

BOARD OF COMMISSIONERS
GWINNETT COUNTY
LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<u>PRESENT</u>	<u>VOTE</u>
Charles Bannister, Chairman	Yes
Shirley Lasseter, District 1	Yes
Albert Nasuti, District 2	Yes
Mike Beaudreau, District 3	Yes
Kevin Kenerly, District 4	Yes

On motion of Commissioner Mike Beaudreau, seconded by Commissioner Kevin Kenerly which carried 5-0, the following resolution was adopted

AN AMENDMENT TO CHAPTER 10 OF THE CODE OF ORDINANCES OF GWINNETT COUNTY, GEORGIA, ENTITLED "ANIMALS," TO REVISE CERTAIN PROVISIONS RELATED TO NUISANCE ANIMALS AND CERTAIN PROVISIONS RELATED TO ANIMAL TETHERING, and

WHEREAS, the Gwinnett County Animal Control Ordinance was adopted by the Gwinnett County Board of Commissioners on January 16, 2007; and

WHEREAS, the Board of Commissioners finds that the following Amendments to the Gwinnett County Animal Control Ordinance promote the health, safety, morals,

convenience, order, prosperity, and the general welfare of the present and future inhabitants of Gwinnett County, Georgia

NOW, THEREFORE, BE IT RESOLVED BY THE GWINNETT COUNTY BOARD OF COMMISSIONERS, this 18th day of August, 2009, that the Gwinnett County Animal Control Ordinance be amended as follows:

Sec. 10-26. Definitions shall be amended by inserting the following new definition:

Tethered means an animal attached to a stationary object or pulley system by a chain, rope, cable or similar device. This shall not include using a leash for walking purposes.

Sec. 10-27. Penalties for violation of article shall be amended by deleting Section 10-27 in its entirety and inserting the following new Section 10-27:

Unless otherwise specified in this ordinance, the following penalties shall apply any person violating this article may be deemed guilty of violating a county ordinance and may be punished by a fine not to exceed \$1,000.00 and by imprisonment in the common jail of the county not to exceed six months, or both fine and imprisonment. Each act or omission in violation of this article shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. In addition to any other penalties allowed by law, the court, as part of the sentence may prohibit the offender from owning, possessing, or having on the offender's premises in Gwinnett County any animal during the term of the sentence, may order for the animal to be removed from the county or humanely euthanized, and may order restitution.

Sec. 10-29. Restraint shall be amended by deleting Section 10-29 in its entirety and inserting the following new Section 10-29:

- (a) It shall be unlawful for any owner or possessor of any dog to fail to keep the dog under restraint or control as provided for in this section
- (b) A dog is considered not under restraint or control when it is running at large, whether wearing a collar and tag or not. Reasonable care and precautions shall be taken to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and to ensure that
 - (1) 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 that such enclosure is securely located at any time the animal is left unattended, or

- (2) It is securely and humanely restrained by an invisible containment system. If using an invisible containment system, a sign must be posted on the property indicating that the system is in place, or
- (3) It is on a leash and under the control of a competent person, or it is off leash and obedient to and under voice command of a competent person who is in the immediate proximity of the dog any time it is not restrained as provided for in subsection (1) or (2) above while on the owner's property

(c) It shall be unlawful to tether an animal outdoors, except when all of the following conditions are met

- (1) The owner or adult custodian of the animal must be outside with the animal and the animal must be visible to the owner, except that an animal may be tethered outdoors unattended not more than one (1) hour in any twenty-four (24) hour period. No animal may be tethered unattended between the hours of 10 00 p m and 6 a m ;
- (2) Only one (1) animal may be attached to each tethering system,
- (3) Any tethering device used to tether an animal must be at least ten (10) feet in length and shall not allow the animal to come within five (5) feet of the edge of the property line of the property upon which such animal is tethered,
- (4) Tethers must be made of a substance which cannot be chewed by the animal and shall not weigh more than five (5) percent of the body weight of the animal,
- (5) The tether must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal,
- (6) The tether must be at least ten (10) feet in length and mounted no more than seven (7) feet above the ground level,
- (7) The length of the tether from the running cable line or trolley system to the animal's collar should allow access to the maximum available exercise area and allow the animal free access to food, water, and shelter,
- (8) The animal must be attached to the tether by a properly fitted harness or collar with enough room between the collar and the animal's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal;
- (9) The tethering system must be a sufficient distance from any other objects or animals to prohibit the tangling of the cable, to prohibit the cable from extending over an object or an edge that could result in injury or strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal from having access to the fence,
- (10) The animal is not outside during extreme weather, including, but not limited to extreme heat or near freezing temperatures, or thunderstorms;

- (11) The animal is at least six (6) months of age, and
- (12) The animal is not sick or injured

(d) The following additional precautions shall be taken by the owners, possessors, or custodians of vicious animals

- (1) In addition to the requirements in subsection (b)(1) herein, owners of vicious dogs who maintain their dogs out-of-doors shall fence a portion of their property with a second perimeter or area fence. Within this perimeter or area fence, the vicious animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground or sunken into a concrete pad. The gate to the kennel shall be inward-opening and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.
- (2) Whenever the dog is outside of its enclosure as provided for in this subsection, but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.
- (3) Maintain at all times either a policy of insurance or surety bond in a minimum amount of \$1,000,000 to cover claims for any personal injuries inflicted by the dog, which policy or surety bond shall be issued by an insurer or surety, as the case may be, authorized to transact business in this state.
- (4) Except when being transported to a licensed veterinary facility, dangerous and vicious dogs shall not be allowed off the property of the owner. Should transport to veterinary care be needed, the animal shall be securely and humanely confined within a vehicle. Movement of the animal from the residence of owner to and from the transporting vehicle and to and from the veterinary facility shall be conducted with the animal securely leashed by a leash no longer than six feet in length and muzzled by a muzzle or device constructed so as to prevent the animal from biting.

(e) Guard or protection dogs

- (1) Owners or custodians of any guard or protection dog must confine all such dogs within a perimeter fence and meet the following conditions, unless the dog is otherwise restrained as provided for in subsection 10-29(e)(3)

- a The fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times
- b. A "beware of dog" sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 feet of enclosure, minimum of two, as well as a sign on each ingress or egress point to the enclosure. Signs shall be a minimum of ten inches high and 14 inches long.
- c The owner or custodian shall, prior to placing dogs on property, have the dog(s) microchip registered, at his/her own expense, and provide the registration number to the animal control unit. There shall be a fee for each guard or protection dog for the first year or any part thereof that the dog is in Gwinnett County and a renewal fee for each dog every year thereafter as set forth in the schedule of fees and charges. The renewal fee shall be paid by January 30 of each year.
- d. The owner or custodian shall report to the department of police services within 24 hours of any of the following
 - 1 Escape of the dog;
 - 2 An attack on a human or animal by the dog;
 - 3 Transfer of ownership of the dog,
 - 4 Death of the dog,

- (2) Any enforcement office of the department of police services shall have the authority to enter onto private or public property for the purpose of ensuring compliance with the provisions of this subsection (d)
- (3) A guard or protection dog shall be deemed under control only when restrained by the collar provided for in this section and a secure leash not to exceed six feet in length. The leash shall be of sufficient strength to prevent escape

- (f) Dogs found running at-large or in violation of this section may be immediately impounded by officers of the animal control unit or any police office. The officers may pursue the dog onto private property to effect capture of such dog

Sec. 10-33. Public nuisance animal shall be amended by deleting Section 10-33 in its entirety and inserting the following new Section 10-33:

- (a) A public nuisance animal shall mean and include any animal that
 - (1) Is repeatedly found at-large, or
 - (2) Damages the property of anyone other than the owner, or
 - (3) Is vicious, or
 - (4) Attacks without provocation, or

- (5) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept; or
 - (5) An animal which is not being kept in conformity with county zoning resolutions, or
 - (6) Is in heat and not confined within a secure enclosure to prevent unintentional breeding, or
 - (7) Chases vehicles, bicycles, or people.
- (b) Any such public nuisance animal may be impounded and the owner or possessor charged for a violation of this article

Sec. 10-51. Duty of animal owners to be responsible owners shall be amended by deleting Section 10-51 in its entirety and inserting the following new Section 10-51:

- (a) It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animal's behavior. If the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure compliance with all provisions of this article
- (b) It shall be a violation of this ordinance for an owner or an individual in possession of the property upon which the animal or animals are located at the time of the offense to allow the animal or animals to make any vocalizations which are plainly audible to a person of ordinary hearing ability not located on the same property as the animal or animals making such vocalizations for more than fifteen (15) minutes without interruption or more than thirty (30) minutes if the vocalization is intermittent
 - (1) These time limits do not apply if the vocalizations are given as a warning to the presence of an intruder
 - (2) Officers enforcing this subsection are not required to measure the vocalizations with the use of a sound level meter.
 - (3) Upon notification of a complaint concerning such vocalizations, the owner or individual in possession of the property upon which the animal or animals are located shall be given a written notice from the Animal Control Unit indicating that such animal or animals are creating a disturbance and advising the owner or individual in possession of the property of some possible solutions to rectify the nuisance. The complainant must provide the officer the address where the animal or animals were located at the time of the offense before any written notice shall be sent. The owner or individual in possession of the property shall then have ten (10) days to resolve the disturbance

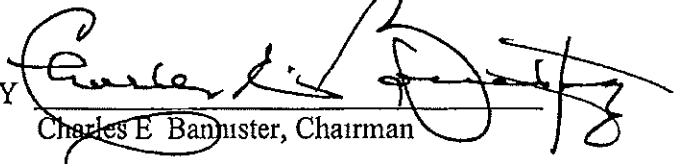
- (4) If the disturbance is not resolved within ten (10) days and the Animal Control Unit receives a second complaint from the original complainant, he or she will be asked to provide a sworn statement documenting the violations. The original complainant will also be required to obtain a sworn statement from another individual regarding the disturbance. The statements must be from individuals residing at different addresses located near the animal or animals creating the disturbance. Upon receipt of the sworn statements, the Animal Control Unit may issue a citation in accordance with the requirements of this ordinance.
- (5) If the disturbance is not resolved within ten (10) days and the Animal Control Unit receives another complaint from another individual residing at a different address located near the animal or animals creating the disturbance, both complainants will be asked to provide a sworn statement. Upon receipt of the sworn statements, the Animal Control Unit may issue a citation in accordance with the requirements of this ordinance.
- (6) The original complaint will remain on file and active for a period of thirty (30) days following the ten (10) day resolution period. If no further complaints are made during the thirty (30) day period, the complaint shall expire and the process begins again.
- (7) Any person violating any provision of subsection 10-51(b) may upon conviction be punished by a fine not to exceed \$1,000.00.

BE IT FURTHER RESOLVED that Subsection (5) of Section 42-47 of the Gwinnett County Code concerning Noisy animals or birds is hereby deleted in its entirety.

BE IT FURTHER RESOLVED that this amendment shall become effective the date of its adoption by the Board of Commissioners.

BE IT FURTHER RESOLVED that all regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

BY 
 Charles E. Bannister, Chairman

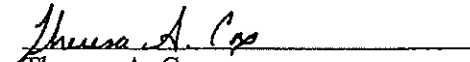
Date Signed: 08/19/09

ATTEST.


Clerk/Deputy Clerk



APPROVED AS TO FORM


Theresa A Cox
Senior Assistant County Attorney