less than the merchant's stated price for the merchandise.
- (b) Value. The property which was the subject of the theft must be \$300.00 or less in value; provided, however, that in all cases involving theft by shoplifting, the term "value" means the actual retail price of the property at the time and place of the offense. The unaltered price tag or other marking on property, or duly identified photographs thereof, shall be prima facie evidence of value and ownership of the property.
- (c) Subsection (b) of this section shall in no way affect the authority of a sentencing judge to provide for a sentence to be served on weekends or during the nonworking hours of the defendant as provided in O.C.G.A. § 17-10-3, relative to punishment for misdemeanors.
- (d) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both. In addition to or in lieu of any fine which might be imposed, the defendant may be punished by imprisonment for not less than 30 days or confinement in a "special alternative incarceration-probation boot camp," probation detention center, diversion center, or other community correctional facility of the department of corrections for a period not to exceed 30 days or shall be sentenced to monitored house arrest for a period not to exceed 30 days and, in addition to either such types of confinement, may be required to undergo psychological evaluation and treatment to be paid for by the defendant; and such sentence of imprisonment or confinement shall not be suspended, probated, deferred, or withheld.

Sec. 30-8 – Obstructing or hindering law enforcement officers.

- (a) No person shall knowingly and willfully obstruct or hinder any law enforcement officer in the lawful discharge of his official duties.
- (b) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-9 – Obstructing or hindering firefighters.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Firefighter means:

- (1) Any person who is employed as a professional firefighter on a full-time basis for at least 40 hours per week by any county, municipal, or state fire department

when such person has responsibility for preventing and suppressing fires, protecting life and property, enforcing municipal, county, or state fire prevention codes, or enforcing any law or ordinance pertaining to the prevention or control of fires;

(2) Any volunteer firefighter as the term "volunteer firefighter" is defined by paragraph (7) of O.C.G.A. § 47-7-1 as said paragraph (7) exists on January 1, 1988; or

(3) Any person employed as a professional firefighter on a full-time basis for at least 40 hours per week by a person or corporation which has a contract with a municipality or county to provide fire prevention and firefighting services for such municipality or county when such person has responsibility for preventing and suppressing fires, protecting life and property, enforcing municipal or county fire prevention codes, or enforcing any municipal or county ordinances pertaining to the prevention and control of fires.

(b) No person shall knowingly and willfully obstruct or hinder any firefighter in the lawful discharge of the firefighter's official duties.

(c) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-10 – Obstruction or hindering emergency medical technicians or emergency medical professionals

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Emergency medical professional means any person performing emergency medical services who is licensed or certified to provide health care in accordance with the provisions of chapter 11, chapter 26, or chapter 34 of title 43 of the Official Code of Georgia Annotated (O.C.G.A. § 43-11-1 et seq., 43-26-1 et seq., or 43-34-1 et seq.).

Emergency medical technician means any person who has been certified as an emergency medical technician, cardiac technician, paramedic, or first responder pursuant to chapter 11 of title 31 of the Official Code of Georgia Annotated (O.C.G.A. § 31-11-1 et seq.).

- (b) No person shall knowingly and willfully obstruct or hinder any emergency medical technician, any emergency medical professional, or any properly identified person working under the direction of an emergency medical professional in the lawful discharge of the official duties of such emergency medical technician, emergency medical professional, or properly identified person working under the direction of an emergency medical professional.

- (c) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-11 – Giving false name, address, or birth date to law enforcement officer.

- (a) No person shall give a false name, address, or date of birth to a law enforcement officer in the lawful discharge of his official duties with the intent of misleading the officer as to his identity or birth date.

- (b) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-12 – Affray.

- (a) An affray is the fighting by two or more persons in some public place to the disturbance of the public tranquility.

- (b) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-13 – Unlawful assembly.

- (a) It is unlawful for a person to knowingly participate in either of the following acts or occurrences:
 - (1) The assembly of two or more persons for the purpose of committing an unlawful act and the failure to withdraw from the assembly on being lawfully commanded to do so by a peace officer and before any member of the assembly has inflicted injury to the person or property of another; or

- (2) The assembly of two or more persons, without authority of law, for the purpose of doing violence to the person or property of one supposed by the accused to have been guilty of a violation of the law, or for the purpose of exercising correctional or regulative powers over any person by violence; provided, however, that it shall be an affirmative defense to a prosecution under this subsection that the accused withdrew from the assembly on being lawfully commanded to do so by a peace officer or before any member of the assembly had inflicted injury to the person or property of another.

- (b) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-14 – Loitering or prowling.

- (a) A person commits the offense of loitering or prowling when he is in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

- (b) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

- (c) This section shall not be deemed or construed to affect or limit the powers of counties or municipal corporations to adopt ordinances or resolutions prohibiting loitering or prowling within their respective limits.

- (d) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-15 – Disorderly conduct.

- (a) Any person who shall do or engage in any of the following acts or things within the unincorporated area of Dooly County, Georgia, shall be guilty of disorderly conduct and shall be punished in accord with the provisions of this section. Such acts or things which shall constitute disorderly conduct are more particularly described as follows:
- (1) Fighting or quarreling in such manner and in such place as to annoy or disturb the peace, quiet, comfort or repose of persons in any office, or in any dwelling, or other type residence, or of any persons in the vicinity.
 - (2) Using any indecent, vulgar, obscene, threatening or abusive language in or near a public place that has a direct tendency to cause acts of violence by the person to whom or of whom the remarks are addressed.
 - (3) Striking or attempting to strike another.
 - (4) Assemble or congregate with another or with others to cause, provoke, or engage in any fight or brawl.
 - (5) Collect in bodies or in crowds and engage in unlawful activities and fail to withdraw from the assembly on being lawfully commanded to do so by a peace officer.
 - (6) Create by or in any manner loud noises which disrupt, disturb, or otherwise interfere with the peace and tranquility of the public.
 - (7) Interfere, by acts of violence, with another's pursuit of a lawful occupation.
 - (8) Without provocation, uses obscene and vulgar or profane language in the presence of or by telephone to a person under the age of 14 years which threatens an immediate breach of the peace.
 - (9) Defecating or urinating or exposing genitals or female breast; on or adjacent to any street or sidewalk or in any public or quasi-public parking lot or in the halls, elevators, stairways, or any other area designated for public passage within any public or commercial buildings or on any property open to public view.
 - (10) Knowingly and willfully harass or attempt to harass or mislead any E-911 operator, sheriff's department dispatcher or law enforcement officer or firefighter or emergency medical technician by false alarms or repeatedly dialing 911, or the sheriff's department dispatcher, and hanging up or any unauthorized use of any device of whatever nature to summon law enforcement, firefighters, or emergency medical provider aid without reasonable cause.
 - (11) Knowingly and willfully strike, fight, oppose, interfere or prevent the lawful discharge of official duties of the Dooly County Sheriff, his lawful deputies, a Dooly County Constable, Code Enforcement Officer, Animal Control Officer, Firefighter, Emergency Medical Services Technician, Paramedic or other arresting officer.
 - (12) Knowingly and willfully provide a false name, address, date of birth or social security number or any personal identification information in an effort to mislead as to his or her identity or personal identification the Dooly County Sheriff, his lawful deputies, Code Enforcement Officer, Animal Control Officer, Firefighter, Emergency Medical Services Technician, Paramedic or other arresting officer.

- (13) For any person to peddle or sell door to door his/her service or the services of another or any item without a county, state, business, professional or other legal and binding license or permit; unless said individual is raising money for a local not for profit event such as for his/her school, church, etc.
- (14) Knowingly invite, allow, permit, a person(s) under the age of 21 to gather collect, assemble in any building or upon any land for the purpose of consuming alcoholic beverages in violation of Georgia Law and/or any person(s) to keep and maintain a common, ill-governed, disorderly place which encourages gaming, drinking, misbehavior or disturbance any neighborhood or orderly citizen(s).
- (b) Any person violating any one or more of the provisions of this section shall be guilty of an offense, and upon conviction thereof in the Magistrate Court of Dooly County, Georgia, shall be punished by a fine in an amount not to exceed \$1,000.00 and/or imprisonment in the county jail for a period not to exceed 180 days.
- (c) Any ordinance in conflict with this ordinance or any part thereof is hereby repealed.

Sec. 30-16 - Disorderly Conduct While Intoxicated

- (a) It shall be unlawful for any person within the county limits to be disorderly while intoxicated on the streets, sidewalks or other public places. The following are declared to be guilty of violating this section:
 - (1) Any person who accosts or forces his company upon a person while under the influence of alcohol or other drugs.
 - (2) Any person who shall defecate or urinate on the streets or sidewalks, or in the halls or elevators of public or commercial buildings, or on any property open to public view in the county while under the influence of alcohol or other drugs.
 - (3) Any person who shall act in a violent or tumultuous manner toward another so as to endanger the life, limb, health or property of another while under the influence of alcohol or other drugs.
 - (4) Any person who shall be loud or boisterous or use profane language or panhandle and who shall refuse to remove himself from the public streets, sidewalks or any other public way or house of commerce or worship, or public conveyances, public halls, theaters or other public places, when ordered by the police or other lawful authority while under the influence of alcohol or other drugs.
- (b) Upon finding of guilt for violation of this section, the offender shall be subject to punishment as provided in the Disorderly Conduct Ordinance. Such punishment may be probated by the magistrate for those offenders desiring to participate in a detoxification or drug rehabilitation program.
- (c) Any police or other law enforcement officer in lieu of incarcerating an intoxicated person for a violation of subsection (a)(3) of this section, may take or send the individual under the influence of alcohol or drugs to such person's home or to a treatment facility. Any such officer so acting shall be deemed to have performed his official duty. Such officer need not

formally render charges against the individual prior to taking or sending him to a treatment facility.

- (d) Any police officer or other law enforcement officer who acts in compliance with this section is declared to be acting in the course of official duty and is not criminally or civilly liable to any person for such action.
- (e) Nothing in this section shall be deemed to excuse or justify any other crime simply because the perpetrator is intoxicated. Nothing in this section shall repeal, annul or otherwise affect any law, ordinance, resolution or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery or other equipment, or regarding the sale, purchase, dispensing, possessing or use of alcoholic beverages at stated times and places or by a particular class of persons or any other criminal act.
- (f) Any ordinance in conflict with this ordinance or any part thereof is hereby repealed.

Sec. 30-17 - Public drunkenness.

- (a) No person shall be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language.
- (b) This section shall not be construed to affect the powers delegated to counties or to municipal corporations to pass laws to punish drunkenness or disorderly conduct within their respective limits.
- (c) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-18 - Obstructing highways, streets, sidewalks, or other public passages.

- (a) No person shall who, without authority of law, purposely or recklessly obstruct any highway, street, sidewalk, or other public passage in such a way as to render it impassable without unreasonable inconvenience or hazard and fails or refuses to remove the obstruction after receiving a reasonable official request or the order of a peace officer that he do so.
- (b) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

Sec. 30-19 - Maintaining a disorderly house.

- (a) No person shall keep and maintain, either by himself or others, a common, ill-governed, and disorderly house, to the encouragement of gaming, drinking, or other misbehavior, or to the common disturbance of the neighborhood or orderly citizens.
- (b) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1000.00, or both.

Sec. 30-20 - Cruelty to animals.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandon means the act of placing an animal on public property or within a public building unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it is unattended and without adequate food, water, ventilation or shelter, for a period in excess of thirty-six (36) hours, regardless of where such animal may be found or kept.

Adequate food means a sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the dog. Garbage, spoiled, rancid or contaminated food is not adequate food.

Adequate space means a sufficient safe space for adequate exercise suitable to the age, size, species and breed of dog, but in no cage less than one hundred (100) square feet per dog.

Adequate vet care 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.

Adequate water means clear, drinkable water in adequate supply. Adequate water does not include snow, ice or rancid/contaminated water.

Animal shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure.

Conviction shall include pleas of guilty or nolo contendere or probation as a first offender pursuant to article 3 of chapter 8 of title 42 of the Official Code of Georgia Annotated (O.C.G.A. § 42-8-60 et seq.) and any conviction, plea of guilty or nolo contendere, or probation as a first offender for an offense under the laws of the United States or any of the several states that would constitute a violation of this section if committed in the state.

Cruelty means every act, omission or neglect whereby unjustifiable pain, suffering, maiming or death may be caused or permitted to any animal.

Dog means any member of the canine genus, including wolves.

Humane manner means care of an animal to include, but not be limited to, adequate heat, ventilation, sanitary shelter, wholesome fresh food, and access to fresh, clean wholesome water at all times, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

Owner means any natural person(s) or any entity owning, possessing, harboring, keeping or having custody or control of an animal or fowl within this state. An animal shall be deemed to be harbored if it is fed and/or sheltered for three (3) consecutive days or more.

Sanitary means an animals' living space, shelter, or exercise area that is not contaminated by health hazards, irritants, pollutants, items, or conditions that endanger or pose a risk to an animal's health.

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.

Willful neglect means the intentional withholding of food and water required by an animal to prevent starvation or dehydration.

(b) A person commits the offense of cruelty to animals when any animal owner or possessor fails to provide adequate drink, adequate food, adequate space, adequate shelter, sanitary conditions, necessary veterinary care, and/or who causes death or unjustifiable physical pain or suffering to any animal by an act, an omission, or willful neglect.

(1) It shall be unlawful to abandon any animal or fail to provide it with proper air, shelter space, and protection from the weather. No person shall kill, beat, cruelly treat, torment or otherwise abuse an animal or improperly use chains or restraints less than (12) twelve feet in length.

(2) It shall be unlawful for the owner of any dog to permit a dog 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 property owner.

(3) It shall be unlawful for an animal to be restrained without access to adequate heat, ventilation, sanitary shelter, wholesome fresh food, and access to fresh, clean wholesome water, at all times. If the restraint used is tethering, the dog must be tethered by a collar or halter, not extremities, so long as it is no less than (12) twelve feet in length. No animal on a tether shall be fitted with a choke collar or any other collar made of rope or chain unless such chain weighs less than two pounds.

- (4) It shall be unlawful to leave animals unattended in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from heat exhaustion.
- (c) Before sentencing a defendant for any conviction under this section, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender.
- (d) The provisions of this section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of the state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific, research, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the department of agriculture, department of natural resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his property.
- (e) Defending property; humane methods.
- (1) Nothing in this section shall be construed as prohibiting a person from:
- i. Defending his person or property, or the person or property of another, from injury or damage being caused by an animal; or
 - ii. Injuring or killing an animal reasonably believed to constitute a threat for injury or damage to any property, livestock, or poultry.
- (2) The method used to injure or kill such animal shall be designed to be as humane as is possible under the circumstances. A person who humanely injures or kills an animal under the circumstances indicated in this subsection shall incur no civil or criminal liability for such injury or death.
- (f) Any person found guilty of violating this section shall be found guilty of a misdemeanor and punished by imprisonment for a period not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

SO ORDAINED, this _____ day of _____, 2022.

**BOARD OF COMMISSIONERS
DOOLY COUNTY, GEORGIA**

DAVID BARRON, CHAIRMAN

EUGENE CASON, VICE-CHAIRMAN

TONY LESTER

DAVID MIXON

TIMOTHY ROBINSON

ATTEST:

LINDA WOODSON, CITY CLERK

FIRST READING

SECOND READING