

Agenda
City of Bainbridge, Georgia
Regular Session - Mayor and City Council
February 15, 2022, 6:30 p.m. - City Council Chambers



- I. INVOCATION and PLEDGE TO THE FLAG
- II. APPROVAL OF MINUTES OF REGULAR SESSION – January 18, 2022
- III. RECOGNIZE VISITORS AND DELEGATIONS
- IV. EMPLOYEE OF THE YEAR
- V. SPECIAL GUEST – RICH MASSA – HABITAT FOR HUMANITY
- VI. CONSIDERATION OF LAP PLAN – CDBG
- VII. INTRODUCTION TO AMEND CITY OF BAINBRIDGE ZONING ORDINANCE
- VIII. INTRODUCTION TO AMEND ANIMAL CONTROL ORDINANCE
- IX. CONSIDERATION OF ALCOHOLIC BEVERAGE LICENSE APPLICATIONS
- X. CONSIDERATION OF PLANNING COMMISSION RECOMMENDATIONS
- XI. DISCUSSION OF 1ST QUARTER FINANCIALS
- XII. MAYORAL APPOINTMENT
- XIII. DIVISION PRESENTATION
- XIV. EXECUTIVE SESSION

Bids:

- | | |
|---|----------------|
| 1. Blankenship Contracting
US 84 Water Main
Bainbridge, GA | \$1,920,184.89 |
| 2. Quick Service Concrete
Lake Douglas Culvert
Bainbridge, GA | \$33,934.00 |

MINUTES
CITY OF BAINBRIDGE, GEORGIA
TUESDAY, JANUARY 18, 2022
6:30 P.M.

PRESENT: MAYOR EDWARD REYNOLDS, PRESIDING

COUNCIL MEMBERS: KREGG CLOSE, DON WHALEY, GLENNIE BENCH,
ROSLYN PALMER, PHIL LONG, AND SYLVIA
WASHINGTON

CITY STAFF: CITY MANAGER CHRIS HOBBY, ASSISTANT CITY
MANAGER ROY OLIVER, STEVE O'NEIL, LISA TAYLOR,
CRYSTAL HINES, FRANK GREEN, REDELL WALTON,
AND RYAN WIMBERLEY

GUESTS: TIM NORRIS, CAROLYN WISE, DAVID PRICE, BOBBY
WASHINGTON, EMILY YENT, DEANDREA GREEN,
DEIDRA GREEN, CATHERINE CATLEDGE, TRENT
SCARBOROUGH, JILL HOLLOWAY, KELVIN AND
LATISHA, SHAWN SWARTZ, KENNETH JACKSON,
CASSANDRA JACKSON, TONYA REYNOLDS, ANNIE
JONES, JEREMIAH HORNE, DIANE LONG, DORIS COSBY,
AND ELAINE SMITH

ABSENT: NONE

INVOCATION AND PLEDGE TO THE FLAG

Councilman Whaley gave the invocation and all those assembled pledged allegiance to the flag.

APPROVAL OF MINUTES

Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Washington, the Council voted 6-0 to approve the minutes from the December 18, 2021, council meeting as presented.

RECOGNIZE VISITORS AND DELEGATIONS

Mayor Reynolds opened the floor for anyone who wish to speak on an item that was currently not on the agenda. Hearing from no one, Mayor Reynolds proceeded to the next item on the agenda.

OATH OF OFFICE – MAYOR AND COUNCIL MEMBERS

State Judge David Kendrick performed the swearing in ceremonies for re-elected Council members: Mayor Edward Reynolds, Glennie Bench, Sylvia Washington, and Phil Long.

APPOINTMENT OF MAYOR PRO-TEM

Mayor Reynolds informed the city council that in keeping with council tradition the position of Mayor Pro-Tem would rotate to Councilwoman Sylvia Washington. Upon a motion offered by Councilwoman Palmer and seconded by Councilwoman Bench, the council voted 6-0 to designate Councilwoman Washington as Mayor Pro-Tem for 2022.

APPOINTMENT OF MUNICIPAL COURT JUDGE

Mayor Reynolds recommended the reappointment of Josh Bell as Municipal Court Judge, for a term of one year. Upon a motion offered by Councilwoman Bench and seconded by Councilman Close, the Council voted 6-0 to approve the appointment.

APPOINTMENT OF MUNICIPAL COURT SOLICITOR

Mayor Reynolds recommended the reappointment of Benny Harrell as Municipal Court Solicitor, for a term of one year. Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Palmer, the Council voted 6-0 to approve the appointment.

APPOINTMENT OF MUNICIPAL COURT PUBLIC DEFENDER

Mayor Reynolds recommended the reappointment of Eric Gay as Municipal Court Public Defender, for a term of one year. Upon a motion offered by Councilwoman Bench and seconded by Councilman Long, the Council voted 6-0 to approve the appointment.

PUBLIC HEARING – AMENDMENT TO MEETING SCHEDULE

Mayor Edward Reynolds informed the council that this meeting has been advertised as the time a place for a public hearing to amend the City Council Meeting Schedule. Upon a motion offered by Councilwoman Palmer and seconded by Councilman Whaley, the Council voted 6-0 to open the public hearing. Hearing from no one, Councilman Whaley made a motion to close the public hearing. The motion was seconded by Councilwoman Washington and unanimously carried in a 6-0 vote.

CONSIDERATION OF AMENDMENT TO MEETING SCHEDULE

Upon a motion by Councilman Whaley and seconded by Councilman Long, the Council voted 6-0 to amend the City Council meeting schedule. City Council will now meet only on the third Tuesday of each month.

CONSIDERATION OF PROJECT AGREEMENT

City Manager Chris Hobby presented the council with a project agreement with Bates Engineering for construction services in connection with the Water Pollution Control Plant Upgrade. Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Palmer, the council voted 6-0 to approve the project agreement.

CONSIDERATION OF A ONE DAY ALCOHOLIC BEVERAGE LICENSE

APPLICATION – Southern Regional Technical College Foundation

City Manager Chris Hobby presented the council with a one-day alcohol license application from the Southern Regional Technical College Foundation. Upon a motion by Councilwoman

Bench and seconded by Councilman Whaley, the Council voted in a 6-0 decision to approve the application.

CONSIDERATION OF PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission met Tuesday, January 11th and considered two items that require City Council action. Applicant WCP III Bainbridge, LLC is requesting approval of a preliminary plat for residential development. The property (Parcel ID: 00900016) is located off Tallahassee Hwy and is 43.2 acres. Applicant True North Way LLC is requesting approval of a preliminary plat for residential development. The property (Parcel ID: B0420032H00) is located at 1000 Faceville Hwy and is 14.27 acres. Upon a motion offered by Councilman Long and seconded by Councilwoman Washington, the council voted 6-0 in favor of the Planning Commission's recommendations to approve both applications.

MAYORAL APPOINTMENTS

Mayor Reynolds recommended reappointing Councilman Kregg Close to the Southwest Georgia Regional Commission, Lachanda Mackey to the Planning Commission, and Chip Hall and Ramsay Simmons to the Development Authority. Upon a motion offered by Councilwoman Palmer and seconded by Councilwoman Bench, the Council voted 6-0 to approve the recommendations of the Mayoral Appointments.

ADJOURNMENT

With there being no further business, Mayor Reynolds adjourned the meeting at 6:47 p.m.

BY:

EDWARD REYNOLDS, MAYOR

ATTEST:

ALLIE GODWIN, COUNCIL CLERK

Employee of the Year

Crystal Hines <crystalh@bainbridgcity.com>

Wed 2/2/2022 1:35 PM

To: BainbridgeEveryone <BAINBRIDGEEVERYONE@bainbridgcity.com>

Everyone,

Please join me in congratulating Terrell Jones in our Sanitation Department on being selected as Employee of the Year! He was nominated for Employee of the Quarter originally by his supervisors for always giving 110% and doing so with a positive attitude. Terrell will be recognized at the next City Council meeting on February 15 at 6:30 pm.

Again, please extend congratulations to Terrell!



Crystal Hines
Community Affairs Director
C: (229) 205-1256 | F: (229) 246-7311
205 E Broughton St | Bainbridge, Georgia 39817
www.bainbridgcity.com

**Language Access Plan
City of Bainbridge, Georgia
December 2021**

**P.O. Box 158
Bainbridge, Georgia 39818
229-248-2000**

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LANGUAGE ACCESS PLAN

I. GENERAL INFORMATION

Prepared By: Bob Roberson
Bob Roberson and Associates, Inc.
23 Eighth Avenue, SE
Moultrie, Georgia 31768
(229) 890-8662
bassts@windstream.net

List of Current Applicable Funded Grants/Programs (to be automatically amended as projects are funded):

1. Grantee: City of Bainbridge, Georgia
CDBG Grant Number: 21p-x-043-2-6178
Target Area: NE Bainbridge Street and Drainage Improvements—Phase III

This *Language Access Plan* has been prepared to address the City of Bainbridge responsibilities as a recipient of federal financial assistance from Georgia Department of Community Affairs programs and grants funded by HUD as they relate to the needs of individuals with limited English language skills.

The plan has been prepared to ensure compliance with HUD's guidance and Title VI of the Civil Rights Act of 1964, and its implementing regulations. Under HUD's guidance, the City of Bainbridge must take reasonable steps to ensure meaningful access to their programs and activities by persons with Limited English Proficiency (LEP).

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the City of Bainbridge.

The City of Bainbridge has developed this *Language Access Plan* to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided through programs funded by the Georgia Department of Community Affairs/HUD. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the City of Bainbridge used HUD’s four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the Community Development programs;
2. The frequency with which LEP persons come in contact with Community Development programs;
3. The nature and importance of the Community Development programs and services provided by City of Bainbridge to the LEP population;
4. The resources available to the City of Bainbridge and overall cost to provide LEP assistance.

SAFE HARBORS

In accordance with HUD Safe Harbors for LEP, the City of Bainbridge will translate written Community Development documents for groups that are at least 5% of the population eligible (and more than 50 persons) or 1,000 persons, whichever is less. If there are fewer than 50 persons in a language group that reaches the 5% trigger above, the City of Bainbridge will not translate the vital Community Development written materials, but will provide written notice in the primary language of the LEP group of the right to receive competent oral interpretation of those written materials, free of cost.

The size of the language group determines the recommended provision for written language assistance.

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population	Translated vital documents
More than 5% of the eligible population or beneficiaries and more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries and 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

II. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the programs.

The City of Bainbridge staff reviewed the most currently available census information from the Georgia DCA website and determined that of the population of 11,305 persons over 5 years of age, 313 persons in Bainbridge (2.77% of the total population) speak a language other than English. Of those 313 persons, 93 (.82% of the total population and 29.71% of the population speaking a language other than English) have limited English proficiency; that is, they speak English less than “very well”. In Bainbridge, of those persons with limited English proficiency, 61 speak Spanish and 32 speak Asian and Pacific Islander languages.

A review of the residents that are in the FY2021 CDBG Target Area revealed that all are able to understand English very well. There are no persons of Hispanic, Asian, Pacific Islander or Indo-European origin residing in the Target Area. This does not meet the threshold described above for translating vital documents or translated written notice of right to receive free oral interpretation of documents. Oral Interpretation Services are available for clients upon request.

Language Spoken*	# of Residents Over 5 Years of Age*	Speaks English Less Than "Very Well"*
English	10,992 (97.23%)	N/A
Spanish	258 (2.28%)	61 (.54%)
Other Indo-European	23 (0.2%)	0 (0.00%)
Asian & Pacific	32 (0.29%)	32 (0.29%)
Total	11,305 (100.0%)	93 (.83%)

CDBG Grant Number:

Target Area: NE Bainbridge Street and Drainage Improvements—Phase III

At the present time, GA DCA has identified no Census Tracts in the City of Bainbridge that meets LEP criteria:

2. The frequency with which LEP persons come in contact with Community Development services.

The City of Bainbridge Administrative Staff reviewed the frequency with which staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits, as well as public hearings and interactions during surveys. Over the past two years, there have been no requests for interpreters and no requests for translated program documents.

A review of the residents that are in our FY2021(21p-y-043-2-6178) CDBG Target Area revealed no persons of Hispanic, Indo-European, Pacific Islander, or Asian origin.

Frequency of Interaction: Annually

For Project Applications:

- a. When notifying the public about the potential grant and activities
- b. When surveying income in the target area

3. The nature and importance of programs, activities or services provided by Community Development to the LEP population.

The 2021 CDBG project proposes the construction of street and drainage facilities in NE Bainbridge for the purpose of relieving localized flooding and poor drainage conditions. As noted above, there are no LEP persons residing in the project neighborhood.

Importance of the Program(s): Denial or delay of access to services or information would not have serious or life-threatening implications for any LEP individual.

4. The resources available to the City of Bainbridge, and overall cost to provide LEP assistance.

The City of Bainbridge reviewed its available resources that could be used for providing LEP assistance, including which of its documents would be most valuable to be translated if the need should arise. An "I Speak" card/poster will be made available to determine needed language translations. A notice (see below) will be posted in all ads for GA DCA/HUD programs regarding who to contact should language assistance be needed. Language translation, if needed, would be provided through the available bi-lingual staff and/or the Language Line for which the City of Bainbridge would pay a fee.

III. LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to Community Development services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

The Name of the individual at the City of Bainbridge responsible for coordination of LEP Compliance is:

Allie Godwin, City Clerk
City of Bainbridge
P.O. Box 158
Bainbridge, Georgia 39818
229-248-2000
allieg@bainbridgcity.com

How the City of Bainbridge may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation services free of charge in languages LEP persons would understand;
- Add statement (see below) to public meeting and event notices concerning GA DCA/HUD programs;
- All staff involved with Community Development activities will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year; and
- When the City of Bainbridge conducts a Public Hearing, an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's

- ability to speak and understand English. Although translation may not be able to be provided at the event (unless previously requested) it will help identify the need for future events; and
- Language Identification Cards/Posters will be used as necessary to determine a client's language needs.

Language Assistance Measures-Although there is a small percentage in Bainbridge of eligible LEP households, that is, persons who speak English "not well" or "not at all", it will strive to offer the following measures:

1. The City Administration will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Interpreters if available will be provided within a reasonable time period; or
 - Language interpretation will be accessed through Language Line Solutions.
3. Language Identification Cards/Posters will be used as necessary to determine a client's language needs.
4. The following statements will be added to public meeting and event notices concerning GA DCA/HUD programs:

"Persons with special needs relating to handicapped accessibility or foreign language should contact Allie Godwin, City Clerk at 229-248-2000 before _____. This person can be located at the City Hall, 101 S. Broad Street, and is available between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, or you may call 229-248-2000. Persons with hearing disabilities may consider using the Georgia Relay Service, at (TDD) 1-800-255-0056 or (Voice) 1-800-255-0135."

IV. STAFF TRAINING

The following training will be provided to all Community Development staff:

- Information on the Title VI Policy and LEP responsibilities;
- Description of language assistance services offered to the public;
- Documentation of language assistance requests; and
- How to handle a potential Title VI/LEP complaint.

All contractors, subcontractors and sub-recipients performing work for or receiving federal funds for Community Development projects will be required to follow the Title VI/LEP guidelines.

V. TRANSLATION OF DOCUMENTS

- The City of Bainbridge weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time no documents require translation.

- Due to the relatively small eligible local LEP population, the City of Bainbridge does not have a formal outreach procedure in place at this time. Translation resources have been identified. When and if the need arises for LEP outreach, the City of Bainbridge will consider the following option:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then relevant documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population, if requested.

VI. MONITORING AND UPDATING THE LAP PLAN

The City of Bainbridge will update the LAP Plan as required. At a minimum, the plan will be reviewed and updated every five years using most current census information, or when it is clear that higher concentrations of LEP individuals are present in the City of Bainbridge. Updates will include the following:

- The number of documented LEP person contacts encountered annually;
- How the needs of LEP persons have been addressed;
- Determination of the current LEP population in the service area;
- Determination as to whether the need for translation services has changed;
- Determine whether local language assistance programs have been effective and sufficient to meet the need;
- Determine whether the City of Bainbridge financial resources are sufficient to fund language assistance resources needed;
- Determine whether the City of Bainbridge fully complies with the goals of this LAP Plan; and
- Determine whether complaints have been received concerning the City's failure to meet the needs of LEP individuals.

VII. DISSEMINATION OF THE CITY OF BAINBRIDGE LAP PLAN

The LAP Plan will be on the City of Bainbridge website page and provided to anyone requesting the information.

VIII. RECORDS

The City of Bainbridge will maintain records in the City Clerk's office regarding its efforts to comply with Title VI LEP obligations. These records will be reviewed periodically and open to the public in an effort to improve service.

IX. COMPLAINTS/FINDINGS

Any person who believes they have been denied the benefits of this LAP or that the City of Bainbridge has not complied with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 regulations may file a complaint with the City LAP Coordinator. The City LAP Coordinator may be the first point of contact for any complaints or appeals, but the DCA LAP Coordinator must be informed of all complaints and appeals. The LAP Coordinator will provide oversight of the complaint/appeal resolution process. To file a complaint, submit the written complaint to:

Allie Godwin, City Clerk
City of Bainbridge
P.O. Box 158
Bainbridge, Georgia 39818

Or

DCA 504 Coordinator
60 Executive Park South, N.E.
Atlanta, Georgia 30329-2231
fairhousing@dca.ga.gov

X. AVAILABLE FEDERAL LEP RESOURCES

HUD's LEP Website:

<http://www.hud.gov/offices/fheo/lep.xml>

Federal LEP Website:

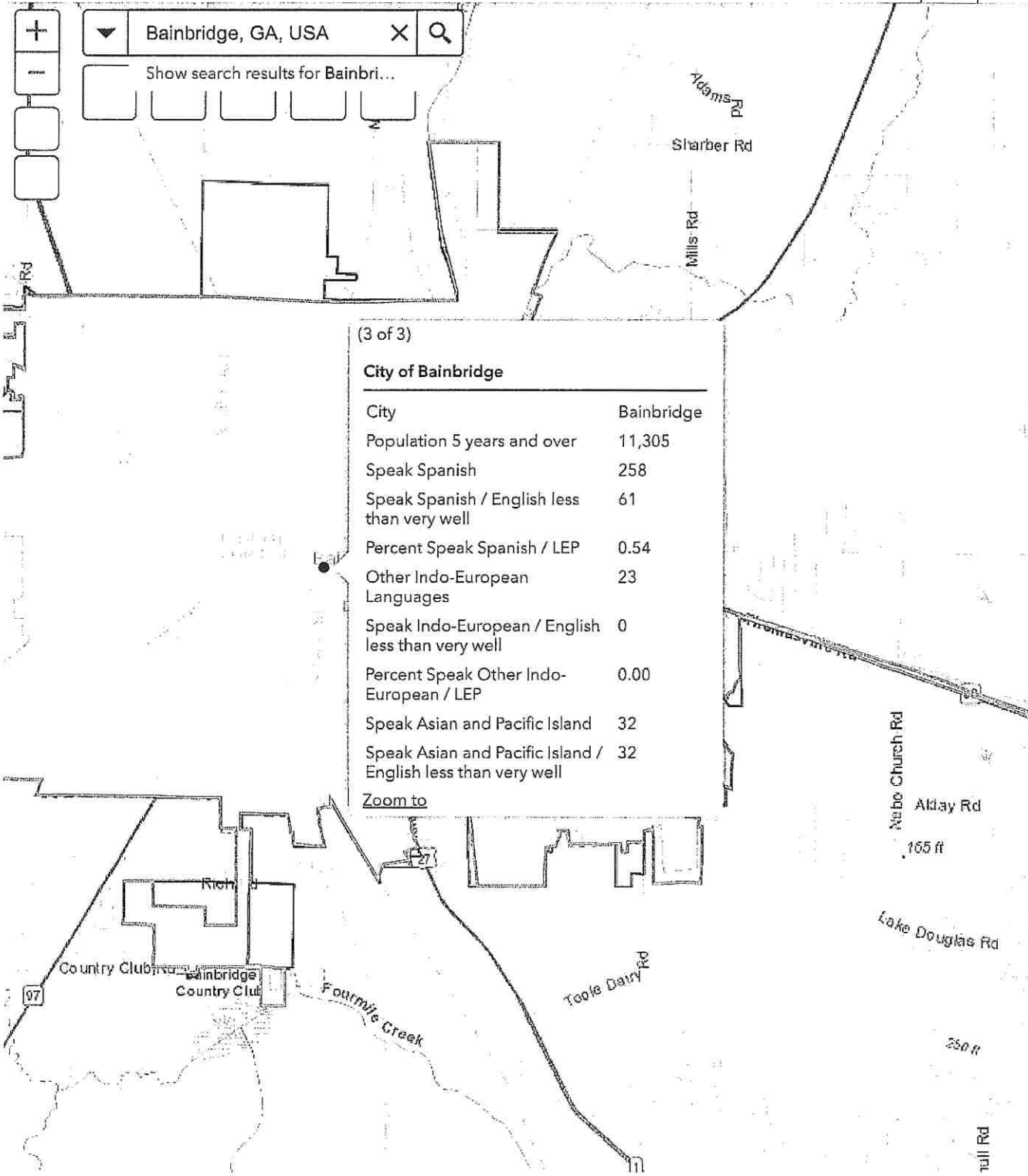
<http://www.lep.gov/>

LEP and Title VI Videos:

<http://www.lep.gov/video/video.html>

"I Speak" Card:

<http://www.lep.gov/ISpeakCards2004.pdf>



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City of Bainbridge

City	Bainbridge
Population 5 years and over	11,305
Speak Spanish	258
Speak Spanish / English less than very well	61
Percent Speak Spanish / LEP	0.54
Other Indo-European Languages	23
Speak Indo-European / English less than very well	0
Percent Speak Other Indo-European / LEP	0.00
Speak Asian and Pacific Island	32
Speak Asian and Pacific Island / English less than very well	32

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CHAPTER 7.8
Avenue C Overlay District

Section 7.8.1. Purpose and Intent

The purpose of this overlay district is to establish a uniform procedure for providing for the enhanced use of land and increased value of property in the Avenue C Overlay District. This district seeks to reverse the decline in property values as a result of the proximity to the City of Bainbridge Solid Waste Transfer Facility and to promote the health, safety, order, prosperity, and general welfare of the citizens of Bainbridge through regulation of uses, design, location and size of buildings and structures.

Section 7.8.2. Delineation of District

The Avenue C Overlay District applies to all properties that lie completely within the New Hope Subdivision of Decatur County, Georgia that are bounded by Avenue C, Avenue B, Gee Street and 2nd Street.

Section 7.8.3. Permitted and Conditional Uses.

Uses allowed by right:

- Single Family Residential
- Two Family Duplex

Uses allowed as a Conditional Use:

- Multiple Family Residential
- Relocated residential Structure
- Short term rental
- Trade School (Under 5000 square feet)
- Animal Hospital
- Automotive repair (not sales)
- Contractor's establishment
- Cottage industry
- Exterminator, pest control or disinfecting service
- Landscaping company
- Office

Self-service storage facility (mini-warehouses)
Metal machining
Welding
Solar energy systems
Furniture manufacturing (under 5000 square feet)
Greenhouses

Section 7.8.4. Dimensional requirements for conditional uses.

Minimum Setbacks (Primary Structures): Front – 20 ft
Side – 10 ft
Rear – 15 ft

Minimum Setbacks (Accessory Structures): Side – 10 ft
Rear – 10 ft

Section 7.8.5. Design plan administrative review.

Proposed conditional uses in the Avenue C Overlay District must go through an administrative design review process with staff of the Bainbridge Community Development Division prior to going before the Bainbridge-Decatur County Planning Commission. All plans shall address and conform to all provisions set forth under Section 7.8 of this ordinance.

Section 7.8.6. Site design standards for conditional uses.

Ingress /Egress:

Ingress and Egress for conditional uses in the Avenue C Overlay District must be on Avenue C.

Fences:

Fences will be required for all uses on all sides except for customer and employee parking areas. Fences must be privacy type fences at least 6 ft in height. Depending on the proposed use the zoning administrator may require fences to be higher. Fences may not extend any farther forward than the front façade of the primary structure unless approved by the zoning administrator. In no case will the fence be allowed to extend any less than 10 feet off of the right-of-way. When fences are backed up to Avenue B, the fence must be a minimum of ten feet off of the right-of-way and landscaping consisting of native plants and shrubs (approved by the zoning administrator) shall be planted with a minimum density of one shrub for every eight feet of fence. The plants and shrubs are to be maintained in good order between the fence and the edge of the Avenue B right-of-way.

Lighting:

All outside lighting must be shielded and directed downward and in no case is the lighting area allowed to cross over the property line or shine over the fence.

Signage:

Signage is limited to monument signs and wall signs only.

One (1) monument sign is allowed and must not exceed 50 square feet and be no higher than 8 feet in height. No LED or internally illuminated signs are allowed. Signs are allowed to be lit by external lighting as long as the lighting is only illuminating the sign.

Wall signs shall be permitted as provided for in Section 13.4 of the Zoning Ordinance. However, no LED or internally illuminated signs are allowed. Signs are allowed to be lit by external lighting as long as the lighting is only illuminating the sign.

Hours of operation:

Any use that produces noise, fumes or noxious odors in the course of day to day operations is not allowed to be operating between the hours of 9 pm to 7 am.

BAINBRIDGE-DECATUR COUNTY ANIMAL CONTROL ORDINANCE

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ARTICLE I. - IN GENERAL

SEC. 10-1. - DEFINITIONS.

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:

Abandoned animal means any domesticated animal that has been placed upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned, when it has been unattended and without proper food and water for a period in excess of 36 hours, regardless of where the animal may be found or kept.

Adequate care or care means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

Adequate exercise or exercise means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

Adequate feed means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species.

Adequate space means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Animal at large means any animal not under restraint and off the property of its owner.

Animal control officer means any employee of Bainbridge-Decatur County Marshall's Office with the responsibility of enforcing the Bainbridge-Decatur County animal control ordinance(s).

Animal shelter means the facility designated by the Bainbridge City Council and the Decatur County Board of Commissioners for the detention of animals.

Animal shelter officer means any person so designated by the animal shelter director to perform the duties prescribed by this chapter.

Animal under restraint means any animal secured by a leash or lead; or enclosed by way of fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's commands, and the person being present with the animal; or an animal confined within a vehicle, parked or in motion.

Domesticated animals means animals that are accustomed to living in or about the habitation of men, including but not limited to cats, cows, dogs, fowl, horses, swine, ferrets and other domesticated wild animals and/or exotic animals. This definition only applies to those animals mentioned and is only applicable to this chapter and in no way affects the meaning or application of a definition of the described animal, as may be found in any other city/county ordinance.

Guard dog means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which he is located.

Owner means any person who owns, keeps, harbors or acts as custodian of a domesticated animal.

Public nuisance means any animal other than a guide or working animal which:

- (1) Enters any retail establishment, excluding any shop for the sale of animal pets or pet supplies which expressly issues an invitation for animals to enter in the accompaniment of its owner, during the time that any such establishment is open for use by the public except that the owner or operator of any business may keep his own dog on the premises of the business;
- (2) Enters upon any private or public school premises during the hours in which school is in session or school activities are taking place;
- (3) Jumps upon any person to the annoyance of such person;
- (4) Damages or destroys private property;
- (5) Defecates upon any private property other than that of the owner of the animal;
- (6) Barks or howls so as to subsequently disturb the peace;
- (7) Is found running at large in violation of this chapter;
- (8) Is malicious as defined in section 10-9 of this chapter;
- (9) Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the city/county;
- (10) Attacks passersby or passing vehicles; and
- (11) Poses a risk to the public health, welfare or safety according to the rules and regulations promulgated by the county health department, whose rules and regulations are incorporated in and made a part of this chapter as if fully set out.

Any person that knowingly keeps, owns, harbors or acts as custodian of an animal constituting a nuisance shall be guilty of an unlawful act and shall be punishable as provided in this chapter.

Malicious animal means any animal, which constitutes a physical threat to human beings, or other domesticated animals by virtue of one or more attacks of such severity as to cause property damage or physical injury. An animal shall also be considered malicious and not under restraint if it makes an unprovoked attack on other domesticated animals that are under restraint or on human beings or on physical property of another. Dogs are excluded in this definition of malicious animal and is subject to terms and classifications in Article III.

SEC. 10-2. - RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner of any animal to allow it to run at large unattended on or about the streets and highways of the incorporated and/or unincorporated areas of Decatur County or upon the

property of another without the property owner's consent. The Bainbridge-Decatur County Animal Control Office is authorized to impound any such animal at large as provided in this chapter.

SEC. 10-3. - DUTY TO KEEP ANIMAL UNDER RESTRAINT—WHILE ON PROPERTY.

- (a) It shall be the duty of every owner of any animal to ensure that it is confined to the property of its owner so that it cannot wander off the real property limits of the owner, it being the intent of this chapter that all animals be prevented from leaving, while unattended, the real property limits of their owners.
- (b) In addition, all male and female dogs and cats that have not been spayed or neutered must be securely confined in such a way that they not only cannot get out to run loose, but also cannot be reached by other dogs or cats.

SEC. 10-4. - SAME—WHILE OFF PROPERTY.

It shall be the duty of the owner of any animal to keep the animal under control at all times while the animal is off the real property limits of the owner. For the purposes of this section, an animal is deemed under control when it is confined within a vehicle, parked or in motion, is secured by a leash or other device held by a competent person, is under voice command of a competent person being present with the animal, or is properly confined within an enclosure with permission of the owner of the property where the enclosure is located.

SEC. 10-5. - ENFORCEMENT.

- (a) **Responsibility.** The primary responsibility for the enforcement of this chapter shall be vested in the Bainbridge-Decatur County Marshall's Office.
- (b) **Complaints.** If a violation of this chapter has not been personally witnessed by the Animal Control Officer or his authorized representative or other employee of the city or county, a subpoena shall be issued to the person making the complaint to be and appear on the day and time set for trial, then and there to testify on behalf of the city or county. The city/county may refuse to respond to anonymous complaints
- (c) **Impoundment of animal in certain cases;** disposal in a humane manner after certain period of time. If the owner of any dog or animal is unknown and the dog or animal is upon the public streets, alleys, sidewalks, school grounds, or other public places or premises or the property of another without the property owner's permission, as prohibited by this chapter, upon complaint made to or information made known to the Bainbridge-Decatur County Marshall's Office, the Animal Control Officer or his authorized representative is authorized to immediately take possession of such dog or animal and impound it in the animal shelter. Once impounded, an animal shall be kept for a period of time as defined in section 10-6 of this ordinance; thereafter, if the animal is not claimed by anyone after a reasonable effort has been made to locate the owner of the animal as hereinafter provided, the animal may be disposed of in a humane fashion or in accordance with O.C.G.A. § 4-3-9 et seq. Where the Animal Control Officer or his authorized representative is required in this section to take possession of any dog or animal and to impound it, he may use any and all means available.
- (d) Bainbridge-Decatur County Animal Control Officers may issue citation in lieu of impoundment. In all cases of violations of this ordinance, the Chief Marshal or his authorized representative shall have the authority to exercise his discretion and may in addition to or in lieu of impounding any animal, issue a citation to the owner of the animal. The citation shall state the violation, the name and address of the owner, and the name of the individual issuing the citation. All citations shall be transferred to the municipal court of the city for prosecution or the Decatur County Magistrate Court if the violation is outside the Bainbridge city limits.

SEC. 10-6. - IMPOUNDMENT OF ANIMALS.

- (a) Upon impounding any dog or other animal, the Chief Marshal or his authorized representative shall cause to be made a prompt and reasonable effort to locate the animal's owner. If the owner does not claim the animal within three days (seventy-two hours) of impoundment it shall be the duty of the

Chief Marshal or his authorized representative to offer the dog or other animal to the public for adoption or to dispose of the dog or other animal in a humane fashion.

- (b) The city/county or other party with responsibility for the operation of the animal shelter is authorized to charge a daily boarding fee for all animals housed at the animal shelter. This fee shall not exceed \$20.00 per day without prior approval of the Mayor and City Council of the City of Bainbridge and the Decatur County Board of Commissioners. In no event shall its lawful possessor, owner or custodian redeem any animal unless this boarding fee is paid.
- (c) For the first time a dog, cat or other animal is found by animal control in violation of the leash law provisions, regardless of whether or not the animal is picked up and impounded by animal control, a fine of up to \$135.00 per animal in violation shall be imposed against the owner of such animal.
- (d) If a second offense occurs by the owner for the same animal within two years of a first offense, it is mandatory that the animal either be spayed or neutered within one week after the owner claims the animal, whether it is a purebred or mixed breed or permanently removed from the boundaries of Decatur County and the municipalities within. If the animal is spayed or neutered a sworn, notarized statement from a veterinarian, licensed to practice veterinary medicine in the state, must be received by animal control within ten working days following the animal's release from animal control. Such statement must state that the animal has been spayed, neutered or euthanized by the veterinarian, in compliance with this ordinance, or must explain in detail that for health reasons, the animal cannot be spayed or neutered. The owner of such animal will be considered in violation of this ordinance for failure to remove the animal from Decatur County and the municipalities within or to submit a veterinarian's statement, and shall be guilty of a misdemeanor and subject to a fine of up to \$500.00 and/or imprisonment and jail for a period not to exceed 60 days, or both. A \$250.00 fine will be imposed for the second offense, and is in addition to the cost of any spaying or neutering.
- (e) Should the animal be impounded or the owner be cited for a third offense within two years of a first offense, or for any subsequent offenses within two years of two previous offenses, a \$500.00 fine will be imposed against the owner.
- (f) If for any reason an animal is impounded and not claimed after proper notification imposed by this section, and if the owner is identified by a rabies or license tag on the animal or can be identified by witnesses, the owner will be considered in violation of this ordinance for the offense of abandoning the animal and shall be guilty of a misdemeanor and subject to a fine of up to \$500.00 and/or imprisonment and jail for a period not to exceed 60 days, or both.
- (g) If an animal is impounded and not claimed, the owner shall be conclusively presumed to have given his consent to the adoption of the impounded animal or to have given his consent to the disposal of the animal in a humane fashion in accordance with O.C.G.A. § 4-11-5.1.
- (h) If any animal is not claimed as provided within this chapter, the director of the animal shelter or his authorized representative, in his sole discretion, and after he has satisfied himself that such animal is in good health, may offer the animal for adoption. All animals offered for adoption must be spayed or neutered and must be given a rabies shot. A sworn, notarized statement from a veterinarian, licensed to practice veterinary medicine in the state of Georgia or Florida, must be received by animal control within ten working days following the adoption. Such statement must state that the animal has been spayed or neutered by the veterinarian or must explain in detail that, for health reasons, the animal cannot be spayed or neutered. The owner of such animal will be considered in violation of this ordinance for failure to submit a veterinarian's statement, and shall be guilty of a misdemeanor and subject to a fine of up to \$500.00 and/or imprisonment for a period not to exceed 60 days, or both.

SEC. 10-7. - PRECAUTIONS TO BE TAKEN BY OWNERS OF MALICIOUS ANIMALS OR FOWL
(EXCLUDING DOGS).

- (a) The term "malicious animal/fowl" means:
 - (1) Any animal/fowl which attacks, bites or injures humans, other animals or fowl without provocation;
 - (2) Any animal/fowl which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation;

- (3) Any animal/fowl which has on one or more occasions caused injury to other living creatures without provocation; or
- (4) Any animal/fowl which constitutes a physical threat to human beings or domesticated animals by one or more attacks without provocation of severity to cause physical injury.
- (5) Animals classified as malicious under this section must be registered in the Bainbridge- Decatur County Planning Department located in the City Hall of Bainbridge.
- (b) An animal/fowl is not considered malicious if it attacks, bites or menaces anyone attacking the owner, unlawful trespassers on the property of the owner, or any person or animal that has tormented or abused it, or if it is defending its young or another animal.
- (c) No person owning or having custody or control of any animal/fowl known to be malicious shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.
- (d) It shall be the duty of every owner of any malicious animal/fowl, or anyone having any animal in his possession or custody, to ensure that the malicious animal/fowl is kept under restraint and that reasonable care and precautions are taken to prevent malicious animal/fowl from leaving, while unattended, the real property limits of its owner, custodian or keeper, and it is securely and humanely enclosed within a house, building, fence, pen, or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own volition; and such enclosure must be securely locked at any time the animal is left unattended.
- (e) For owners of malicious animals/fowl who maintain their animal/fowl out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence the malicious animal/fowl must be humanely confined inside a pen or kennel of adequate size. The pen or kennel shall not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides, with a secure top attached to all sides, and the sides must be securely set into the ground or onto a concrete pad or securely attached to a wire bottom. The gate to the kennel must be locked.
- (f) A malicious animal shall not be upon any street or public place except when securely restrained by a leash not more than six feet in length and humanely muzzled and in the charge of a competent person.
- (g) Whenever outside of its enclosure as provided for in subsections (d) and (e) of this section, but on the owner's property, a malicious animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape.
- (h) No malicious vicious animal/fowl shall be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure.
- (i) A warning sign (e.g., DANGER MALICIOUS ANIMAL ON SITE) shall be conspicuously posted denoting a malicious animal/fowl is on the premises. Signs shall be provided by Animal Control, a fee will be charged for the sign when the animal is registered with the Marshals Office. Fee for said sign shall be on the list of fees kept in accordance with this Article.
- (j) Failure to keep any animal/fowl confined or under restraint as provided for in subsections (d) and (e) of this section, shall be unlawful and shall be punishable as provided in this ordinance.
- (k) Any malicious animal/fowl shall be deemed to be a nuisance and may be abated as a nuisance in accordance with the laws of the state.

SEC. 10-8. - ABANDONMENT OF ANIMALS.

IT shall be unlawful for anyone to knowingly abandon any domesticated animal within Decatur County or the municipalities within on any property public or private. Each person who does abandon, knowingly or willingly permits such abandonment, or aids in the abandonment of any domesticated animal shall be in violation of the law and shall be punished as provided in this ordinance.

SEC. 10-9. - CRUELTY TO ANIMALS.

No person shall, by act, omission or neglect, cause unjustifiable physical pain, suffering or death to any animal, nor shall any person harm, maim, or kill any dog or attempt to do so, except that a person may:

- a) Defend his or her person or property, or the person or property of another, from injury or damage being caused by a dog; or
- b) Kill any dog causing injury or damage to any livestock, poultry, or pet animal.

This section shall not apply to the killing of animals raised for the purpose of providing food, nor does it apply to any person who shall hunt wild animals in compliance with the game and fish laws of the state. Furthermore, this section shall not apply to the killing or injuring of animals for humane purposes or in the furtherance of medical or scientific research.

SEC. 10-10. - DEAD ANIMALS.

It shall be the duty of every person having an animal of any description which dies anywhere within Decatur County or the municipalities within to promptly bury the animal or remove the same beyond such limits upon notice from the Bainbridge-Decatur County Marshall's Office or animal control officer.

No person shall abandon a dead dog on any public property or public right of way unless the place in which the dog is being left is a public dump or other facility designed for receiving such and has been designated by the local governmental authorities as a public facility for receiving trash or refuse and the provisions of O.C.G.A. Code Section 4-5-3 are complied with in full.

SEC. 10-11. - BURNING DEAD ANIMALS PROHIBITED.

It shall be unlawful for any person to burn any dead animal within Decatur County or the municipalities within.

SEC. 10-12. - BIRD SANCTUARY DESIGNATED.

The area embraced within the corporate limits of the City of Bainbridge developed for industrial, business or residential use is hereby designated as a bird sanctuary.

SEC. 10-13. - TRAPPING, HUNTING, MOLESTING BIRDS AND NESTS PROHIBITED; EXCEPTION.

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wildfowl or to rob bird nests or wildfowl nests; however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities, the health authorities shall meet with representatives of the Audubon Society and Federated Garden Clubs of Bainbridge, after having given at least three days' notice of the time and place of such meeting to the representatives of such clubs. If as a result of the meeting no satisfactory alternative is found to abate the nuisance, the birds and nests may be destroyed in such numbers and in such a manner as is deemed advisable by the health authorities under the supervision of the city manager or county administrator as appropriate. Nothing in this ordinance shall infringe upon the rights of those permitted under Georgia Law to legally harvest birds and wildfowl as provided for by the Georgia Department of Natural Resources.

SEC. 10-14. - RESERVED

SEC. 10-15. - SWINE; MINIMUM SIZE OF ENCLOSURE.

It shall be unlawful for any person to keep any hog or pig in any pen or enclosure of less than three acres within the city limits of Bainbridge. The restrictions of this section are not applicable to areas in unincorporated Decatur County or the incorporated areas of Attapulgus, Brinson or Climax.

SEC. 10-16. - FEES.

A schedule of fees to be collected pursuant to this chapter shall be adopted by the council and Board of Commissioners and kept on file by both governments' clerks and with the Bainbridge-Decatur County Planning Director.

SEC. 10-17. - PENALTIES FOR VIOLATION.

Any person who violates the terms of this chapter shall be punished as provided in section 1-7 of the Code of Ordinances of the City of Bainbridge except for penalties for violations specified in section 10-6 of this chapter.

SEC. 10-18. - RESERVED

SEC. 10-19. - CONTROL AND VACCINATION.

THIS SECTION IS APPLICABLE TO UNINCORPORATED DECATUR COUNTY AND ALL OF THE MUNICIPALITIES WITHIN:

- a) Rabies control and vaccination of dogs, cats, and ferrets shall be enforced under the provisions of Georgia State Law and Decatur County Board of Health. Rules for Rabies Control, adopted in its entirety, as attached to this ordinance can be found in Section 10-56.
- b) It shall be unlawful for any domesticated animal over three months of age to be kept within Decatur County unless a veterinarian, licensed to practice veterinary medicine in the state, has vaccinated the animal for rabies. Such animal shall wear, displayed upon a collar worn around its neck, a tag furnished by the veterinarian, which shall show the date of vaccination. All animals must be vaccinated within thirty (30) days of being brought into the city/county.
- c) Should any domesticated animal be found running at large within Decatur County without the aforementioned tag the Bainbridge-Decatur County Marshall's Office, the animal control officer or his authorized representative is authorized to immediately take possession of such animal and impound it in the animal shelter as provided for in section 10-5(c) of this chapter.

SEC. 10-20. - ANIMAL CARE.

It shall be the responsibility of the owner of any dog, cat or other domesticated animal to insure that the dog, cat or other domesticated animal has access to adequate care, adequate exercise, adequate feed, adequate shelter, adequate space and adequate water.

SEC. 10-21. - KEEPING OF SICK OR DISEASED ANIMALS.

It is unlawful for any person to own any animal which is seriously sick or injured without providing proper veterinary care for such animal. This section shall not be construed to include animals under active veterinary care or veterinary hospitals.

SECS. 10-22—10-34. - RESERVED.

ARTICLE II. - DOGS

SEC. 10-35. - COMMERCIAL GUARD/SECURITY DOGS.

- a) It shall be the duty of all persons who keep, use or maintain any guard/security dog to have signs conspicuously posted on the premises where the guard/security dog is located to warn of the presence of the dog. This warning shall consist of a warning sign placed at each entrance and exit to the premises and in a position to be legible from the sidewalk or ground level adjacent to the sign (eye level). If the premises are not enclosed by a wall or fence, a sign shall be placed at every entrance and exit to each structure on the premises in which a guard/security dog is located. Each sign shall measure at least ten inches by 14 inches and shall contain block lettering stating "Warning, Guard Dog on Duty." In addition, for dogs rented or leased, the sign shall set forth the name, address and phone number of the responsible person to be notified during any hour of the day or night.
- b) It shall be the duty of all persons who keep, use or maintain a guard/security dog to ensure the dog is vaccinated against rabies and licensed as required by the laws and ordinances of the city/county and the state. The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by the laws and ordinances of the city/county and the state.
- c) It shall be unlawful to transport any guard/security dog in an open bed truck, and the vehicle transporting guard dogs shall be identified as to the business owner.

SEC. 10-36. - DOG TETHERING.

- a) No person shall tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object.
- b) Notwithstanding subsection (a), a person may do any of the following:
 - 1) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke collar or pinch collar.
 - 2) Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a period not to exceed one hour.

SECS. 10-37—10-44. - RESERVED.

ARTICLE III. – RESPONSIBLE DOG OWNERSHIP

SEC. 10-44. - INTENT

It is the intent of this ordinance to be in compliance with Responsible Dog Ownership Law of the State of Georgia (O.C.G.A. 4-8-21 to 4-8-33). If any portion of the following section, or any portion of the Bainbridge-Decatur County Animal Control Ordinance is in conflict with the Official Code of Georgia Annotated, the state law shall prevail.

SEC. 10-45. – DEFINITIONS

Classified dog: means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this article.

Dangerous dog: means any dog that:

- 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;
- 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
- 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.

Local government: means Decatur County or any municipality within.

Owner: means any natural 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 a dog. In the case of a dog owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.

Serious injury: means any physical injury 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.

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 dangerous dog or 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. No dog shall be classified as a dangerous dog or a vicious dog 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 O.C.G.A.

SEC. 10-46. – VICIOUS/DANGEROUS DOG PROCEDURE FOR INVESTIGATION

- a) For purposes of this Code section, the term:
 - o (1) "Animal shelter" shall have the same meaning as set forth in Code Section 10-1.
 - o (2) "Authority" means an animal control board or local board of health, as determined by the governing authority of a local government.
 - o (3) "Mail" means to send by certified mail or statutory overnight delivery to the recipient's last known address.
- b) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within Decatur County or any of the municipalities within, the animal control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
- c) When an animal control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal control officer shall mail a dated notice to the dog's owner within

72 hours. Such notice shall include a summary of the animal control officer's determination and shall state that the owner has the right to request a hearing from the magistrate court for such jurisdiction where the dog was found or confiscated 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 animal control officer's determination shall become effective for all purposes under this article. If an owner cannot be located within ten days of an animal 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 animal control officer.

- d) When a hearing is requested by a dog owner in accordance with subsection (c) of this ordinance section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the probate court for good cause shown. At least ten days prior to the hearing, the probate court conducting the hearing shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the magistrate court conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the animal control officer's determination.
- e) Within ten days after the hearing, the magistrate court which conducted the hearing 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 determination shall be effective. If the determination is that the dog is to be euthanized pursuant to O.C.G.A. 4-8-26, the notice shall specify the date by which the euthanasia shall occur.
- f) Judicial review of a magistrate court's final decision shall be in accordance with O.C.G.A. 5-3-2 and costs shall be paid as provided in O.C.G.A. 5-3-22.

SEC. 10-47. - IMPOUNDMENT

An animal control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.

SEC. 10-48. - COURT ORDERED EUTHANASIA

The superior court judge of Decatur County may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided by Section 10-46, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:

- a) 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
- b) Any local governmental authority has filed with the court a civil action requesting the euthanasia of the dog.

SEC. 10-49. - EUTHANASIA FOR REPEAT OFFENDERS

A dog that is found, after notice and opportunity for hearing as provided by Section 10-46, 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. 10-50. - CERTIFICATES OF REGISTRATION

- a) It shall be unlawful for an owner to have or possess within Decatur County or the municipalities within a classified dog without a certificate of registration issued in accordance with the provisions of this ordinance. 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 Code section, a certificate of registration for a dangerous dog shall be issued if the animal 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 Code section, a certificate of registration for a vicious 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 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 this article.
- 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 O.C.G.A. 17-10-6.1;
 - (2) The felony of dogfighting as provided for in O.C.G.A. 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. 16-12-4; or
 - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. 16-13-31 and 16-13-31.1 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, an animal control officer shall verify that the owner is continuing to comply with provisions of this article. Failure to renew a certificate of registration

within ten days of the renewal date or initial classification date shall constitute a violation of this article.

SEC. 10-51. – NOTIFICATIONS BY OWNER

- a) The owner of a classified dog shall notify the animal 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.
- b) 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.
- c) 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 animal control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into Decatur County or any of the municipalities within shall register the dog as required in Section 10-50 within 30 days of becoming a resident.

SEC. 10-52. – LIMITATIONS ON DOG'S PRESENCE OFF OF OWNER'S PREMISES

- a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:
 - 1) 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;
 - 2) The dog is contained in a closed and locked cage or crate; or
 - 3) The dog is working or training as a hunting dog, herding dog, or predator control dog.
- b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:
 - 1) 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:
 - 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
 - The dog is contained in a closed and locked cage or crate; or
 - 2) Unattended with minors.
- c) A person who violates subsection (b) of this Code section shall be guilty of a misdemeanor of high and aggravated nature.
- d) An owner with a previous conviction for a violation of this article whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than \$5,000.00 nor more than \$10,000.00, or both. In addition, the classified dog shall be euthanized at the cost of the owner.

- e) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.

SEC. 10-53. – CONFISCATION BY AN ANIMAL CONTROL OFFICER

- a) A dangerous dog or vicious dog shall be immediately confiscated by any animal control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.
- b) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by an animal control officer, an authority, as defined in Section 10-46, or a probate court. All fines and all charges for services performed by a law enforcement or animal 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.
- c) In the event the owner has not complied with the provisions of this article 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 10-1, or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

SEC. 10-54. – LIABILITY FOR ENFORCEMENT

Under no circumstances shall a local government or any employee or official of a local government be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

SEC. 10-55. - PENALTY FOR VIOLATION

Except as otherwise specified in this article, any person who violates any provision of this article shall be guilty of a misdemeanor.

SEC. 10-56. – RULES FOR RABIES CONTROL (PER Decatur County Health Department)

Dangerous dog: means any dog that:

- 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;
- 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
- 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.

Vaccine: The word "vaccine" shall mean an injectable material containing killed or attenuated rabies

virus, licensed by the United States Department of Agriculture, Veterinary Biologics Section, and approved by the Georgia Department of Human Resources. Vaccine used for the purposes of this Rule shall be stored at the temperature prescribed on the package label. Out-dated vaccine shall not be used.

Vaccinate or "Inoculate": The words "vaccinate" and "inoculate" shall mean the injection of a specified dose of antirabic vaccine by a veterinarian into the proper site of an animal, such vaccine having the U.S. Department of Agriculture Veterinary Biologics Control Section license number approval stamped on the label of the container and having been approved by the Georgia Department of Human Resources.

Veterinarian: The word "veterinarian" shall mean any person who holds a license to practice the profession of veterinary medicine in the State of Georgia, or has a degree of Doctor of Veterinarian Medicine.

Rabies Vaccination Tag: The term "rabies vaccination tag" shall mean a tag furnished or approved by the Georgia Department of Human Resources and which tag shall be worn by the vaccinated dog, cat, or ferret.

Certificate: The word "certificate" shall mean a certificate of vaccination on a form furnished or approved by the Georgia Department of Human Resources.

Rabies Control Fee: The term "rabies control fee" shall mean that surcharge (fee) authorized by the State Health code and levied by the county of residence at the time of rabies immunization of a pet animal in a private or public clinic. This fee is to be collected by the veterinarian and forwarded to the County Clerk of the county of the animal owner's residence. The "rabies control fee" is not to be confused with any fees associated with licensing or registering pet animals, or the fee that shall be charged by the veterinarian for performing the vaccination.

Person: The word "person" shall mean any individual, firm, corporation, partnership, municipality, county, society, or association.

Owner: The term "owner" shall mean any person having a right of property in a dog, cat or ferret, or any person who permits a dog, cat or ferret to remain on his premises.

Health Department: means the Decatur County Health Department or in the absence of a functioning health department, the Decatur County Board of Health.

(1) Provisions

(A) Vaccination of Dogs, Cats or Ferrets.

Within 30 days following the passage of this Rule every owner of a dog, cat or ferret three months of age or older shall cause such animal to be vaccinated against rabies as defined by this Rule. Dogs, cats or ferrets will be re-vaccinated one year later. When dogs, cats or ferrets one (1) year of age or older are vaccinated with vaccines accepted by the Department for providing a three (3) year duration of immunity, boosters will be required every three years.

(B) Certificate of Vaccination

- 1) Evidence of vaccination shall consist of a certificate of vaccination. The certificate with each item answered shall be prepared in triplicate and signed by the veterinarian administering the vaccine. One copy of the certificate

shall be given to the owner, one filed with the Decatur County Health Department, and one copy retained by the veterinarian.

- 2) Any veterinarian is authorized and required in connection with his practice to issue certificates of vaccination and vaccination tags provided he furnished one copy to the animal's owner, one copy to the Decatur County Health Department, and retains one copy for his files.
- 3) The certificates of vaccination furnished to the Decatur County Health Department shall be maintained in an orderly indexed file for a period of not less than three (3) years.
- 4) In the event a tag is lost, a duplicate may be obtained from the veterinarian who treated the animal, bearing the same expiration date as the original.

(B) Vaccination Tags

Coincident with the issuance of the certificate of vaccination, the person authorized to furnish the certificate also furnish to the owner of the vaccinated dog, cat or ferret a serially numbered tag bearing the same number and year thereon attached to the collar or harness worn by the dog, cat or ferret for which the certificate and tag have been issued.

(C) Rabies Control Fee

Veterinarians are required to collect a rabies control fee of 50¢ per animal vaccinated for rabies. This fee is in addition to, and not to be confused with, the professional veterinary fee for rabies immunizations. This fee must accompany the Health Department's file copy of the certificate of vaccination when it is submitted to the county clerk or other competent fiscal authority of the county. Both fee and file copy of the certificate should be delivered to the Health Department not later than the 15th of the month following the month of immunization.

(D) Clinics

- 1) In accordance with the direction of the Board of Commissioners and City Council as appearing on its minutes the Director shall operate or cause to be operated county-sponsored clinics for the vaccination of dogs, cat and ferrets against rabies.
- 2) Vaccination will be performed by a veterinarian or under his direct supervision. Payment of services shall be derived from vaccination fees.
- 3) The vaccination fee for such clinics, including the administering and cost of the vaccine, the issuance of certificates and tags, and other necessary expense shall be predetermined by the County Board of Health at least 15 days in advance of a scheduled clinic. Public notice of the schedule of the clinics shall be made by the Director also at least 15 days in advance of the first clinic appearing on the schedule. Such notice shall include the schedule of each clinic including the day, the hour, the place and the vaccination fee.
- 4) In emergencies or during quarantine, the 15 days notice prior to the operation of a clinic shall not apply.

(E) Rabies Control Officer

- 1) A rabies control officer who is knowledgeable of animals shall be appointed by the Board. This official will be an employee of the county health department. Funds for his salary will be derived in part from the special rabies control fee levied at the time of the rabies vaccination of dogs, cats, ferrets and other pet animals.
- 2) Duties of the rabies control officer will include:
 - i. Investigate and maintain a record of animal bites in the county.
 - ii. Provide for proper confinement of an animal involved in a bite; or if the animal is dead or killed, preparation and submission of the head for laboratory examination.
 - iii. Enforce proper disposition of animals exposed to known rabid animals.
 - iv. Provide stray animal pickup service in relation to Rabies Control.
 - v. Assist in rabies immunization clinic
 - vi. Other duties as stated in the rabies control regulations or as ordered by the Director.

(F) Confinement of Dogs, Cats, Ferrets or Other Animals

- 1) The rabies control officer will maintain enforcement of all regulations pertaining to confinement of dogs, cats, ferrets or other animals.
- 2) The owner of any dog, cat, ferret or other animal as defined in this section shall confine or cause to be confined such dog, cat, ferret or other animal as herein prescribed:
 - i. A dog, cat, ferret or other animal, whether vaccinated or not, which has bitten a person (or other animal) shall be confined for a period of ten (10) days following the date of the bite. Before being released, the animal must be vaccinated.
 - ii. A dog, cat, ferret or other animal whether vaccinated or not, having signs suggestive of rabies shall be confined and in isolation until its death or until its freedom from suspicion of having rabies is established and its release is authorized by the Director or his designee.
 - iii. A dog, cat, ferret or other animal not vaccinated and bitten by a known or suspected rabid animal shall be immediately destroyed or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in an approved pen for 6 months shall be enforced. One month prior to release, the dog shall be vaccinated according to prescribed methods.
 - iv. Any dog, cat, ferret or other animal, the rabies vaccination of which is current as evidenced by the certificate of vaccination and which is bitten by a known or suspected rabid animal, may be revaccinated, confined in an approved manner for forty-five (45) days, and then released if no

signs of rabies are evident.

- v. Every dog, cat and ferret whether vaccinated or not in a quarantined area shall be kept confined to the owner's or custodian's premises during the entire quarantine period.
- vi. Any dog, cat or ferret less than three (3) months old shall be confined to the owner's premises or kept on leash.
- vii. Any dog, cat or ferret brought into Decatur County for a permanent stay from outside the county shall be confined or on leash until vaccinated as provided for by this rule except, however, that when the owner of such dog, cat or ferret produces evidence satisfactory to the Director that such animal has been vaccinated in a manner and by procedures comparable to the requirements of this Rule, then a certificate of vaccination and a vaccination tag may be issued for the current vaccination year.
- viii. Any dog, cat or ferret brought into Decatur County on temporary stay not exceeding fourteen (14) days shall be confined or on a leash at all times; except, however, that if the owner or custodian of such dog, cat or ferret submits evidence to the Director that such dog, cat or ferret has been vaccinated in a manner and by procedures comparable to the requirements of this Rule, the Director may waive the requirement that said dog, cat or ferret be confined or on a leash.
- ix. Any dog, cat, ferret or other animal running at large shall be impounded for a minimum of three (3) days unless reclaimed earlier by the owner. If the animal bears vaccination and /or license tags, a reasonable effort to locate the owner shall be made. Any unvaccinated (and/or unlicensed) dog, cat or ferret may be reclaimed by its owners during the period of impoundment by payment of prescribed pound fees and by the giving of satisfactory assurances of compliance with the rabies vaccination requirements of this ordinance within 72 hours of release. Any vaccinated dog, cat or ferret impounded because of lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(G) Confinement Area Facility

The area or facility to which any dog, cat, ferret or animal is confined in compliance with the provisions of this Rule shall be subject to the approval of the Director. The confinement area or facility may include either a pound, a kennel, an animal hospital, or other place which provides:

- 1) Construction and management which will keep the animal dry and clean and prevent its escape.
- 2) A method and procedure for the identification of the animal and the recording of the date of its admission to the area or facility.
- 3) Assurance that the animal will have safe and adequate water and food.
- 4) Adequate space for the animal's exercise.
- 5) Protection against excessive heat and cold.

- 6) Space, cages, pens, and other necessary equipment to isolate the animal for its protection against injury and infectious disease.

(H) Reporting

The owner or custodian of any animal having signs suggestive of rabies shall confine the animal and immediately notify the Director, reporting any information regarding any persons bitten or attacked by said animals.

(2) ADMINISTRATION AND ENFORCEMENT

(A) Enforcement

- 1) The Board of Health hereby instructs the rabies control officer to enforce the above rules and regulations. The rabies control officer is authorized and instructed to make cases against anyone who violates one or more provisions of these regulations.
- 2) The rabies control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of these rules and regulations. Law enforcement agencies of local governments and the sheriff of the county shall cooperate with the rabies control officer in enforcing the provisions of these rules and regulations.
- 3) Enforcement of this rule will be in accordance with O.C.G.A. 31-5-1 et.seq. and Rule I adopted and promulgated by the County Board of Health.

(B) Penalty

Any person who violates any provision of these rules and regulations shall be guilty of a misdemeanor as stated under O.C.G.A., § 31-19-10.

(3) REPEAL.

All Rules and Regulations or any part thereof in conflict with the above and foregoing Rules and Regulations are hereby repealed.

(4) SEVERANCE CLAUSE:

If any action, subsection, clause, provision or portion of this regulation shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision, or portion of this regulation which is not in and of itself invalid or unconstitutional.

(5) POWER TO ENTER

It shall be the duty of the representative of the Board of Health to enforce these rules and the Health Officer, Public Health Engineer or Sanitarian, County Environmental Health Specialist or District Environmentalist for the County, or authorized person accompanying a Board of Health representative is hereby authorized to enter at any reasonable time, any premises as may be necessary for its enforcement.

(6) EFFECTIVE DATE.

These Rules and Regulations shall become effective

LEGAL AUTHORITY:

The Georgia Health Code - O.C.G.A. 31-19-1 et.seq. and O.C.G.A, 31-5-1 et. seq. as amended.

SEC. 10-57. – OPERATIONAL PROCEDURES FOR DOG BITE CASES

Once a call is received from 911, Law Enforcement, Rabies Officer or any other County Official dealing with a dog bite case against a human being or other animals from an aggressive, potential dangerous, dangerous or vicious dog, the following procedures will take place. OCGA 4-8-41.

1. The Law Enforcement Officer will do a Bite Report and the Animal Control Officer/Dog Control

the 17th day of March, 2005

Date Adopted February 15, 2005

Signed Spaulce P. Davis
Chairman, Decatur County Board of Health

Signed Shaundra Jenkins
Secretary, Decatur County Board of Health

Signed J. Paul Newell, M.D.
J. Paul Newell, MD, District Health Director, 8-2

Office will investigate case, i.e. interview and take statements from victim, witnesses, and owner of animal.

2. Animal Control Officer/Dog Control Officer may quarantine the dog at the owner's property or impound dog for a time period consistent with Animal Control Ordinance. (The dog will be located at the Humane Society Shelter/ Animal Shelter). In the absence of the Animal Control Officer, a Law Enforcement Officer will have the authority to impound the dog. (Note: Alternate quarantine location can be decided by the Animal Control Officer after investigation of the bite case.)
3. The dog will be observed for rabies by the Decatur County Environmental Health Office, consistent with O.C.G.A. § 31-19-4, and by the Animal Control Officer/Dog Control Officer for aggressive behavior for a time period consistent with Animal Control Ordinance.

4. After the time limit wait period is over and the animal is free of signs of rabies and dog is not labeled as a potential dangerous, dangerous, vicious dog the owner will pay fees to the shelter, and the Animal Control Officer/Dog Control Officer will release the animal after the Rabies Officer signs the release.
5. If the dog is labeled as a potential dangerous, dangerous or vicious dog the Animal Control Officer/Dog Control Officer will notify in writing and deliver by certified mail the classification of the dog to the owner. The owner will have to comply with the following rules within 20 days of the ruling. If he wishes to appeal it must be done at the local governing body at a scheduled meeting within 15 days of notification:
 - a. House the dog in a properly fenced area big enough for the dog to have room to move around, a top and a bottom to prevent escape, provide proper shelter food and water.
 - b. Signs posted notifying of the dangerous dog
 - c. Surety Bond of at least \$75,000
 - d. Pay all fees associated with the impoundment and registration requirements set by Animal Control Ordinance.
 - e. Must be vaccinated and registered with the Planning Department.
 - f. Must meet all other requirements of the Decatur County Animal Control Ordinance.
6. If the dog is not vaccinated the owner will do so within twenty-four hours of release and give the Animal Control Officer/Dog Control Officer a copy of the certificate of vaccination. If the owner does not comply he shall be cited for not complying with the State Rabies Control Law, Rule II and the Decatur County Animal Control Ordinance.

ARTICLE IV. – BAINBRIDGE-DECATUR COUNTY ANIMAL CONTROL FINES/FEES

SEC. 10-58. – ANIMAL CONTROL FINES/FEES

Offense/Violation	Fine/Fee
Animal Running At Large (Sec. 10-2)	\$135
Public Nuisance of Animal (Sec. 10-1)	\$130
Dog Tethering (Sec. 10-36)	\$500 Minimum
Vicious Animal (Sec. 10-7)	\$130
Impounded Animal (Sec. 10-6)	\$130

Leash Law Violation (Bainbridge) (Sec. 10-4)	\$135
Rabies Vaccination (Sec. 10-19)	\$130
Animal Care (Sec. 10-20)	\$500 Minimum
Cruelty to Animals (Sec. 10-9)	\$655 Minimum
Improper Disposal of Animal (Sec. 10-10 & 10-11)	\$275

City of
BAINBRIDGE
GEORGIA

City of Bainbridge Alcohol License Checklist

LICENSE # 1353

CITY COUNCIL MEETING DATE 2/15/2022

NEW RENEWAL AMENDED

TYPE OF LICENSE APPLYING FOR:

CLASSIFICATION OF LICENSE						
Distilled Spirits Consumption Fee: \$2,400.00 Late Fee: \$100	Package Store Fee: \$3,125.00 Late Fee: \$100.00	Malt Beverage Retail <input checked="" type="checkbox"/> Fee: \$150.00 Late Fee: 100.00	Wine Package Retail <input checked="" type="checkbox"/> Fee: \$200.00 Late Fee: \$100.00	Malt Beverage Consumption Retail Fee: \$300.00 Late Fee: \$100.00	Wine Consumption Retail Fee: \$300.00 Late Fee: \$100.00	Bar Fee: \$4,800.00 Late Fee: \$100.00

Amended Fee: \$100 Initial Application Fee: \$100

NAME OF BUSINESS Family Dollar Stores of Georgia, LLC dba

STREET ADDRESS OF BUSINESS Family Dollar Store #21132
303 S. Scott St.

NAME OF APPLICANT/OWNER Farnessa Boldin

NAME OF MANAGER Farnessa Boldin

- Completed Application
- Paid Fee
- Signature of Applicant and/or Property Owner
- Distance statement and Approval from Chief Marshall/Building Official JP
- Personal Statement
- Notarized Affidavits if applicable (**required for new owner and manager**)
- Copy of Driver's License or current Photo Identification
- Background Check Payment: YES NO
- Privacy Rights (Applicant retains a copy)
- Approval by Director of Public Safety RW
- Approval by Director of Administrative Services JAT
- Approval by City Manager and/or, Mayor and City Council _____



APPLICATION FOR ONE-DAY ALCOHOL LICENSE

LICENSE# 8661

CITY COUNCIL MEETING 2/15/2022

Applicant Name: Randee Eubanks

Manager Name: _____

Business Name: Bainbridge-Decatur Co. Chamber

Address: 100 Boat Basin Circle
of Commerce

Date of the Event: 3/12/2022

- Completed application ✓
- Paid License fee ok
- Signature of applicant and/or property owner ✓
- Distance statement from Chief Marshal ok
- Personal Statement ✓
- Notarized Affidavits ok
- Fingerprint payment (if applicable) ___ YES ___ NO
- Privacy Rights ✓
- Approval by Director of Public Safety WAW
- Approval by Director of Administration Services AT
- Approval by City Council _____

BAINBRIDGE-DECATUR COUNTY PLANNING COMMISSION

February 8, 2022

6:00 p.m.

City Council Chambers

MINUTES

MEMBERS PRESENT: Frank Flowers, John Marshall, Zach McLendon, Alan Davis, Lachanda Mackey

MEMBERS ABSENT: Valerie Stubbs, Kennan Adams

OTHERS PRESENT: Steve O'Neil, Rachel Trolinger, Edith Miller, Guillermoi Sanchez, America Lenza

I. CALL TO ORDER

Chairman Frank Flowers called the meeting to order at 6:00 P.M. then gave the invocation.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Minutes from the January 11, 2022 meeting were presented to the Planning Commission. Commissioner Marshall made a motion to approve the minutes, seconded by Commissioner Davis and passed unanimously.

III. NEW BUSINESS

ITEM 1: CU-2022-001: Applicants Guillermo Sanchez and America Lenza (Sanchez Lenza LLC) are requesting a conditional use for a Short Term Rental in a UR-6 zone. The property (Parcel ID: B0510039) is located at 1101 Tallahassee Road and is 0.71 acres.

Ms. Lenza came forward and spoke on the request for approval of a conditional use for a Short-Term Rental in a UR-6 zone. Ms. Lenza stated that they were from Miami and were relocated to Bainbridge for Taurus. They bought the house 3 years ago but decided to move back to Miami. Ms. Lenza explained to the commission that her husband would be coming to Bainbridge 10 days out of each month to stay in the house but they would like to rent it out as an Airbnb the remaining days of each month to help pay on the mortgage. Chairman Flowers asked her if she had a population that she was targeting and she stated that she was targeting families with children and pets.

Steve O'Neil gave staff opinion. Mr. O'Neil stated that there is a great market for Airbnbs in this area.

With no more discussion, Chairman Flowers called for a motion.

Commissioner McLendon made a motion to conditional use for a Short-Term Rental in a UR-6 zone. Commissioner Marshall seconded the motion, and the vote was passed unanimously.

- IV. **Old Business:** The Avenue C Overlay District draft was discussed and reviewed to make sure it is acceptable when it is presented to City Council.

Commissioner Marshall made a motion to accept the Avenue C Overlay draft to be presented to City Council, Commissioner McLendon seconded the motion, and the vote was passed unanimously.

- V. **Adjournment:** There being no more business, the meeting was adjourned.

Dr. Frank Flowers, Chairman

City of Bainbridge
First Quarter FY22 Financials

	2022 Budget	1st Quarter Budget	1st Quarter Actual
Fund: 100 General Fund			
Revenue			
31 - Taxes	\$7,138,117.00	\$ 3,005,894.71	\$ 2,904,927.74
32 - Licenses and permits	\$194,250.00	\$ 48,562.47	\$ 42,910.50
33 - Intergovernmental	\$477,480.00	\$ 36,500.01	\$ 68,139.49
34 - Charges for services	\$47,800.00	\$ 7,750.01	\$ 43,600.38
35 - Fines and forfeitures	\$220,000.00	\$ 54,999.99	\$ 57,268.55
36 - Interest income	\$0.00	\$ -	\$ 297.12
37 - Contributions & Donations Private	\$0.00	\$ -	\$ 1,325.00
38 - Miscellaneous	\$162,000.00	\$ 40,499.99	\$ 7,622.74
39 - Other financing sources	\$5,350,587.00	\$ 1,253,796.72	\$ 1,618,841.34
Revenue Totals	\$13,590,234.00	\$ 4,448,003.90	\$ 4,744,932.86
Expenditures			
Fund: 100 General Fund			
51 - Personal services	\$8,828,706.00	\$ 2,295,463.56	\$ 2,593,340.14
52 - Purchase and contracted services	\$2,292,768.00	\$ 596,119.68	\$ 638,107.68
53 - Supplies	\$760,610.00	\$ 197,758.60	\$ 219,150.36
54- Capital Outlay	\$196,500.00	\$ 51,090.00	\$ 25,572.40
57 - Other Cost	\$808,477.00	\$ 210,204.02	\$ 212,183.64
58 - Debt Service	\$37,905.00	\$ 9,855.30	\$ 37,905.03
61 - Other financing uses	\$665,268.00	\$ 172,969.68	\$ 110,688.22
Expenditures Totals	\$13,590,234.00	\$3,533,460.84	\$3,836,947.47
Revenue Totals	\$13,590,234.00	\$4,448,003.90	\$4,744,932.86
Expenditures Totals	\$13,590,234.00	\$3,533,460.84	\$3,836,947.47
Fund Total: General Fund	\$0.00	\$914,543.06	\$907,985.39
Fund: 505 Utilities Water and Sewer			
Revenue			
34 - Charges for services	\$6,154,132.00	\$ 1,538,533.00	\$ 1,420,973.26
36 - Investment income	\$650.00	\$ 162.50	\$ 200.00
38 - Miscellaneous	\$7,332,914.00	\$ 1,833,228.50	\$ 7,873.68
39 - Other financing sources	\$85,031.00	\$ 21,257.75	\$ 1,249,259.90
Revenue Totals	\$13,572,727.00	\$3,393,181.75	\$2,678,306.84
Expenditures			
Water and Sewer			
51 - Personal services	\$1,300,771.00	\$ 325,192.75	\$ 399,827.95
52 - Purchase and contracted services	\$566,358.00	\$ 141,589.50	\$ 148,714.44
53 - Supplies	\$647,450.00	\$ 161,862.50	\$ 151,625.93
56 - Depreciation	\$866,468.00	\$ 216,617.00	\$ 218,744.96
57 - Other costs	\$0.00	\$ -	\$ 3,330.31
58 - Debt service	\$9,401.00	\$2,350.25	\$ 1,252.70
61 - Other financing uses	\$3,213,195.00	\$ 803,298.75	\$ 803,298.75
Total Water and Sewer Expenditures	\$6,603,643.00	\$1,650,910.75	\$1,726,795.04
Revenue Totals	\$13,572,727.00	\$3,393,181.75	\$2,678,306.84
Expenditures Totals	\$6,603,643.00	\$1,650,910.75	\$1,726,795.04
Fund Total: Utilities Water and Sewer	\$6,969,084.00	\$1,742,271.00	\$951,511.80

City of Bainbridge
First Quarter FY22 Financials

	2022 Budget	1st Quarter Budget	1st Quarter Actual
Fund: 515 Gas			
Revenue			
34 - Charges for services	\$1,556,331.00	\$ 389,082.75	\$ 602,633.21
36 - Investment income	\$150.00	\$ 37.50	\$ 26.52
38 - Miscellaneous	\$70,000.00	\$ 17,500.00	\$ 568.50
39- Other financing sources	\$35,000.00	\$ 8,750.00	\$ 15,474.85
Revenue Totals	\$1,661,481.00	\$415,370.25	\$618,703.08
Expenditures			
Department 4700 Gas			
51 - Personal services	\$458,687.00	\$ 114,671.75	\$ 117,022.70
52 - Purchase and contracted services	\$138,730.00	\$ 34,682.50	\$ 78,491.91
53 - Supplies	\$884,650.00	\$ 221,162.50	\$ 424,353.49
56 - Depreciation	\$88,153.00	\$ 22,038.25	\$ 22,970.94
57 - Other Cost	\$0.00	-	\$ 215.46
58 - Debt Service	\$939.00	\$ 234.75	\$ 101.70
61 - Other financing uses	\$81,069.00	\$ 20,267.25	\$ 20,267.25
Department Total: Gas	\$1,652,228.00	\$413,057.00	\$663,423.45
Revenue Totals	\$1,661,481.00	\$415,370.25	\$618,703.08
Expenditures Totals	\$1,652,228.00	\$413,057.00	\$663,423.45
Fund Total: Gas	\$9,253.00	\$2,313.25	-\$44,720.37
Fund: 540 Sanitation			
Revenue			
34 - Charges for services	\$2,859,500.00	\$ 714,875.00	\$ 710,382.35
36 - Investment income	\$0.00	-	\$ 4.54
38 - Miscellaneous	\$60,000.00	\$ 15,000.00	\$ 10,697.60
39- Other financing sources	\$30,000.00	\$ 7,500.00	\$ 48,508.55
Revenue Totals	\$2,949,500.00	\$737,375.00	\$769,593.04
Expenditures			
Department 4700 Sanitation			
51 - Personal services	\$910,955.00	\$ 227,738.75	\$ 265,555.84
52 - Purchase and contracted services	\$719,070.00	\$ 179,767.50	\$ 236,361.73
53 - Supplies	\$62,800.00	\$ 15,700.00	\$ 33,976.29
56 - Depreciation	\$441,433.00	\$ 110,358.25	\$ 243,310.26
57 - Other Cost	\$0.00	-	\$ 492.09
58 - Debt Service	\$6,974.00	\$ 1,743.50	\$ 3,414.79
61 - Other financing uses	\$801,490.00	\$ 200,372.50	\$ 200,372.49
Department Total: Sanitation	\$2,942,722.00	\$735,680.50	\$983,483.49
Revenue Totals	\$2,949,500.00	\$737,375.00	\$769,593.04
Expenditures Totals	\$2,942,722.00	\$735,680.50	\$983,483.49
Fund Total: Sanitation	\$6,778.00	\$1,694.50	-\$213,890.45

City of Bainbridge
First Quarter FY22 Financials

	2022 Budget	1st Quarter Budget	1st Quarter Actual
Fund: 570 Telecommunication			
Revenue			
34 - Charges for services	\$508,044.00	\$ 127,011.00	\$ 128,909.75
36 - Investment income	\$25.00	\$ 6.25	\$ 9.45
38 - Miscellaneous	\$500.00	\$ 125.00	\$ -
39 - Other financing sources	\$351,031.00	\$ 87,757.75	\$ 87,757.74
Revenue Totals	\$859,600.00	\$214,900.00	\$216,676.94
Expenditures			
Department: 4750 Telecommunication			
52 - Purchase and contracted services	\$484,000.00	\$ 121,000.00	\$ 159,580.04
53 - Supplies	\$35,600.00	\$ 8,900.00	\$ 3,566.88
56 - Depreciation	\$40,000.00	\$ 10,000.00	\$ 10,222.06
57 - Other costs	\$300,000.00	\$ 75,000.00	\$ 75,000.00
Department Total: Telecommunications	\$859,600.00	\$214,900.00	\$248,368.98
Revenue Totals	\$859,600.00	\$214,900.00	\$216,676.94
Expenditures Totals	\$859,600.00	\$214,900.00	\$248,368.98
Fund Total: Telecommunication	\$0.00	\$0.00	-\$31,692.04
Fund: 600 Employee Benefits			
Revenue			
34 - Charges for services	\$2,914,132.00	\$ 728,533.00	\$ 744,070.46
36 - Investment income	\$675.00	\$ 168.75	\$ 80.67
38 - Miscellaneous	\$0.00	\$ -	\$ 10,703.83
Revenue Totals	\$2,914,807.00	\$728,701.75	\$754,854.96
Expenditures			
Department: 0000 Employee Benefits			
55 - Interfund/Interdepartmental	\$2,914,807.00	\$ 728,701.75	\$ 674,816.22
Department Total: Employee Benefits	\$2,914,807.00	\$728,701.75	\$674,816.22
Revenue Totals	\$2,914,807.00	\$728,701.75	\$754,854.96
Expenditures Totals	\$2,914,807.00	\$728,701.75	\$674,816.22
Fund Total: Employee Benefits	\$0.00	\$0.00	\$80,038.74
Fund: 605 City Shop			
Revenue			
34 - Charges for services	\$793,357.00	\$ 198,339.25	\$ 206,756.47
39 - Other financing sources	\$0.00	\$ -	\$ 21,982.68
Revenue Totals	\$793,357.00	\$198,339.25	\$228,739.15
Expenditures			
Department: 0000 City Shop			
51 - Personal services	\$395,587.00	\$ 98,896.75	\$ 119,228.77
52 - Purchase and contracted services	\$43,643.00	\$ 10,910.75	\$ 18,546.92
53 - Supplies	\$339,800.00	\$ 84,950.00	\$ 65,661.63
56 - Depreciation	\$12,664.00	\$ 3,166.00	\$ 3,166.09
58 - Debt Service	\$1,663.00	\$ 415.75	\$ 153.06
Department Total: City Shop	\$793,357.00	\$198,339.25	\$206,756.47
Revenue Totals	\$793,357.00	\$198,339.25	\$228,739.15
Expenditures Totals	\$793,357.00	\$198,339.25	\$206,756.47
Fund Total: City Shop	\$0.00	\$0.00	\$21,982.68

City of
BAINBRIDGE
 GEORGIA

First Quarter Financials 2022
General Fund

	October	November	December
Actual Revenues	\$ 2,263,847.34	\$ 888,569.38	\$ 1,592,516.14
Actual Expenses	\$ 1,387,099.05	\$ 1,318,712.78	\$ 1,131,135.64
CASH FLOW	\$ 876,748.29	\$ (430,143.40)	\$ 461,380.50
	\$ 876,748.29	\$ 446,604.89	\$ 907,985.39
Budgeted Revenues	\$ 1,965,361.55	\$ 936,802.34	\$ 1,545,840.00
Budgeted Expenses	\$ 815,414.04	\$ 1,087,218.72	\$ 1,630,828.08
Difference	\$ 1,149,947.51	\$ (150,416.38)	\$ (84,988.08)
Budgeted Cash Flow	\$ 1,149,947.51	\$ 999,531.14	\$ 914,543.06
DIFFERENCE BUDGETED CASH FLOW VS ACTUAL			\$ (6,557.67)

Unrestricted Cash on Hand \$1,833,360

CONTRACT CHANGE ORDER

Contract No. 2021-007	Order No. 3	Date February 3, 2022
Project Title: U.S. 84 Thomasville Road-Water Extension Project		State: Georgia
Owner: City of Bainbridge		County: Decatur

TO: **Blankenship Contracting, Inc.**

(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications. Modify the following Line Items due to the carrying forward of construction of the entire original project and the increased material costs from the original bid (June 24, 2021).

Description of Changes (Supplemental Plans & Specs. Attached)	Unit	Unit Cost	Increase In Contract Price
Bid A Items			
Item 2100.1 Mobilization (Increased Bonding Cost)	1 L.S	\$96,500.00	\$32,500.00
Item 2270.4 Silt Fence	6,280 LF	\$3.00	\$18,840.00
Item 2300.3 14" C-900 with casing	340 LF	\$361.56	\$122,930.40
Item 2300.4 14" Horizontal Directional Drill	180 LF	\$219.26	\$39,466.80
Item 2645 Fire Hydrant with Gate Valve	1 EA	\$5,161.12	\$5,161.12
Item 2660.1 8" Water Main	20 LF	\$50.66	\$1,013.20
Item 2660.2 10" Water Main	3,145 LF	\$53.58	\$168,509.10
Item 2660.3 12" Water Main	4,064 LF	\$62.66	\$254,650.24
Item 2660.4 14" Water Main	2982 LF	\$75.92	\$226,393.44
Item 2660.5 16" Water Main	2,877 LF	\$89.63	\$257,865.51
Item 2660.7 16" X 12" Tie-in	1 EA	\$1,500.00	\$1,500.00
Item 2660.8 12" Removal	195 LF	\$25.00	\$4,875.00
Item 2660.21 16" X 12" Reducer	1 EA	\$1,572.96	\$1,572.96
Item 2660.22 16" 90 Ell	2 EA	\$2,256.48	\$4,512.96
Item 2660.23 16" Tee	1 EA	\$3,366.68	\$3,366.68
Item 2660.24 16" 11.25 Ell	1 EA	\$2,067.48	\$2,067.48
Item 2660.25 16" Gate Valve	1 EA	\$10,617.40	\$10,617.40
Item 2660.26 16" X 14" Reducer	1 EA	\$1,904.40	\$1,904.40

Description of Changes (Supplemental Plans & Specs. Attached)	Unit	Unit Cost	Increase In Contract Price
Item 2660.27 16" X 8" Reducer	1 EA	\$1,674.36	\$1,674.36
Item 2660.28 14" Gate Valve	3 EA	\$9,867.56	\$29,602.68
Item 2660.29 14" 5-5/8 Ell	5 EA	\$1,472.00	\$7,360.00
Item 2660.30 14" 45 Ell	2 EA	\$1,514.64	\$3,029.28
Item 2660.31 14" X 12" Reducer	1 EA	\$1,270.68	\$1,270.68
Item 2660.32 12" 5-5/8 Ell	2 EA	\$1,032.44	\$2,064.88
Item 2660.33 12" Gate Valve	2 EA	\$3,173.52	\$6,347.04
Item 2660.34 12" X 10" Reducer	1 EA	\$977.36	\$977.36
Item 2660.36 8" Gate Valve	1 EA	\$2,481.96	\$2,481.96
Item 2660.39 16" & 14" Air/Vacuum Release Valve	2 EA	\$8,849.32	\$17,698.64
Item 2660.41 10" Water Main DR-18	800 LF	\$45.15	\$36,120.0
Item 2660.42 Removal of 320 L.F. of the installed thinner wall as provided by the City. Including disconnect from reducer, remove spacers, install spacers on new pipe, install new pipe in casing, furnish new bolts and gaskets, seed and mulch.	L.S.	\$12,650.0	\$12,650.0
Item 2660.43 8"x6" Reducer Ductile MJ	1 EA	\$810.0	\$810.0
Item 2662 Pressure Reducing Valve	1 EA	\$38,466.80	\$38,466.80
Subtotal Bid A Items			\$1,318,300.37
Bid B Items			
Item 2660.1 12" Meter	1 EA	\$12,020.00	\$12,020.00
Item 2660.2 Removal of Existing Meter	0	\$2,000.00	0
Item 2660.3 Furnish and Install Indicator- Totalizer Recorder. Complete	0	\$8,790.00	0
Item 2660.4 12" DIP at Well	1 EA	\$7,916.00	\$7,916.00
Item 11234.1 Chlorination Equipment	1 EA	\$2,402.00	\$2,402.00
Item 11235.1 Fluoride Equipment	1 EA	\$2,078.00	\$2,078.00
Item 2678.1 Doors	0	\$1,870.00	0
Subtotal Bid B Items			\$24,416.00
TOTAL			\$1,342,716.37



BID TABULATION

LAKE DOUGLAS CULVERT

<u>COMPANY</u>	<u>TOTAL BID PRICE</u>
Quick Service Concrete	\$35,720.00
Bainbridge, GA (Discount if paid within 3 days after job completion)	<u>-1,786.00</u>
GRAND TOTAL PRICE	\$33,934.00

VENDORS THAT NO BID

Hermosillo & Son's Concrete, LLC - Bainbridge, GA

Phil Davis Concrete LLC – Iron City, GA

Simmons Concrete Construction, LLC – Bainbridge, GA

Stuckey Construction – Whigham, GA

Street – LMIG
100-4220-54.1405

Award to be made to:
Quick Service Concrete
Bainbridge, GA