

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 174

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 14 "ANIMALS", ARTICLE VI "DANGEROUS DOG ACT", BY REPEALING SECTION 14-140 "REGISTRATION FOR DANGEROUS OR POTENTIALLY DANGEROUS DOGS" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-140 "REGISTRATION FOR DANGEROUS OR POTENTIALLY DANGEROUS DOGS", AND ADDING A NEW SECTION 14-149 "REGISTRATION OF VICIOUS DOGS; AND AMENDING CHAPTER 14 "ANIMALS", ARTICLE VII "CRUELTY", BY REPEALING SECTION 14-166 "PROHIBITED TREATMENT" AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-166 "PROHIBITED TREATMENT"; 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 VI "Dangerous Dog Act", by deleting Section 14-140 "Registration for dangerous or potentially dangerous dogs" and substituting in lieu thereof a new Section 14-140 "Registration for dangerous or potentially dangerous dogs" which shall read as follows:

"Sec. 14-140. Registration for dangerous or potentially dangerous dogs

- (a) The owner of a dangerous dog or potentially dangerous dog must secure a

certificate of registration in accordance with the provisions of O.C.G.A. § 4-8-25.

- (b) The annual fee for the certificate of registration shall be \$1,000.00.
- (c) Nonpayment of the registration fee shall be an offense and shall be punishable under section 1-12.
- (d) The dog control officer shall maintain a copy of all state and local laws applicable to dangerous dog and potentially dangerous dog which shall be available for inspection by the public during regular business hours. The dog control officer shall not be authorized to interpret these laws for the purpose of giving advice to owners.
- (e) Four signs warning of a dangerous or potentially dangerous dog are required of the owner of a dangerous or potentially dangerous dog. In accordance with provisions of O.C.G.A. § 4-8-25, the signs shall be visibly posted for the public to see on all four sides of the premises where the dangerous or potentially dangerous dog is kept.
- (f) The county animal control unit shall supply, at cost, to the owner of a registered dangerous dog or potentially dangerous dog, signs as required by O.C.G.A. § 4-8-25 and subsection (e) of this section.”

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 VI “Dangerous Dog Act”, by adding a new Section 14-149 “Registration of Vicious Dogs”, which shall read as follows:

“Sec. 14-149 Registration of Vicious Dogs

- (a) The owner of a vicious dog shall pay an annual registration fee of \$1,000.00 to the county animal control unit. The registration fee shall be due no later than 72 hours after the judicial determination that the dog is a vicious dog pursuant to Section 14-147 of the Code of Clayton County and shall be due each calendar year that the vicious dog is located in this county on the anniversary date of the judicial determination pursuant to Section 14-147 of the Code of Clayton County. If the dog has been removed from the county before the registration fee comes due, the fee shall be imposed and become immediately payable once the dog returns to the county; however, only one annual registration fee shall be required for any twelve-month period.
- (b) If the registration fee has not been paid as required by this section, nonpayment of the registration fee shall be a misdemeanor and shall be punishable under Section 1-12.”

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 VII "Cruelty", by deleting Section 14-166 "Prohibited Treatment" and adding in lieu thereof a new Section 14-166 "Prohibited Treatment", which shall read as follows:

"Sec. 14-166. - Prohibited treatment.

It shall be unlawful for any person, either by commission or omission:

- (1) To confine an animal in a vehicle in an inhumane manner such that the animal becomes overheated or lacks adequate ventilation or is otherwise harmed.
- (2) For any owner to fail to provide any animal under his control with adequate proper food, adequate fresh water, or veterinary care. For the purpose of this subsection, owner shall mean any person, legal entity, corporation, partnership, firm, or trust owning, possessing, or having custody and control of the premises where the animal is located. For the purpose of this subsection, adequate food shall mean food of a sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian; which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food. Adequate water means clean, fresh, potable water sufficient to prevent dehydration and properly sustain health presented in a clean dish, free from contamination. Examples of inadequate water include, but are not limited to, snow, ice and rancid or contaminated water
- (3) To fail to provide any animal under his care with access to adequate shelter to protect it from all types of weather, 24 hours daily. For the purpose of this subsection adequate shelter means a protective covering for a domestic animal that provides adequate space and protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four (4) sides, a constructed floor, and a roof with a door opening. It must be maintained clean, dry and compatible with current weather conditions, in addition to age, size, species and condition of the animal. The structure must be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below freezing. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of

November through March. From April through October, the structure shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two (2) inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, pet carriers, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

- (4) To abandon any animal.
- (5) To allow an animal under his control to be kept in unsanitary conditions.
- (6) To keep or confine an animal under his control in other than a humane manner.
- (7) To allow any animal to be transported in any moving vehicle without the vehicle being enclosed or the animal confined so that it may not jump or fall out or be injured in any manner.
- (8) To unjustifiably cause death or physical pain or suffering to any animal.

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.

[Signatures on the next page]

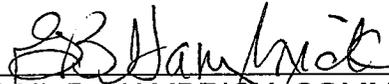
CLAYTON COUNTY BOARD OF COMMISSIONERS



ELDRIN BELL, CHAIRMAN



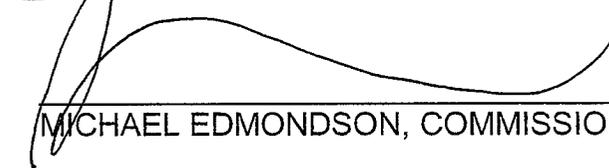
WOLE RALPH, VICE CHAIRMAN



GAIL B. HAMBRICK, COMMISSIONER

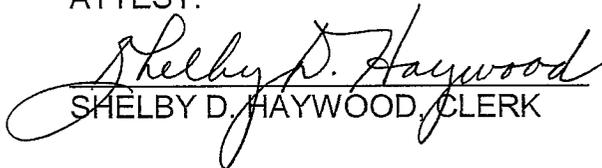


SONNA SINGLETON, COMMISSIONER



MICHAEL EDMONDSON, COMMISSIONER

ATTEST:



SHELBY D. HAYWOOD, CLERK