

Gwinnett Animal Advisory Council
October 19, 2010
Minutes

Call to Order: 7:03 p.m. at the Gwinnett Animal Welfare and Enforcement Center, 884 Winder Highway, Lawrenceville, GA 30045

Present: Gail LaBerge (Chairman), Tricia Smith, Gloria Kennedy, Tim Montgomery, Clara Seals, Dennis Kronenfeld, Carla Brown, Lt. Mary Lou Respass (advisor), Dr. Lori Chandler (advisor) and Theresa Cox (Attorney)

Opening Remarks by Gail LaBerge, Chairman: Welcomed everyone and invited them to attend future meetings. Explained how the meeting will be conducted and how public comments will be conducted.

Agenda – Clara Seals made a motion to amend the agenda to allow public comment before new business was discussed. Dennis Kronenfeld seconded. Agenda was amended, 6-0. Carla Brown was not present at this time.

Approval of the July Minutes: Tim Montgomery made a motion to accept the minutes and Clara seconded. Minutes were approved, 6-0. Carla Brown was not present at this time.

Announcements – none

Shelter Report – Lt. Respass gave the shelter report for September. Carla Brown asked for the reports for July and August to have a quarterly report. Lt. Respass gave those reports.

Old Business:

Urgent List – Carla Brown reported it was done on an “as needed” basis. Carla stated she felt it would work better if done from within the shelter than others doing it from outside the shelter.

Disaster Plan – Dennis Kronefeld reported he was waiting for the Department of Agriculture to respond. Gail LaBerge suggested Dennis phone the department again.

Public Comment: 29 (twenty nine) members of the public spoke. Two members of the public shared accounts and pictures of their pets that had been injured by a pit bull dog. Twenty seven members of the public expressed their concerns about how the pit bull registration would affect citizens of Gwinnett County. It was expressed by the public that all dog owners must be held accountable for their pet’s actions; that it is not the dog but the owner. Several television stations were present.

New Business:

Request by County to review changes to animal ordinances:

A motion was made by Carla to strongly recommend that Article IV.Pit Bull Registration not be added to the Animal Control Ordinance document. Tim Montgomery seconded. Vote 7-0.

A motion made by Tim Montgomery to accept the change in Sec. 10-26. Definitions, *Adequate water* to read: Adequate water means clear, drinkable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice and stagnant/contaminated water. *Dangerous dog* to read: Dangerous dog means any dog that has without provocation inflicted severe injury on a human being or any dog that has previously been classified as a potentially dangerous dog and aggressively bites attacks or endangers the safety of a human being without provocation. However, no dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past been

observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. The definition shall not be construed to include any dog that is part of a governmental organization or a trained guard dog in performance of its duties. Seconded by Carla. Vote 7-0.

A motion was made by Carla Brown to keep the word “known” in the definition of *potentially dangerous dog* and it would read: Potentially dangerous dog means any dog with a known propensity, tendency or disposition to make unprovoked attacks, cause injuries or otherwise threaten the safety of any human being. Potentially dangerous dog shall also mean any dog which, when unprovoked, inflicts a bite upon a human being or chases or approaches a human being on any public property in a vicious or terrorizing manner in an apparent attitude of an attack. Seconded by Tim Montgomery. Vote 4 yes, 1 no and 1 abstained. Dennis was not present at this time.

A motion was made by Clara Seals to accept the changes in the definition *Proper enclosure* and it will read: Proper enclosure means an enclosure that meets all of the following criteria: (1) A structure which is suitable to prevent the entry of young children and to prevent the dog from escaping; (2) A structure with secure sides; (3) A structure whose sides are so constructed at the bottom so as to prevent the dog’s escape by digging under the sides; (4) A structure which provides appropriate protection from the elements for the dog; and (5) The gate to the structure shall be of the inward-opening type and shall be kept locked except when tending to the animal’s needs such as cleaning the kennel or providing food and water. Seconded by Carla Brown. Vote 4-2. Dennis was not present at this time.

A motion was made by Tim Montgomery to have the definition *Sever injury* to read: Severe injury means any injury which results in a broken bone, puncture wounds, transdermal lacerations (with or without sutures) or to render cosmetic surgery necessary or appropriate, or death. Seconded by Tricia Smith. Vote 5-1, Dennis was not present at this time.

A motion was made by Carla to accept the change in wording of Vicious *dog* and the definition will read: Vicious animal means any animal whose owner knows or reasonably should know presents a danger to humans or other animals because: (a) it has without provocation, bitten or attacked a person or another animal in the past; (b) It exhibits threatening or aggressive conduct or propensities toward humans or other animals; or © is owned, possessed, kept, harbored, trained, or maintained for the purpose of fighting. Such term shall not include an animal that inflicts an injury upon a person when the animal is being used by a law enforcement officer to carry out the law enforcement officer’s official duties. An animal shall not be considered a vicious animal if the injury inflicted by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime. Seconded by Tim Montgomery. Vote 7-0

A motion was made by Carla to change the wording in Sec. 10-27. Penalties for violation of article to read: 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. In the event that an owner appeals a euthanasia order, the owner shall provide written notice of his intention to appeal to the Animal Welfare and Enforcement Unit within five (5) days after entry of the euthanasia order. The owner shall make arrangements to have the animal confined to a veterinarian’s hospital or at a boarding facility within Gwinnett County approved by the animal control manager. The animal shall be transported to such facility by an Animal Control officer and remain there until the disposition of the appeal. The animal shall not be released to the owner or other individual without an order from the court. All expenses incurred for boarding the animal during an appeal shall be paid by the owner of the animal. Seconded by Gloria Kennedy. Vote 7-0

A motion was made by Gloria Kennedy to delete all of Sec. 10-29. Restraint (d) and make Guard or protection dogs (d) and what was (f) will now be (e). Seconded by Tim Montgomery. Vote 7-0

A motion was made by Clara Seals to change Sec. 10-33. Public nuisance animal – delete 3 and renumber with 3 now being Attacks without provocation; or. Seconded by Carla. Vote 7-0

A motion was made by Gloria to change Sec. 10-37. Vicious animals; dogs and cats to read:

Sec. 10-37. Vicious animals

- (a) It shall be a violation of this Ordinance for any person to cause, permit, or be responsible for the presence of any vicious animal as defined by section 10-26 on the streets or public places of the county or allow the animal to run on the premises of another at any time, unless and in addition to the other requirements of this article such animal is restrained by a leash and under the physical restraint of a responsible adult and is securely muzzled to effectively prevent it from biting any person or other animal.
 - (b) The owner of any animal shall be in violation of this chapter if the animal engages in any behavior on the streets or public places of this County that defines a vicious animal as set forth in section 10-26.
 - (c) A vicious animal shall be immediately confiscated by an animal control or law enforcement officer if the vicious animal is not maintained in a proper enclosure; or if the vicious dog is outside a proper enclosure in violation of this article. Upon impounding a vicious animal for any reason, the animal control unit may for reasons of public safety, retain the animal at the impoundment facility until disposition by the appropriate court. The owner of the animal shall be responsible for the costs of such impoundment.
 - (d) Any animal that has been confiscated under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within twenty (20) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner. The owner of the animal shall be responsible for the costs of such impoundment.
- Seconded by Gail. Vote 7-0

A motion was made to change Sec. 10-41. Dead animals to read:

- (a) Officers of the animal control unit are authorized to remove dead animals from public property including public schools, parks and roadways.
- (b) Carcasses on private property must be disposed of by the animal or property owner or possessor in accordance with state laws and regulations. It shall be unlawful for any person to dispose of a dead animal, its parts, or blood on the land of another without the permission of the owner of the land. It shall be unlawful for any person to dispose of a dead animal in a well or open pit of any kind, on private or public land. Any dog, cat or small animal carcass to be picked up for disposal by the animal control unit from a private residence must first be contained in a plastic bag and delivered to the right-of-way of the road or street for disposal. All dead livestock, including horse, cattle and any other large animal must be disposed of by the animal owner or property owner possessor in accordance with state and local regulations
- (c) This paragraph shall not prohibit Gwinnett County from contracting with a private waste disposal company for the disposal of dead animals within the County.

Seconded by Carla. Vote 7-0

A motion was made by Clara and seconded by Gloria. Vote 7-0 to change Sec. 10-75. Requirements for possession of a dangerous or potentially dangerous dog, number (b) 2. To read:

Except under the circumstances otherwise specifically permitted by this article, a dangerous dog or potentially dangerous dog shall at all times be maintained inside a proper enclosure as defined in Section 10-26. In addition to the proper enclosure requirements of Section 10-26, any dangerous or potentially dangerous dog that is maintained outside 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 pen or kennel must have secure sides and a

secure top attached to all sides. The sides must either be buried two feet in the ground or sunken into a concrete pad. The gate to the pen or kennel shall be inward opening and shall be kept locked except when tending to the dog's needs such a cleaning the pen or kennel or providing food or water.

A motion was made by Gloria to send the Commissioner the GAAC recommendations without the GAAC seeing the corrected ordinance in writing. Seconded by Tim. Vote 7-0

Code of Ethics:

Lt. Respass gave the GAAC the Police Department their concerns with the proposed changes.

A motion was made by Carla to send to the Commissioners a clean version and a strike out version of the Code of Ethics. Seconded by Tricia. Vote 7-0

GAAC meeting dates for 2011:

January 18, April 19, July 19, October 18 – A motion was made by Clara Seals to approve the dates for 2011. Dennis seconded. Vote - 6 for, 1 Carla Brown abstained.

Public Comment -4 (four) members of the public spoke

Adjournment – Clara made a motion to adjourn the meeting and Gloria seconded. Approved 7-0. The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Tricia Smith