



# Pets, Strays, Animal Control, Mandated Positions, and GA Law

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What would you do if you saw a person abusing a helpless animal? Would you take action to save a dog or cat from being neglected by your neighbor? What if your dog bites somebody? What if you were the victim of a dog attack? Do you ever wonder what to do if your dog is attacked at a dog park? Who gets "Fido" in a divorce? If you find a stray that grabs your heart, can you just keep it?

Laws dictate the way we must behave in society. If our pets could talk, they would say "that's a good thing!" Certain laws protect those who can't speak for themselves. It's human nature to protect children, the elderly, and animals. Every state has their own set of laws to protect animals.

## **WHAT TO DO WHEN YOU FIND A STRAY ANIMAL.**

Let's talk about stray animals. What happens when a stray dog comes across your path? Do you want to keep him? Do you think he'll find his way home on his own, or maybe you are totally afraid of him?

Everybody may have a different reaction, but one thing is true, a stray animal likely needs your help! The best thing you can do is contact your county's Animal Control and ask them to come to pick up the stray.

However, the stray will probably not wait in the same spot until help arrives. If you are comfortable corralling the stray, then holding on to him/her until Animal Control arrives to take him/her to the nearest government animal shelter.

Secondarily, if you are comfortable enough, you may choose to bring the animal there yourself. There, by law O.C.G.A. § 4-11-5.2, they will scan for a microchip to locate his owner. The state of Georgia requires all Animal Control & Humane Shelters to scan dog, cat, or other large animal on intake for microchip detection.

### **O.C.G.A. § 4-11-5.2: Microchip reader defined; contacting owner of microchipped pet**

a) As used in this Code section, the term "microchip reader" means a device designed to read microchips at 125 kHz, both encrypted and nonencrypted, 128 kHz, and 134.2 kHz, and which is ISO 11784 and 11785 compliant.

(b) When any dog, cat, or other large animal traditionally kept as a household pet is brought to an animal shelter or other facility operated for the collection and care of stray, neglected, or abandoned animals, the operator of the facility shall, if the owner of the animal is not known, within 24 hours or as soon as possible scan for the presence of an identifying microchip through the use of a microchip reader.

If a microchip is found, the operator shall make a reasonable effort to contact the owner of the animal. Prior to euthanizing a dog, cat, or other large animal traditionally kept as a household pet, any facility referred to in this subsection shall again scan for the presence of an identifying microchip through the use of a microchip reader. (c) Shelters and facilities and their employees and the Department of Agriculture shall not be liable for failing to detect a microchip or failing to contact the owner of the animal. Shelter personnel shall not be required to scan any animal they deem to be too vicious or dangerous to permit safe handling.

#### **WHAT IF AN OWNER CANNOT BE FOUND?**

If an owner cannot be found, or there is no microchip, they will hold the animal to see if an owner comes to claim him. After the hold period ends, the stray will most likely be put up for adoption to find a new forever home.

If you would like to adopt the stray, make sure you get your name on the list of potential adoptees or be there when he is ready for adoption. Taking a stray without going through an animal shelter poses significant problems should someone be the owner of "the stray," and claims you stole the animal. If you are not comfortable capturing the stray, call Animal Control and give a detailed description of the animal along with the current **exact** location.

Whatever you do, please commit to making certain the animal makes it to the animal shelter. Moreover, allowing strays to go through an animal shelter allows citizens/owners opportunity to reclaim their animal if it is impounded, by providing a single entity holding animals, and is legally designated as such.

#### **WHAT DOES OUR LAW SAY ABOUT STRAYS?**

Our Georgia State Constitution, Article 'X, Paragraph III (a) (3), gives the power to pick up stray animals to counties and municipalities to protect the citizens from the dangers and nuisances associated with free roaming and diseased animals.

Even as far back as 1965, a Georgia Attorney General Opinion states: local county boards of health should adopt rules and regulations relative to this and impounding of strays and unwanted dogs, (See page 31 of the 1965-66 Opinion of the Attorney General 65-21.) Under the Compendium of Animal Rabies Prevention and Control, it says stray dogs, cats, and ferrets should be removed from the community.

Local health departments and animal control officials can enforce the removal of strays more effectively if owned animals are confined and kept on a leash. Strays should be impounded for at least 3 days to determine if human exposure has occurred and to give owners sufficient time to reclaim animals.

**OPINION 65—21**  
(Unofficial)

July 27, 1965

I am pleased to acknowledge receipt of your recent letter concerning Ga. Code Ann. Ch. 88-15 relative to the control of rabies.

In your letter you specifically ask the following questions, to wit:

“1. Is a local health department or municipality *required* by law to conduct a Rabies Control Program in which stray and unwanted dogs are caught, impounded and humanly dispatched?”

“2. When a local health department receives notice that a citizen of the county has been bitten by an unclaimed stray dog is it *required* by law for the local health department to impound and observe the animal in question at *county expense*?”

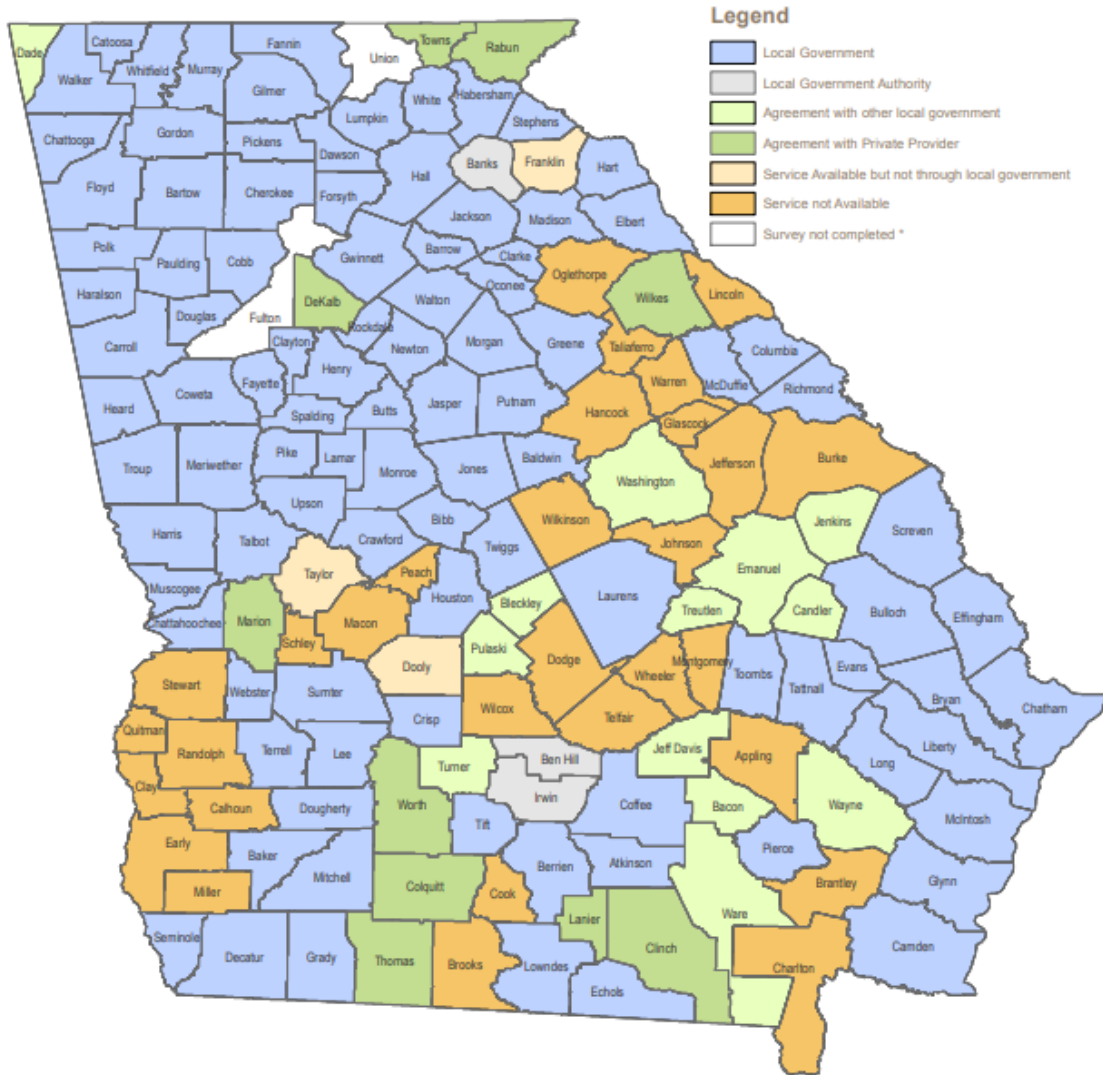
“3. Does the new Health Code invalidate Ga. Code Ann. § 88-207a?”

In answering your question number 1, I am pleased to call your attention to the provisions of Ga. Code Ann. § 88-1501 where it is provided, inter alia, that the primary responsibility for the control of rabies within each county rests upon each County Board of

**HOW MANY COUNTIES HAVE ANIMAL CONTROL IN GEORGIA?**

Currently, 28 counties in Georgia do not have an Animal Control and/or shelters (see a list of counties with or without animal control services at the end of this Toolkit).

**Animal Control Services Provided within Jurisdiction**  
Method of Service Provision Reported By Counties



\* as of map creation date **November 2016**

Data source: 2016 Government Management Indicators (GOMI) survey Question II-1 (201) Are Animal Control services available in jurisdiction and how they are provided?

GOMI is a mandated annual survey required of all Local Governments in Georgia by O.C.G.A. 36-81-8.



## DOES EVERY COUNTY IN GEORGIA HAVE TO HAVE ANIMAL CONTROL?

No, counties are not mandated to have animal control services. However, there are two state laws which mandate each county to have two positions. Those positions are listed in this slide.

### Animal Control is not mandated in every county But GA State Laws mandates 2 positions in every county

- Responsible Dog Owner Act - Dangerous or Vicious Dogs O.C.G.A. § 4-8-22. Local Jurisdiction shall have a dog control officer
- Rabies Control Law - O.C.G.A. §31-19-7(a) County Board of Health shall appoint a person who is knowledgeable of animals to be the County Rabies Control Officer, whose duty is to enforce this chapter and other laws which regulate the activities of dogs.
- Many county commissioners are not aware of these two mandated positions and fail to hire or designate such positions.
- This person can be hired to do both jobs and can be contracted among multiple counties. It can also be a part time or full-time position.
- Typically, the Environmental Health Director or agent will also be the Rabies Control Officer, but not always.



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## WHO IS RESPONSIBLE TO PICK UP STRAYS?

It depends on the county in which you live. Typically, Animal Control will be designated to pick up stray dogs and cats in a local county or city. However, at least 28 counties in Georgia do not have an Animal Control and/or shelters (see a list of counties with or without animal control services at the end of this Toolkit).

## WHO WILL PICK UP STRAYS IN AREAS WITHOUT ANIMAL CONTROL?

What are your options then? You may contact your local Board of Health, County Commissioners, Sheriff's department, a *licensed* animal rescue organization, or a local veterinarian who may know what local resources are available.

**O.C.G.A. § 31-19-1. Responsibility for Control**

Each county Board of Health shall have primary responsibility for the control of rabies within its jurisdiction. Such boards, in addition to their other powers, are empowered and required to adopt and promulgate rules and regulations for the prevention and control of such disease.

**O.C.G.A. § 31-19-7. County Rabies Control Officer.**

(a) The county Board of Health shall appoint a person who is knowledgeable of animals to be the county rabies control officer. It shall be the duty of the county rabies control officer to enforce this chapter and other laws which regulate the activities of dogs.

(b) The county governing authority of each county is authorized to levy a fee not to exceed 50 cents for each dog, such fee to be collected by the veterinarian administering the antirabies vaccine required by this chapter. This fee shall be in addition to that provided for in Code Section 31-19-5. If any county has no resident veterinarian, the out-of-county veterinarian administering the antirabies vaccine and collecting the fee provided for by this Code section shall forward to the treasurer of the county of the dog owner's residence the fee prescribed by that county's governing authority. (c) The fees collected under this Code section shall be used to help in paying the salary of the county rabies control officer.

**O.C.G.A. § 31-19-8. Joint administration of chapter by adjoining counties.**

The governing authority of each county may devise and implement plans whereby this chapter, as amended, is administered jointly with one or more adjoining counties.

**O.C.G.A. § 31-19-9. Applicability to municipalities with rabies control laws.**

This chapter shall not apply to municipalities which already have a rabies control law unless and until such law is repealed.

**The Compendium of Animal Rabies Prevention and Control, National Association of State Public Health Veterinarians, Inc. (NASPHV) states:**

Stray dogs, cats, and ferrets should be removed from the community. Local health departments and animal control officials can enforce the removal of strays more effectively if owners' animals are confirmed or kept on leash. Strays should be impounded for at least 3 days to determine if human exposure has occurred and to give owners sufficient time to reclaim animals.

**CAN A LICENSED ANIMAL RESCUE ORGANIZATIONS TAKE A STRAY?**

An animal rescue organization must be licensed through the Georgia Department of Agriculture, Animal Protection Division. Rescue organizations licensed by the Georgia Department of Agriculture are not allowed to just pick up stray animals. However, they may only obtain animals who have been relinquished by an owner or from a licensed animal shelter. Under the Animal Protection Act rule 40-13-13-.04 (1) (h) each animal they obtain must have record of the name, address, and phone number of the individual involved in the transaction, date of transaction or activity, type and number of animals. To clarify that licensed rescue organizations are not allowed to pick up stray animals, the animal protection rules were amended in July 2013 to amend the definition of "Animal Shelter" 40-13-13-.01 which states "Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals". It was also amended to include in the definition of Rescue group 40-13-13-.01 (30) which states "Rescue groups are not authorized to impound animals unless they are contracted by a government agency in Georgia to provide animal control services." So, unless a licensed rescue has municipal contract, they may not pick up strays, but they can certainly work with an animal shelter to assist in holding strays. Rescues offer a

great deal of support and resources in counties without a government facility to impound strays. If a rescue organization takes the stray after the hold period, they need a transfer agreement from the municipal shelter. Immediately upon taking custody of the animal, a 30 day spay/neuter law time clock starts ticking. Technically, anyone holding an animal with permission of animal control should be signed up as an animal foster home.

So don't ignore a stray as you may be the only person who could save the animal's life by acting, even if it is just making a phone call. For more in-depth discussion about animals and the law, visit us at the websites below, free to join, and email us with your questions.

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## Counties, Cities, Towns and Humane Societies Surveyed in September 2009. Note the ones with no animal control.

### GEORGIA COUNTIES (159) ADDITIONAL SHELTERS SURVEYED (88)

- Appling County – City of Baxley Animal Control: 452 intakes, 175 euthanized (39%)
- Athens-Clarke County: 1907 intakes, 472 euthanized (25%)
- Athens Area Humane Society: 1155 intakes, 507 euthanized (44%)
- Atkinson County: no animal control
- Bacon County: no animal control
- City of Alma Animal Shelter: no response
- Baker County: all animals transferred to Albany Humane Society (see Dougherty County)
- Baldwin County: 1485 intakes, 1015 euthanized (68%)
- Banks County: no response
- Barrow County: 3121 intakes, 2056 euthanized (66%)
- Bartow County - Cartersville Animal Control: 7600 intakes, 5207 euthanized (69%)
- Ben Hill County – Fitzgerald Animal Shelter: 955 intakes, euthanasia numbers not provided
- Berrien County: 923 intakes, 760 euthanized (82%)
- City of Nashville Dog Pound: 485 intakes, 393 euthanized (81%)
- Bibb County: no response

Macon Police Animal Control: no response  
 Bleckley County – City of Cochran Animal Shelter: 90 intakes, 75 euthanized (83%)  
 Brantley County: no animal control  
 Brooks County: no response  
 City of Quitman Animal Shelter: no response  
 Bryan County: no response  
 Bulloch County: 3213 intakes, 1858 euthanized (58%)  
 Burke County: no animal control  
 City of Sardis: no records of euthanasia in 2007  
 City of Waynesboro Animal Shelter: 23 intakes, 20 euthanized (87%)  
 Butts County: 1335 intakes, 907 euthanized (68%)  
 Calhoun County: no animal control  
 Camden County: all animals transferred to Humane Society of Camden County  
 City of Kingsland: all animals transferred to Humane Society of Camden County  
 Humane Society of Camden County: 4037 intakes, 2838 euthanized (70%)  
 Candler County - City of Metter Animal Shelter: 515 intakes, 291 euthanized (57%)  
 Carroll County: 8443 intakes, 5900 euthanized (70%)  
 Catoosa County: no response  
 Charlton County: no response, no animal control  
 3 Counties that did not respond and are not included on GDOA’s 2007 list of licensed animal control units are identified herein as “no response, no animal control.”  
 Chatham County: 4948 intakes, 3537 euthanized (71%)  
 City of Tybee Island: all animals transferred to county shelter  
 Chattahoochee County: no response, no animal control  
 City of Cusseta: 238 intakes, 231 euthanized (97%)  
 Chattooga County: 2500 intakes, 700 euthanized (28%)  
 Cherokee County: 7784 intakes, 3069 euthanized (40%)  
 Clay County: no animal control  
 Clayton County: refused to complete questionnaire pursuant to O.C.G.A. 50-18-70(d)  
 Clinch County: no response, no animal control  
 Cobb County: 13,820 intakes, 6058 euthanized (44%)  
 Coffee County: all animals transferred to Douglas-Coffee County Humane Society  
 City of Douglas: all animals transferred to Douglas-Coffee County Humane Society  
 Douglas-Coffee County Humane Society: 8681 intakes, 7213 euthanized (83%)  
 Colquitt County: all animals transferred to Moultrie-Colquitt Humane Society  
 Moultrie - Colquitt Humane Society: 5316 intakes, 4780 euthanized (90%)  
 Columbia County: 6059 intakes, 2544 euthanized (42%)  
 Cook County: no response, no animal control  
 City of Adel: intake numbers not provided, 363 euthanized  
 City of Sparks Animal Shelter: 102 intakes, 99 euthanized (97%)  
 Coweta County: 3911 intakes, 1475 euthanized (38%)  
 City of Grantville Animal Shelter: refused to complete questionnaire pursuant to O.C.G.A. 50-18-70  
 City of Newnan: all animals transferred to county shelter  
 City of Senoia: all animals transferred to county shelter  
 Crawford County: no animal control  
 Crisp County: no response  
 City of Cordele Animal Shelter: no response  
 Dade County: no animal control  
 City of Trenton Animal Shelter: no response  
 Dawson County: all animals transferred to Hall County Humane Society [Dawson Humane opened 4/2008]  
 Decatur County: all animals transferred to Bainbridge-Decatur County Humane Society  
 Bainbridge - Decatur County Humane Society: 2500 intakes, 1400 euthanized (56%)  
 DeKalb County: 5673 intakes, 3828 euthanized (67%)  
 City of Chamblee Animal Control: all animals transferred to county shelter  
 City of Decatur: all animals transferred to county shelter  
 Doraville Animal Control: all animals transferred to county shelter



Dodge County: no animal control  
City of Eastman: no response  
Dooly County: stated it doesn't have an animal shelter  
City of Unadilla: stated all animals transferred to "Dooly County Animal Shelter"  
City of Vienna Animal Shelter: no response  
Doughtery County: all animals transferred to Albany Humane Society  
Albany Police Animal Control: all animals transferred to Albany Humane Society  
Albany Humane Society: 4785 intakes, 3966 euthanized (83%)  
Douglas County: 4400 intakes, 1922 euthanized (44%)  
Early County: no animal control  
City of Blakely Animal Control: 175 intakes, 173 euthanized (99%)  
Echols County: no response, no animal control  
Effingham County: no response  
Elbert County: questionnaire not completed due to volunteer's inability to pay requested amount of \$31.79  
City of Elberton Police Department: no response  
Emanuel County: all animals transferred to Emanuel County Humane Society  
Swainsboro Police Department: all animals transferred to Emanuel County Humane Society  
Emanuel County Humane Society: 1051 intakes, 663 euthanized (63%)  
Evans County: 94 intakes, 81 euthanized (86%)  
Fannin County: no response  
Fayette County: 1466 intakes, 570 euthanized (39%)  
Floyd County: 6474 intakes, 4234 euthanized (65%)  
Forsyth County: 4040 intakes, 2158 euthanized (53%)  
Franklin County: 3333 intakes, 1875 euthanized (56%)  
City of Lavonia Animal Control: no response  
City of Royston: no response  
Fulton County: 7978 intakes, 3072 euthanized (39%)  
City of College Park Public Works Department: all animals transferred to county shelter  
Gilmer County: no response  
Glascoc County: no animal control  
Glynn County: 3574 intakes, 2384 euthanized (67%)  
Gordon County: 4399 intakes, 3376 euthanized (77%)  
City of Calhoun: questionnaire not completed due to volunteer's inability to pay \$150.00  
Grady County: 2513 intakes, 1508 euthanized (60%)  
Greene County: 953 intakes, 655 euthanized (69%)  
City of Greensboro: no response  
Gwinnett County: 8953 intakes, 5590 euthanized (62%)  
Habersham County: no response  
Town of Alto: no response  
Town of Mount Airy: no response  
Hall County: all animals transferred to Humane Society of Hall County  
Humane Society of Hall County: 13,062 intakes, 8818 euthanized (68%)  
Hancock County: no animal control  
Haralson County: no response  
Harris County: 439 intakes, 183 euthanized (42%)  
Hart County: no response  
City of Hartwell: no response  
Heard County: 1142 intakes, 157 euthanized (14%)  
Henry County: 6028 intakes, 3226 euthanized (54%)  
Houston County: 1686 intakes, 1278 euthanized (76%)  
City of Centerville Animal Control: no response  
Perry Animal Shelter: 671 intakes, 182 euthanized (27%)  
Warner Robins Animal Shelter: 2668 intakes, 1852 euthanized (69%)  
Irwin County: no response, no animal control  
Jackson County: 925 intakes, 220 euthanized (24%)  
City of Commerce: numbers included in county numbers

Jefferson Police Department: no response  
Jasper County: refused to complete questionnaire pursuant to O.C.G.A. 50-18-70(e)  
Jeff Davis County: no animal control  
City of Hazlehurst Animal Shelter: 189 intakes, 176 euthanized (93%)  
Jefferson County: no animal control  
City of Wadley: no response  
City of Wrens: intake and euthanasia numbers not provided  
Jenkins County - City of Millen Animal Shelter: 252 intakes, 252 euthanized (100%)  
Johnson County: no animal control  
Town of Kite: intake and euthanasia numbers not provided  
Jones County: 1581 intakes, 1334 euthanized (84%) [only April-December numbers provided]  
Lamar County - City of Barnesville Animal Shelter: 922 intakes, 897 euthanized (97%)  
Lanier County: no response, no animal control until 6/2008  
Lakeland Animal Shelter: no response  
Laurens County: intake and euthanasia numbers not provided  
Lee County: 1471 intakes, 60 euthanized [%NA, majority of animals transferred to Albany Humane Society]  
Liberty County: 1923 intakes, 949 euthanized (49%)  
Lincoln County: no response, no animal control  
City of Lincolnton: no response  
Long County: no animal control  
Lowndes County: no response  
Lumpkin County: no response  
Macon County: no animal control  
City of Montezuma: no response  
Madison County: 2541 intakes, 1198 euthanized (47%)  
Madison-Oglethorpe Animal Shelter: no response  
Marion County: refused to complete questionnaire pursuant to O.C.G.A. 50-18-70(e) 9  
City of Buena Vista: 30 intakes, 23 euthanized (77%)  
McDuffie County – Thomson Animal Shelter: no response  
McIntosh County: no response  
Meriwether County: 693 intakes, 199 euthanized (29%)  
Manchester Animal Shelter: intake and euthanasia numbers not provided  
Miller County: no response, no animal control  
City of Colquitt: 70 intakes, 62 euthanized (89%)  
Mitchell County: 1584 intakes, 1336 euthanized (84%)  
Monroe County: no response  
Montgomery County: no response, no animal control  
Morgan County: 956 intakes, 756 euthanized (79%)  
City of Madison Animal Shelter: no response  
Murray County: no response  
Muscogee County - Columbus Animal Control Center: 7783 intakes, 6093 euthanized (78%)  
PAWS Columbus – Muscogee County Humane Society: no response  
Newton County: 5206 intakes, 4149 euthanized (80%)  
Oconee County: 1631 intakes, 785 euthanized (48%)  
Oglethorpe County: no animal control  
Paulding County: 6181 intakes, 2372 euthanized (38%)  
Peach County: no animal control  
City of Byron Animal Shelter: intake and euthanasia numbers not provided  
Fort Valley Police Department: 281 intakes, 281 euthanized (100%)  
Pickens County: no response  
Pierce County: intake and euthanasia numbers not provided  
Blackshear Animal Control: no response  
Pike County: no animal control  
Polk County: 3573 intakes, 2959 euthanized (83%)  
Pulaski County: no response, no animal control  
City of Hawkinsville: no response

Putnam County: 805 intakes, 584 euthanized (73%)  
City of Eatonton: no response  
Quitman County: no animal control  
Rabun County: no animal control until 2008  
Randolph County: no animal control  
City of Cuthbert: no response  
Richmond County: no response  
Augusta Animal Services: no response  
Rockdale County: 2975 intakes, 1607 euthanized (54%)  
Schley County: no animal control  
City of Ellaville: 100 intakes, 95 euthanized (95%)  
Screven County: no response  
Seminole County: no response, no animal control  
Spalding County: 3716 intakes, 1294 euthanized (35%)  
Griffin Police Department: all animals transferred to county shelter  
Stephens County: no response  
Stewart County: no animal control  
Sumter County: all animals transferred to Sumter County Humane Society  
City of Americus: no response  
City of Andersonville: no response  
City of Plains: no response  
Sumter County Humane Society: 2335 intakes, 1798 euthanized (77%)  
Talbot County: no response  
Talifero County: no animal control 10  
Tatnall County: 473 intakes, 417 euthanized (88%)  
Taylor County: no animal control  
Telfair County: no response, no animal control  
City of McRae: intake and euthanasia numbers not provided  
Terrell County: no response  
Thomas County: no response  
Tift County: 3943 intakes, 3361 euthanized (85%)  
Toombs County: no response, no animal control  
Lyons Animal Shelter: no response  
Vidalia Police Animal Control: no response  
Towns County: no response, no animal control  
Treutlen County: no animal control  
City of Soperton Animal Control: all animals transferred to Dublin-Laurens Humane Society  
Troup County: all animals transferred to LaGrange-Troup Humane Society  
City of LaGrange Animal Control Center: 2346 intakes, 1705 euthanized (73%)  
City of Hogansville: no response  
LaGrange-Troup Humane Society: volunteer failed to send Open Records Act request  
Turner County: no animal control  
City of Ashburn: 240 intakes, 200 euthanized (83%)  
Twiggs County: no animal control  
Union County: no response  
Upson County - Thomaston Animal Shelter: intake and euthanasia numbers not provided  
Walker County: no response  
Walton County: 3457 intakes, 2870 euthanized (83%)  
Ware County: all animals transferred to Okefenokee Humane Society  
Okefenokee Humane Society: 3248 intakes, 3047 euthanized (94%)  
Warren County: no response, no animal control  
City of Warrenton Animal Control: no response  
Washington County - Sandersville Animal Services: 2117 intakes, 1647 euthanized (78%)  
Wayne County: no response, no animal control  
City of Jesup: no response  
Webster County: no animal control

Wheeler County: no response, no animal control

White County: no response

Whitfield County: 3901 intakes, 3572 euthanized (92%)

Wilcox County: no animal control

Wilkes County: 1023 intakes, 305 euthanized (30%)

Town of Tignall: all animals transferred to county shelter

City of Washington: intake and euthanasia numbers not provided

Wilkinson County: no animal control

Worth County: intake and euthanasia numbers not provided

City of Sylvester Dog Pound: refused to complete questionnaire pursuant to O.C.G.A. 50-18-70

City of Warwick: all animals transferred to county shelter