

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Amendment to the Gwinnett County Animal Control Ordinance

READING AND ADOPTION: June 23, 2015

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

Name	Present	Vote
Charlotte Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
John Heard, District 4	Yes	Aye

On motion of **Commissioner Hunter**, which carried **5-0**, the Code of Ordinances of Gwinnett County is hereby amended by amending Chapter 10 of the Gwinnett County Code of Ordinances by repealing Section 10-29, entitled "Restraint," in its entirety and replacing it with a new Section 10-29, entitled "Restraint", by repealing Section 10-32, entitled "Cruelty to Animals," in its entirety, and Section 10-50, entitled "Animal Neglect," in its entirety and replacing these Sections with a new Section 10-50, entitled "Cruelty to Animals."

WHEREAS, pursuant to Article IX, Section II, Paragraph III of the Constitution of the State of Georgia, Gwinnett County has the authority to regulate animals; and

WHEREAS, the Official Code of Georgia Annotated § 36-1-20 authorizes counties to adopt ordinances for the governing and policing of the unincorporated areas of the county; and

WHEREAS, on March 17, 2015, Gwinnett County adopted a revised ordinance governing animals which is set to go into effect on July 1, 2015; and

WHEREAS, since the adoption of the revised ordinance, the Board has requested that that staff review the sections of the Ordinance relating to tethering, cruelty, and neglect to determine whether this section could be clarified or revised to address citizen concerns with regard to allowable tethering and the care of tethered animals; and

WHEREAS, staff has reviewed and these sections and made the recommendations for revisions which are attached hereto as Exhibit A; and

WHEREAS, the Gwinnett County Board of Commissioners finds that the revisions to Section 10-29, 10-32, and 10-50 of the Animal Control Ordinance safeguard the public health, safety, and general welfare of the citizens within Gwinnett County; and

WHEREAS, the Gwinnett County Board of Commissioners finds that adoption of the revised Sections 10-29 and 10-50 and the repeal of Section 10-32 of the Animal Control Ordinance are in the best interest of the residents of Gwinnett County; and

NOW, THEREFORE, BE IT ORDAINED that the Gwinnett County Board of Commissioners hereby amend Chapter 10 of the Gwinnett County Code of Ordinances by repealing Section 10-29, entitled "Restraint," in its entirety and replacing it with a new Section 10-29, entitled "Restraint, " and by repealing Sections 10-32, entitled "Cruelty to Animals," and Section 10-50, entitled "Animal Neglect," and replacing these sections with a new Section 10-50, entitled "Cruelty to Animals, which such revisions are attached hereto as Exhibit A.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this ordinance shall be effective on July 1, 2015.

BE IT FURTHER RESOLVED that all ordinances, 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: Charlotte J. Nash
Charlotte J. Nash, Chairman

Date Signed: 6/24/15

ATTEST:

By: Tina M. King (Seal)
~~Diane Kemp, County Clerk~~
Tina King, Deputy County Clerk



APPROVED AS TO FORM:

By: Theresa A. Cox
Theresa Cox, Senior Assistant County Attorney

Exhibit A

Chapter 10 – ANIMALS

ARTICLE I. – ANIMAL CONTROL GENERALLY

Sec. 10-29. - Restraint.

- (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 locked 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 at all times and the animal must be visible to the owner.
 - (2) Single point tethering is prohibited
 - (3) Tethering an animal by a trolley system is the only approved form of tether.
 - (4) Only one animal may be attached to each trolley system;
 - (5) Any cable attached to the trolley system and attached to an animal must be at least ten feet in length and shall not allow the animal to come within five feet of the edge of the property line of the property upon which such animal is tethered;

- (6) Tethers must be made of a substance which cannot be chewed by the animal, shall not weigh more than five percent of the body weight of the animal, and shall have a swivel on each end;
 - (7) The trolley system must be at least ten feet in length and mounted no more than seven feet above the ground level;
 - (8) The length of the tether from the 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;
 - (9) 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 fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal;
 - (10) The trolley 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;
 - (11) The animal is not outside during extreme weather, including, but not limited to extreme heat or near freezing temperatures, or storms;
 - (12) The animal is at least six months of age; and
 - (13) The animal is not sick or injured.
 - (14) When an animal is found tethered unattended but in compliance with the remaining provisions of this subsection and the owner has received no prior warnings, or citations concerning tethering, an officer may provide information or a warning about proper tethering methods.
- (e) 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 \$1,000,000.00 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 restrained 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 officer 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 officer. The officers may pursue the dog onto private property to effect capture of such dog.

Sec. 10-32 – Reserved

Sec. 10-50 – Cruelty to Animals

- (a) It shall be unlawful for any person to commit an act of cruelty towards any animal. Any person who abuses an animal, or aids another person in abusing an animal or causes or permits an animal to abuse another animal, by acting or failing to act, shall be in violation of this section. Cruelty to animals includes but is not limited to:
 - (1) Neglecting to provide adequate drink, adequate food, adequate space, adequate shelter, adequate ventilation and/or sanitary conditions;
 - (2) Failure to provide reasonable remedy or relief for any injured or diseased animal;
 - (3) Failure to provide necessary veterinary care;
 - (4) Causing unnecessary suffering of any animal;
 - (5) Beating, torturing, tormenting or mutilating;
 - (6) Otherwise treating any animal in a cruel or inhumane manner;
 - (7) Any of the above while the animal is tethered.
- (b) It shall be unlawful for a person to intentionally train, breed, possess, harbor, keep, have custody or control of any animal for the purpose of animal fighting. It shall be unlawful to be a spectator at or bet on an animal fighting activity. The intentional fighting of dogs, dog and hog, and cocks is expressly prohibited.
- (c) It shall be unlawful to leave animals unattended in a parked vehicle without proper ventilation to prevent the animal from suffering physical distress from heat exhaustion.

(d) Exceptions:

- (1) A person shall not be guilty of animal cruelty when the person is protecting his/her life, or the life of another person or animal that is being attacked by an animal that is attempting to severely harm or kill him/her or another person or animal provided that the person being attacked is not committing a crime or is not aggravating or inciting the animal to attack.
- (2) Licensed veterinarians who perform surgery or euthanasia and animal control officers who euthanize animals under the direction of animal control per the guidelines of the Georgia Veterinary Medical Association, Georgia Department of Agriculture, and this article shall not be guilty of animal cruelty.

- (e) Any animal control officer or other officer empowered to act by law may impound any animal found to be abused in any manner set forth in this section.