

AN ORDINANCE OF THE COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF AMENDING THE CODE OF BARTOW COUNTY, CHAPTER 14, ARTICLE II, THE ANIMAL CONTROL ORDINANCE; REVISING THE PROVISIONS FOR CONTROL OF ANIMALS AND PUBLIC NUISANCE ANIMALS; AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON THE 3rd DAY OF DECEMBER, 2014.

WHEREAS, Bartow County has previously adopted and amended Animal Control Ordinance, contained in the Code of Bartow County as Article II of Chapter 14, providing for the regulation of animals, including animals at large on and off their premises; and

WHEREAS, the Animal Control Department recommends revisions to the language of the Ordinance relating to control of animals and public nuisance animals in order to clarify the ordinance; and

WHEREAS, the Commissioner has determined it is in the best interests of the public health, safety and welfare to adopt the amendments set forth below; and

NOW THEREFORE BE IT ORDAINED, AND IT IS HEREBY ORDAINED, by virtue of the authority vested in the Commissioner by law, that Article II of Chapter 14 of the Code of Bartow County is amended as follows:

I. Sec. 14-13 “Definitions” is amended to delete the definition of “Public Nuisance Animal.”

II. Sec. 14-14 is deleted and replaced with the following:

Sec. 14-14. – Control of Animals.

A. Control of Animals. Every animal shall be restrained and controlled so as to prevent it from molesting passersby, chasing vehicles, or attacking persons or other animals. It shall be a violation of this ordinance for the owner of an animal, or for the person having possession of, responsibility for, or custody of an animal, to not have the animal under *secure control* whether *on the premises* of such person or *off the premises*.

Secure Control: When the animal is *on the premises* of the owner or the person having possession of, responsibility for, or custody of an animal, “secure control” shall mean: the animal is enclosed in a fence or other enclosure sufficient to contain the animal; the animal is contained by an electronic fence and shock collar or similar technology; the animal is tethered consistent with subparagraph (B); or the animal is under *direct voice command*.

When an animal is *off the premises* of the owner or the person having possession of, responsibility for, or custody of an animal, “secure control” shall mean: the animal is

secured by a leash, chain, tie or other device held by a *competent person*; the animal is tethered consistent with subparagraph (B) with the permission of the person upon whose property the animal is tethered; the animal is safely confined within a vehicle, consistent with subparagraph (E); or the animal is enclosed in a fence or other enclosure sufficient to contain the animal with permission of the owner of the property where the enclosure is located.

“On the premises” means the animal is on the parcel or in the home where it normally resides and which is the home of the person who owns or has possession, custody or control of the animal.

“Off the premises” means anywhere other than the parcel where the animal normally resides, including the immediately adjacent road or right of way and common areas of an apartment complex, other multi-family housing or neighborhoods.

A “competent person” means a person with the strength and ability to control the animal.

“Direct Voice Command.” To qualify as under direct voice command, the person must be 1) outside with the animal, 2) in *close proximity* to the animal, and 3) the animal must be demonstrably responsive to voice commands. A person inside a structure shall not be considered under this Ordinance to have voice command over an animal that is outside.

“Close proximity” shall mean within a distance where the animal can respond to spoken (not shouted) commands.

B. Tethering. Animals may only be tethered under the following circumstances:

1. A person restraining an animal with a tether shall attach the tether to a properly fitting collar or harness worn by the animal. A person may not use choke collars, pinch collars, prong collars or similar devices, nor may a person wrap a tether directly around an animal’s neck;
2. A person may not restrain an animal with a tether in a manner that does not allow the animal to access necessary shelter and water, including shade when the temperature is above 80 degrees Fahrenheit;
3. The length of the tether should be no less than five (5) times the length of the animal, measured from the tip of the animal’s nose to the base of its tail. In any event, a person may not restrain an animal with a tether less than ten (10) feet in length;
4. The animal must be tethered in a safe manner and not in a fashion that subjects the animal to tangling and choking risks; and
5. A person restraining an animal with a tether shall ensure that the area in which the animal is confined is free of garbage, fecal matter, or other debris that can cause harm to the animal.

C. Tethering on public property. No person shall tie, stake or fasten any animal within any street, alley, sidewalk or other public place or in such manner that the animal has access to any portion of any street, alley, sidewalk or other public place.

D. Dogs in heat. Every female dog in heat shall be confined in a building or other enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding.

E. Animals in vehicles. No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

III. Sec. 14-16 is deleted and replaced with the following:

Sec. 14-16. – Public Nuisance Prohibited.

It shall be unlawful for any person to keep any animal on any property located within the unincorporated limits of Bartow County when the animal is kept in such condition to constitute a public nuisance animal, as defined below, or to constitute a menace to public health or safety.

“Public Nuisance Animal” means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term “*public nuisance animal*” shall include, but not be limited to:

- (a) Any animal that is repeatedly found running at large;
- (b) Any dog or cat in any section of a park or public recreation area, unless the dog or cat is controlled by a leash or similar physical restraint;
- (c) Any animal that damages, soils, defiles or defecates on any property other than that of its owner;
- (d) Any animal that continuously (exceeding fifteen continuous minutes) or repeatedly (numerous times totaling fifteen minutes over the course of one hour) howls, barks, whines or makes other disturbing noises that can be heard from within any adjacent or nearby residential structure owned by anyone other than the animal owner;
- (e) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (f) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- (g) Any animal, whether or not on the property of its owner, that without provocation molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (h) Any animal that attacks or injures a domestic animal or pet;

(i) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or

(j) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

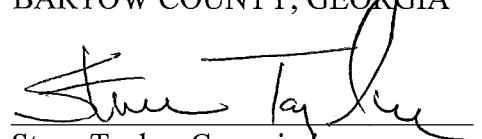
All other Ordinances and Resolutions, or parts of said Ordinances or resolutions, in conflict herewith are hereby repealed, except to the extent said Ordinances are more restrictive than this Ordinance.

SO ADOPTED this 3rd day of December, 2014, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:


Kathy Gill, County Clerk

BARTOW COUNTY, GEORGIA


Steve Taylor, Commissioner