

**RESOLUTION TO AMEND SECTION 12-1005. RESTRAINT; SECTION 12-1006. RESTRAINT DISTRICTS;
SECTION 12-1007. ELIMINATION OF RESTRAINT DISTRICTS; SECTION 12-1008. RESTRAINT OF
DANGEROUS ANIMALS; AND SECTION 12-1009. RESTRAINT OF CERTAIN ANIMALS, OF THE SPALDING
COUNTY CODE OF ORDINANCES**

Be it resolved to amend *Section 12-1005. Restraint; Section 12-1006. Restraint Districts; Section 12-1007. Elimination of Restraint Districts; Section 12-1008. Restraint of Dangerous Animals; Section 12-1009. Restraint of Certain Animals*, by striking said sections in their entirety and inserting in lieu thereof a new section to be denominated as Section 12-1005. Restraint, to read as follows:

Sec. 12-1005. Restraint

- (a) It shall be unlawful for any owner or possessor of any dog or cat to fail to keep the animal under restraint or control as provided for in this section.
- (b) An animal 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 animal from leaving the real property limits of its owner, possessor, or custodian. Acceptable methods of restraint include:
 - (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, 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.
 - (4) It is securely and humanely attached to a trolley/runner system:
 - (a) Any tethering device must be a running cable line or trolley system, 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;
 - (b) Tethers must be made of a substance which cannot be chewed by the animal and shall not weigh more than five percent of the body weight of the animal;
 - (c) The tether must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal;
 - (d) The tether must be at least ten feet in length and mounted no more than seven feet above the ground level;
 - (e) The length of the tether from the running cable line or 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;
 - (f) 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;

- (g) The trolley/runner 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.
- (c) Except for temporary tethering during special events/occurrences, it shall be unlawful to tether a dog outdoors.
Tether meaning any chain, rope, leash, tie out, or wire designed to restrain an animal which is attached to an animal or an animal's collar or harness and is also attached to a stationary object.
- (d) The following precautions shall be taken by the owners, possessors, or custodians of potentially dangerous or dangerous animals:
 - (1) Except when being transported in, and securely confined within, a vehicle, no dangerous dog (or other animal) or a potentially dangerous dog or other animal shall be permitted outside a proper enclosure except:
 - (a) Any dog classified as a dangerous dog, when permitted outside a proper enclosure shall
 - (1) Be attended by its owner, and
 - (2) Be restrained by a secure collar and leash (not to exceed six (6) feet in length), with both collar and leash of sufficient strength to prevent escape; and
 - (3) Be muzzled by a means sufficient to prevent biting other persons or domestic animals. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.
 - (b) Any dog classified as a potentially dangerous dog, when permitted outside a proper enclosure, shall:
 - (1) Be attended by its owner; and
 - (2) Be restrained by a secure collar and leash as provided herein above.
 - (2) Failure to keep any animal under restraint or control as provided for herein shall be unlawful and shall be punishable as herein after provided by this code of ordinances.
- (e) This ordinance shall not apply to any State licensed facilities and/or personnel following State law regarding restraint and control.

BE IT RESOLVED THIS _____ DAY OF _____, 2012.

SPALDING COUNTY BOARD OF COMMISSIONERS

Chairman

RESOLUTION TO AMEND SECTION 12-1002. DEFINITIONS, OF THE SPALDING COUNTY CODE OF ORDINANCES

Be it resolved to amend Section 12-1002. Definitions, by striking subsection (y) in its entirety and inserting in lieu thereof a new subsection (y), to read as follows:

Sec. 12-1002. Definitions.

(y) Proper Enclosure:

1 (i) An enclosure for keeping any animal, including dangerous animals or potentially dangerous animals, as required by this chapter, while on the owner's property in a securely enclosed locked pen, fence, or structure suitable to prevent the animal from escaping. Any such enclosure shall also provide protection from the elements for the animal. The term proper enclosure shall not mean nor shall it include keeping a dangerous or potentially dangerous animal inside a house that is inhabited by human beings.

(ii) All dogs shall be provided with sanitary shelter from the elements.

(iii) Said shelter shall be designed, constructed, and maintained to protect the animal from rain, snow, ice, excessive temperatures, and direct sunlight.

(iv) Said shelter must allow the animal sufficient space to stand, turn around, lie down, and make all other normal body movements in a normal and comfortable position appropriate to the age, size, species, and health of the dog.

(v) For dogs up to 30 pounds, pen size should be a minimum of 36 square feet for the first dog and an additional 18 square feet for each additional dog of the same size or smaller sharing the same enclosure.

For the dogs from 31 to 60 pounds, pen size should be a minimum of 64 square feet for the first dog and an additional 32 square feet for each additional dog of the same size or smaller sharing the same enclosure.

For dogs from 61 pounds and up, pen size should be a minimum of 100 square feet for the first dog and an additional 50 square feet for each additional dog of the same size or smaller sharing the same enclosure.

(vi) Pens shall be located 50 feet from any dwelling other than the owner's or custodian's dwelling.

(vii) The owner must remove and dispose of animal excrement and food waste and debris so as to minimize vermin infestation, contamination, odors, and disease hazards.

(viii) All animals shall be provided with adequate care that must include constant access to fresh food, water, shelter, and veterinary care when necessary.

BE IT RESOLVED THIS _____ DAY OF _____, 2012.

SPALDING COUNTY BOARD OF COMMISSIONERS

Chairman