

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 173

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 14 "ANIMALS", ARTICLE V "RESTRAINT", BY REPEALING SECTION 14-114 "CONFINEMENT OF ANIMALS GENERALLY, VICIOUS ANIMALS, ETC." AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-114 "CONFINEMENT OF ANIMALS GENERALLY, VICIOUS ANIMALS, ETC.", AND ADDING A NEW SECTION 14-117 "MAXIMUM NUMBER OF PETS ALLOWED WITHOUT A KENNEL LICENSE", AND ADDING A NEW SECTION 14-118 "BREEDING OF DOGS AND CATS, PERMIT REQUIRED"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 "Animals", Article V "Restraint", by deleting Section 14-114 "Confinement of animals generally, vicious animals, etc." and substituting in lieu thereof a new Section 14-114 "Confinement of animals generally, vicious animals, etc." which shall read as follows:

"Sec. 14-114. Confinement of animals generally, vicious animals, etc.

(a) Confinement of dogs generally. An owner of a dog shall confine such dog:

- (1) Within an adequate fence or enclosure of sufficient height and construction to prevent the dog from escaping by jumping, digging or any other means, provided such fence or enclosure shall be at least twice as high as the dog measured from the ground to the top of the dog's head when standing on all paws but not more than six feet in height;
 - (2) Within a house, garage or other building, with adequate ventilation and fresh air to avoid over heating or cold;
 - (3) On a running cable line or trolley system and only one animal may be attached to each running cable or trolley system; no animal may be attached to a running cable line or trolley system for more than twelve (12) hours in a twenty-four (24) hour period. No animal may be attached to a running cable line or trolley system between the hours of 10:00 pm and 6:00 am. Dogs on running cables must have access to adequate shelter, food and water as required by Section 14-166 of this Code;
 - (4) It shall be unlawful for the owner or person in control of a dog to restrain any dog by means of a tether, chain, cable, rope, leash, or cord which is attached to a fixed object or staked to the ground.
- (b) Control of dogs when off owner's premises. When a dog is off the premises of the owner, the dog must be controlled by means of a leash. The leash shall not be more than six feet in length and the dog shall be under the immediate control of a competent person, who must be at least fourteen (14) years of age, of sufficient size and strength to maintain control of the dog.
- (c) Preventing dogs or cats from becoming a danger or from trespassing. An owner of a dog or cat, whether vaccinated or not vaccinated, shall prevent such dog or cat from becoming a danger to persons or property at any location, or trespassing upon another person's property.
- (d) Preventing dog from running at large. An owner of a dog, whether vaccinated or not vaccinated, shall prevent such dog from running at large upon the streets, sidewalks, alleys, parks or public places in the county or on the property of another.
- (e) Impoundment/confinement of animals which attack without provocation. An animal, whether vaccinated or not vaccinated, not under control as provided in this chapter which attacks or attempts to attack, without provocation, a human being or domestic animal is hereby declared a public nuisance and may be impounded pursuant to the provisions of this chapter and/or ordered confined by the animal control unit for a period of up to 30 days; provided that if an action is brought in any court of competent jurisdiction concerning the attack or attempt to attack by such animal, the period of confinement may be extended until the entry of a final order of disposition in such action.

(f) Confinement of vicious animals. An owner of a vicious animal, whether vaccinated or not vaccinated, shall confine it within a building or secure enclosure and not release it there from unless it is securely muzzled and under restraint approved by the animal control unit. Any vicious animal not under control as provided in this chapter is hereby declared a nuisance and may be impounded pursuant to the provisions of this chapter and/or confined by the animal control unit for a period of up to 30 days; provided that if an action is brought in any court of competent jurisdiction concerning the attack or attempt to attack by such animal, the period of confinement may be extended until the entry of a final order of disposition in such action.

(g) Confinement of female dogs or cats in heat. Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat. An exception to this requirement is authorized for intentional breeding purposes but only with a permit issued by the county's animal control unit as required by Section 14-118 of this Code.

(h) Entrance into food establishment prohibited; exception. It shall be unlawful for any owner to allow such owner's dog or cat to enter any food store, restaurant or place where food is exhibited for sale except those animals trained for the blind, hearing impaired, handicapped and law enforcement.

(i) Fowl, livestock, etc., prohibited from running at large. It shall be unlawful for any owner of any chicken, duck, horse, cow, goat, pig or any other type of animal, livestock or other fowl within the county to permit such animal to run at large or be a menace or nuisance to such person's neighbors or the public in general."

Section 2. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 "Animals", Article V "Restraint", by adding a new Section 14-117 "Maximum number of pets allowed without a kennel license", which shall read as follows:

" Sec. 14-117. Maximum number of pets allowed without a kennel license

Other than licensed kennels, pet shops, veterinary clinics or hospitals, no person shall keep or harbor or knowingly permit to remain on or about his or her premises or under his or her control more than five dogs or cats or more than a combination of five dogs and cats. Provided however, that with a breeding permit issued by the county's animal control unit, a person may exceed this limit for not more than four months after the birth of a litter of puppies or kittens."

Section 3. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 "Animals", Article V "Restraint", by adding a new Section 14-118 "Breeding of dogs and cats, permit required", which shall read as follows:

"Sec. 14-118. Breeding of dogs and cats, permit required

- (a) The Board of Commissioners deems it in the best interest of the county to encourage pet owners to spay and neuter their pets to control the production of unwanted animals, to encourage the adoption of available animals from the county's kennel and to promote the health and wellbeing of our citizens and their pets.
- (b) It is unlawful and a violation of this code section for a pet owner to allow by omission or commission their pet dog or cat to become pregnant without first securing a breeding permit from the county's animal control unit.
- (c) The animal control unit shall issue a breeding permit at the request of the pet owner. The first permit issued in a calendar year to the owner or for a particular animal shall cost \$ 25.00. A second permit issued in a calendar year to the owner or for a particular animal shall cost \$ 50.00. A third permit issued in a calendar year shall cost \$100.00 and be prima facie proof that the requester is operating as a professional breeder and will require a county business license and a professional breeder permit issued by the county's animal control unit.
- (d) The breeding permit shall name the owner, owners address, name of the female pet and the female pet's registration number and female and male pets breed. The breeding permit will authorize the pet owner to exceed the five pet maximum for no more than four months after the birth of the litter. The permit shall expire six months after the date of issue.
- (e) A professional breeder permit shall be issued to any person who has obtained a county business license to operate as an animal breeder. The annual permit fee shall be \$100.00. The professional breeder must obtain a kennel license from the Animal Control.
- (f) The pet owner must comply with all state laws regulating animal breeding.
- (g) Other than an animal establishment, humane society, commercial kennel, animal shelter, or animal breeder licensed by the county or state, it shall be unlawful for any person or entity to have for sale within this county any

dog, puppy, cat or kitten without having first obtained a breeding permit from the animal control unit.”

Section 4. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 5. If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 6. This Ordinance shall become effective upon its approval by the Board of Commissioners.

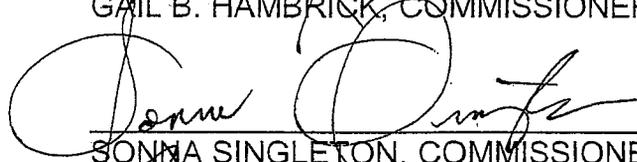
SO ORDAINED, this the 17th day of August, 2010.

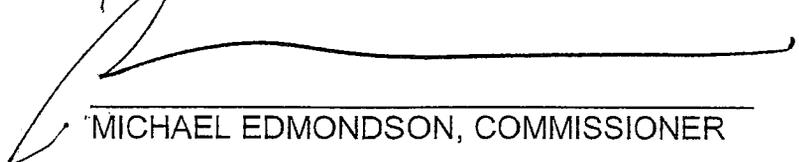
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

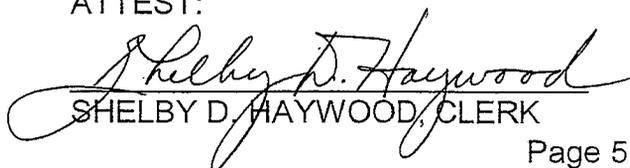

WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK