

^{2 3}PART III: GENERAL GOVERNMENTAL REGULATIONS

CHAPTER 30: ANIMAL CONTROL

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30-101 **Title**

The title of this chapter shall be known and may be cited as the "Animal Control Ordinance" of Lawrenceville, Georgia.

30-102 **Definitions**

¹(a) Animal Control Unit. The division within the Gwinnett County Department of Public Safety responsible for the enforcement of this Chapter. The Mayor and Council of the City of Lawrenceville hereby designate and empower the Gwinnett County Animal Control Unit as the entity with the authority to enforce the provisions of this title.

30-103 **Restraint**

- (a) Leash Law. It shall be unlawful for any owner or possessor of any dog to allow such dog to run at large, whether wearing a collar and tag or not, within the incorporated areas of the City. Any and all such dogs found running at large, whether wearing a collar and tag or not, shall be immediately impounded by an officer of the animal control unit or any police officer. The officers may pursue the dog onto private property to effect capture of such dog.

- (b) Duty of all Animal Owners to be Responsible Owners. It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damages which might result from their animal's behavior.

In the event that the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this Ordinance are complied with.

- (c) Duty to Keep Dogs Under Restraint While on Owner's Property. It shall be the duty of every owner or custodian of any dog to ensure that the dog is kept under restraint and that reasonable care and precautions are taken to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and 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 chain, cable or trolley, or other tether of sufficient strength to prevent escape, or,
3. it is on a leash and under the control of a competent person; or it is off leash and obedient to that person's command and that person is present with the animal any time it is not restrained as provided for in (1) or (2) above while on the owner's property.
4. The following additional precautions shall be taken by the owners, possessors, or custodians of vicious or dangerous animals:
 - a. In addition to the requirements in (1) above, owners of dangerous or 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 or dangerous 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 2 feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.
 - b. Whenever the dog is outside of its enclosure as provided for above, 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 10 feet and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless said perimeter boundary is securely fenced.
 - c. No vicious or dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure as provided for above.

(d) Guard or Watch Dogs.

1. Owners or custodians of any guard or watch dog must confine any guard or watch dog within a perimeter fence and meet the following conditions; unless the dog is otherwise restrained as provided for in (e), (2).
 - 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 fifty 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 10 inches high and 14 inches long.
 - c. The owner or custodian shall, prior to placing dog(s) on property, obtain from the Department of Public Safety a registration number and distinctive identification collar for each dog. There shall be a fee of \$20 per dog for the first year or any part thereof and a \$5 renewal fee per dog every year thereafter. Said renewal fee shall be paid by January 30 of each year.
 - d. The registration number shall be tattooed at the owner's expense on the inside of the right hind leg or inside the upper lip of the dog. The collar provided shall be worn at all times.
 - e. The owner or custodian shall report to the Department of Public Safety within twenty-four (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; and
 4. Death of the dog.
2. Any enforcement officer of the Department of Public Safety shall have the authority to enter onto private or public property for the purpose of ensuring compliance with the provisions of paragraph (d).

- (e) Duty to Keep Dog Under Restraint While off Property. It shall be the duty of the owner or custodian of any dog to keep the dog under restraint and control at all times while the dog is off the real property limits of the owner, possessor or custodian.
1. For the purpose of this Section, a dog is deemed under control when:
 - a. it is securely and humanely confined within a vehicle, parked or in motion, or
 - b. it is properly confined within a secure enclosure with the permission of the owner of the property where the enclosure is located, or,
 - c. it is securely restrained by a leash or other device held by a competent person, or
 - d. it is under voice command of a competent person who is in the immediate proximity of the dog.
 2. A guard or watch dog shall be deemed under control only when contained by the collar provided for herein and a secure leash not to exceed 6 feet in length. The leash shall be of sufficient strength to prevent escape.
 3. The following additional precautions shall be taken by owners, possessors, or custodians of vicious or dangerous animals.
 - a. Except when being transported to a licensed veterinary facility, dangerous and vicious dogs shall not be allowed off the property of the owner. Should such 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 an from the transporting vehicle and to and from the veterinary facility shall be conducted with the animal securely leashed by a leash no longer than 6 feet in length and muzzled by a muzzle or device constructed so as to prevent the animal from biting.
- (f) Failure to keep any animal under restraint or control as provided for in this section shall be unlawful and shall be punishable as hereinafter provided.

30-104 **Wildlife**

All complaints and matters concerning wild animals not of a domestic nature and complaints involving game animals or protected species and/or hunting, shall be forwarded to the Georgia Department of Natural Resources, Game and Fish Division or the U.S. Department of Agriculture, Law Enforcement Division for proper disposition, i.e. compliance, apprehension, controlling and/or enforcement as may be necessary as provided by state and federal rules and regulations.

30-105 **Abandoned Animals**

It shall be unlawful for anyone to knowingly abandon any domesticated animal within the City. Each person who does abandon, or knowingly and willingly permits such abandonment, or aids in the abandonment of any domesticated animal shall be in violation of this Chapter and may be punished as hereinafter provided.

30-106 **Cruelty**

Cruelty shall mean and include every act whereby unnecessary or unjustifiable pain, suffering or death is caused, permitted or allowed to continue where there is reasonable remedy or relief. Acts of cruelty shall include, but are not limited to, the following:

- (a) Whoever willfully or maliciously kills, abuses, maims, or disfigures any animal or willfully or maliciously administers poison to any animal or exposes any poisonous substance with intent that the same shall be taken and swallowed by such animal shall be in violation of this Chapter.
- (b) Whoever overloads, overdrives, tortures, torments or deprives an animal of its necessary sustenance or shelter or beats, mutilates, or kills any animal or causes the same to be done, or carries in or upon vehicles or otherwise any animal in a cruel or inhumane manner shall be deemed in violation of this Chapter.
- (c) Whoever confines any animal and fails to supply it with sufficient quantities of wholesome food and water, or who keeps any animals in any enclosure without wholesome exercise and change of air, or abandons to die any animal shall be deemed in violation of this Chapter.

- (d) No person shall:
1. Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting.
 2. Build, make, maintain, or keep a pit on premises owned by or occupied by him or allow a pit to be built, made, maintained or kept on such premises for the purpose of exhibition of animal fighting.
 3. In any manner encourage, instigate, promote or assist in an exhibition of animal fighting or intentional combat.
 4. Charge admission, be an assistant, umpire or participant or be present as a spectator to any exhibition of animal fighting or combat.
- (e) Any animal control officer, or other officer empowered to act by law, may impound any animal found to be cruelly treated.
- (f) It shall be the duty of the owner to maintain in a clean and sanitary condition and free from extreme and unreasonable objectionable odor all structures, pens, yards, and areas adjacent thereto wherein any animal is kept.

30-107

Disposition of Impounded Animals

- (a) Any animal, dog or cat, seized or impounded by an Animal Control officer, or any officer empowered to act by law, for running at large shall be detained at the Animal Control Shelter. The officers of the unit shall notify by mail the owner of such animal, if known or can be reasonably ascertained, that the animal has been impounded. The owner of any animal impounded may, within seven (7) days after the mailing of the notice, reclaim the animal by the payment of an impoundment fee plus a boarding fee for each day the animal was impounded; the annual license fee if such has not been paid; and the cost of rabies vaccination if the animal has not been vaccinated within the prescribed time period. These fees (as applicable) shall also apply to biting animals held for rabies observation at the Animal Control Shelter.
- (b) In the event that any animal seized or impounded by the Animal Control division evidences advanced symptoms of contagious, infectious or fatal diseases, is seriously ill or severely injured, the Animal Control unit shall seek the services of a licensed veterinarian who will determine whether to treat the animal or euthanize; or in the

absence of an available veterinarian, said animal control officer may concur with a superior on duty, in addition to writing a complete report of the reason for euthanization. This action may be taken to control the spread of disease or to eliminate any further pain and suffering of an animal. Every attempt will be made to stabilize an "owned" animal to afford the owner the opportunity to pick up the animal.

30-108 Humane Disposition

- (a) If a dog or cat is not claimed by the owner within seven (7) days of notice to same, or a dog or cat of unknown ownership is not adopted within seven (7) days of impoundment, then it shall be the duty of the animal by a control department to euthanize the animal by an injection of sodium phenobarbital in as humane and painless manner as possible. An animal deemed to be highly desirable for adoption may be kept beyond the seven (7) day limitation provided that the animal does not evidence any apparent signs of illness, injury, contagious or infectious diseases and that space is available to house the animal, at the discretion of the Director of the Animal Control Division. Animals may be released by the local humane society to approved foster homes authorized to accept animals if not claimed or adopted as provided. Animals shall not be provided to any public or private institution, animal dealer or other individual who may use or supply the animal for research purposes.
- (b) Any animal which is suffering excessively or any animal which represents a real danger to persons or other animals, without regard to the period of confinement as provided for in Paragraph A of this section, shall be destroyed, by officers of the Animal Control Unit, in as humane a manner as possible.
- (c) When, in the opinion of a supervisor of the Animal Control Unit, a diseased or injured animal, taken into custody, is in need of immediate treatment, so as to lessen the animal's suffering or to prevent the spread of a communicable disease to other animals, he shall immediately obtain the services of or place the animal with a licensed veterinarian for the purpose of administering necessary treatment.

30-109 Vicious Animals - Dogs and Cats

It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious dog or cat on the streets or public places of the City or allow the animal to run on the premises of another, at any time; unless

and in addition to the other requirements of this Chapter such dog or cat shall be securely muzzled to effectively prevent it from biting any person or other animal. Upon impounding a vicious animal for any reason, the animal control unit may for reasons of public safety, retain said animal at the impoundment facility until disposition by the appropriate court.

30-109(a) **General regulations**

1. “Owner”- as used in this Ordinance means any person, firm, corporation, organization or department owning, possessing, harboring or having the care or custody, whether temporarily or permanently, of a dog.

2. “Vicious Dog”- as used in this Ordinance means any dog that has demonstrated a propensity, tendency or disposition to attack without being provoked or that has caused injury to human beings or domestic animals, and has been found after a hearing to be a Vicious Dog by the judge of the THE MUNICIPAL COURT OF THE CITY OF LAWRENCEVILLE. In addition, the term shall mean any dog that has demonstrated a tendency to without provocation, attack or bite, or has attacked or bitten, a human being or domestic animal and has been found to be vicious by the Municipal Court of the City of Lawrenceville in a trial or hearing upon a charge of harboring a vicious animal. Any dog owned or harbored primarily, or in part, for the purpose of dog fighting or any dog trained for dog fighting, or any dog and has been found to be vicious by the Municipal Court of the City of Lawrenceville in a trial or hearing upon a charge of harboring a vicious animal.

3. “Pit Bull”- as used in this Ordinance means: Any Pit Bull Terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains, as an identifiable element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

4. “City”- as used in this Ordinance means the City of Lawrenceville.

30-109(b) **Vicious Dogs**

No person shall harbor, keep or maintain within the City limits any vicious dog. Upon a finding by the judge of the Municipal Court that a dog is a Vicious Dog, the Vicious Dog shall be held in the custody of the designated City

Veterinarian until such time as the Owner can arrange housing the animal outside the City limits. Any dog found by the Municipal Court to be vicious by virtue of an attack upon a human being or domestic animal shall be impounded as directed by the Lawrenceville Police Department until disposition of the charge issued by citation. Moreover, the owner of any dog found to be vicious in the trial of a charge of harboring a vicious dog, or by plea to such a charge, shall be prohibited from returning that dog to the City or keeping that dog in the City. If an Owner is found to have brought a Vicious Dog back in to the City after the animal has been removed by order of the Municipal Court, then the Owner shall be guilty of harboring a Vicious Dog and subject to the penalties of this Ordinance.

30-109 (c) **Pit Bulls**

1. No person shall harbor, keep or maintain within the City limits any Pit Bull unless the Pit Bull is currently registered and licensed by the City of Lawrenceville Police Department. Owners shall have from the date of adoption of this amended Ordinance until October 1, 2003 to register these dogs and comply with all the requirements of this Ordinance. This prohibition shall not be applied to animals being transported through the City limits where the animal enters and leaves the City within a one-hour period of time.
2. A pup born to a female Pit Bull shall be licensed and registered pursuant to this Ordinance. The Owner shall have six (6) months from the birth of the dog to register the animal with the City of Lawrenceville Police Department.
3. Any person having knowledge which he or she believes constitutes probable cause to believe that another is harboring, keeping or maintaining a Pit Bull which was not registered with and licensed by the City on or before October 1, 2003, shall file with the Lawrenceville Police Department a sworn affidavit setting forth the basis on which they believe the animal to be a Pit Bull, the name and address of the owner of the dog and a description of the dog. The Police Department shall, upon receipt of such affidavit determine:
 - (i) If the dog was licensed on or before October 1, 2003, and
 - (ii) If the dog is currently registered as a Pit Bull pursuant to the provisions of this Ordinance.

If the dog was not registered and licensed with the City, or not currently registered pursuant to the provisions of this Ordinance, the City Police Department shall serve notice upon the Owner of the alleged Pit Bull, including the requirement that the owner shall bring said alleged Pit Bull to the City of Lawrenceville Police Department or such other location within the City as directed by

the City of Lawrenceville Police Department for inspection to determine whether this dog is a Pit Bull by definition as set forth in this Ordinance. The determination whether the dog is a Pit Bull shall be made by a licensed veterinarian designated from time to time by the Police Chief as the official veterinarian of the City.

If the Owner desires to challenge the determination, the Owner may file an appeal to the Municipal Court within five (5) days of the determination asking for a review of the determination by the veterinarian. The judge of the Municipal Court shall conduct a full de novo hearing on the issue and shall issue a final determination. In the event the dog is determined to be a Pit Bull as set forth by definition in this section of this Ordinance, the City Police Department shall cite the owner of the alleged Pit Bull in accordance with the provisions of this section.

30-109(d) **Harboring or Return of Vicious Dogs and Unregistered Pit Bulls Prohibited**

No person shall return or harbor within the City limits a dog previously determined by the Municipal Court of the City of Lawrenceville to be a Vicious Dog or an unregistered Pit Bull. The disposition of such a dog shall be in accordance with this Ordinance

30-109(e) **Exception**

No dog shall be declared to be a vicious dog if the injury or damages was sustained by a person who, at the time, was teasing, tormenting, abusing or assaulting the dog, or which dog was protecting a human being from attack by another animal or by a human being.

30-109(f) **Registration**

1. All owners of Pit Bulls shall, on or before October 1, 2003, and annually thereafter on or before April 15 of each year, register their dog and provide a current color photograph of the dog to the City of Lawrenceville Police Department and pay a registration fee of \$50 per dog. The tag and bright red collar are to give notice that the animal is properly registered and that it is a potentially dangerous animal.
2. An owner of a Pit Bull who fails to register the dog is subject to a forfeiture of not less than \$100 nor more than \$250 PER DAY.
3. An owner of a Pit Bull who registers but neglects to have the dangerous dog tag and red collar worn by the dog at all times is

subject to a forfeiture of not less than \$25 nor more than \$150 PER DAY.

4. A dangerous dog collar may be removed from a dangerous dog or Pit Bull for grooming or purposes of other care when the dog is secured indoors or in an approved pen.

30-109(g) **Requirements of Pit Bull Dogs**

1. While on the owner's property, a Pit Bull must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five feet by ten feet and must have secure sides and a secure top. Such pen or structure shall prevent the dog from being within 25 feet from the boundary line of the property, and shall be maintained in the rear yard of the property as defined by the City of Lawrenceville's Zoning Ordinance. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.
2. The owner or keeper shall display a sign on his or her premises facing out from all sides of the premises warning that there is a potentially dangerous dog on the property. This sign should be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning children who cannot read of the presence of a dangerous dog.
3. A Pit Bull may be off the owner's premises if it is muzzled and restrained by an approved lead or chain not exceeding three feet in length and is under the control of an adult, able-bodied person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
4. The provisions of this Ordinance regarding dangerous and vicious dogs shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.

30-109(h) **Apprehension and Impoundment**

1. It shall be the duty of such persons, as from time to time may be designated by resolution of the City Council, to apprehend any unlicensed dogs. The City Police Department shall, whenever

possible, see that such dogs are, transferred to the designated City veterinarian at the earliest possible date, where the dogs may be taken care of and reclaimed by the owner under the rules and regulations of said veterinarian. When the dog is impounded by the City before being transferred to a kennel, the owner reclaiming the dog shall be required to pay \$50 to the City. All costs of housing the dog shall be the obligation of the Owner and must be paid before the dog will be released.

2. It shall be the duty of the City Police Department and such other persons, as from time to time may be designated by resolution of the City Council, to apprehend, any Pit Bulls or Vicious Dogs running at large. Any Pit Bulls or Vicious Dogs found running at large shall be impounded and may be returned to its owner only upon proof of registration of the Pit Bull and proof that the Vicious Dog is being transported to be housed outside of the City limits. A police officer may shoot a dog if the dog attacks the officer or approaches the officer in a menacing fashion so that the officer believes that the dog is about to attack.
3. In any event, when a dog is impounded by the City, the City shall give notice to the Owner of the impoundment and advise the Owner whether and under what circumstances the dog may be redeemed. The Owner of any animal impounded, confined or destroyed pursuant to the terms of this Ordinance shall be responsible for all costs of such confinement, impoundment or destruction.

30-109(i) **Removal of Dog Pending Litigation**

Whenever any person is charged with harboring a vicious dog or Pit Bull as defined in this Ordinance, that person shall, to the satisfaction of the Court, remove said dog from the City until the trial of the citation. If the owner fails to remove the dog within 48 hours of the service of the citation, the City Police Department shall impound the dog until the trial on the citation. If the dog is determined by plea or trial to be a Vicious Dog or Unregistered Pit Bull provided by this Ordinance, it shall not be returned to or kept in the City. Any dog returned to or kept in the City, after being determined to be a vicious dog or Pit Bull constitutes a public nuisance.

30-109(j) **Violations**

Any person who violates any provision of this Article, shall, upon conviction, be punished by a fine not to exceed \$1,000, or by imprisonment in the County jail not to exceed six (6) months, or by both such fine and imprisonment. This Ordinance shall not be deemed to be violated unless the alleged violator

knew, or should have known, that after a reasonable inquiry that the dog, which is the subject matter of the alleged violation is a Vicious dog or unregistered Pit Bull dog under the provisions of this Ordinance.

A separate offense shall be deemed committed on each day during or on which a violation of this Ordinance occurs or continues. In addition to the foregoing penalties, any person who violates this Ordinance shall pay all expenses, including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this Ordinance.

30-109(k) **Severability**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction or by any agency of any kind or by anyone else, the remainder of this Ordinance shall not be affected.

30-109(l) **Repealer**

This Ordinance is adopted in addition to the provisions that have adopted the Gwinnett County Animal Control Ordinance. It is the intent that this Ordinance be interpreted consistently with the Gwinnett County Animal Control Ordinance, and that no section of the Gwinnett County Animal Control Ordinance is being repealed by the adoption of this additional regulation. Old Section 30-109 is hereby repealed and this Ordinance is substituted in its place.

30-109(m) **Effective Date**

This Ordinance shall take effect and be in effect on October 1, 2003, after passage and publication according to law.

30-110 **Public Nuisance Animal**

A public nuisance animal shall mean and include any animal or animals that:

- (a) is repeatedly found at large;
- (b) damages the property of anyone other than the owner;
- (c) is vicious;
- (d) attacks without provocation;
- (e) excessively makes disturbing noises including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or

discomfort to neighbors or others in close proximity to the premises where the animal is kept;

- (f) creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept; and
- (g) an animal which is being kept not in conformity with the Zoning Resolution of the City of Lawrenceville.

Any such public nuisance animal may be impounded and the owner or possessor charged for a violation of the Chapter.

30-111 Dead Animals

Officers of the Animal Control Unit are authorized to remove dead animals from public property including public schools, parks and roadways. Carcasses on private property must be disposed of by the animal or property owner or possessor in accordance with State House Bill No. 225 Act No. 577. Any dog, cat, or small animal carcass to be picked up for disposal by the Animal Control Center from a private residence must first be contained in a plastic bag and delivered to the right-of-way of the road or street for disposal. All dead livestock, including horses, cattle and other large animal must be disposed of by the animal owner or property owner possessor in accordance with state and local regulations.

30-112 Livestock

- (a) All livestock shall be properly housed with adequate food and water supply and confined within a fenced enclosure. The fenced enclosure compound and causing damage, accidents or injury to any person or property. Owners of such livestock shall be liable for any damage, accidents or injuries.
- (b) No person shall tie, stake or fasten any animal within any street, highway, road, alley, sidewalk, right-of-way, or other public places. Such animal shall also be tied, so as not to cross any property limits or boundaries without the express permission of the property owner(s).

30-113 Biting Dogs and Cats

- (a) In accordance with rules and regulations promulgated by the County Board of Health, all dogs and cats known to have bitten a person shall be confined for a period of 10 days. All expenses incurred for

boarding of the animal for this period of time shall be paid by the owner or possessor of the biting animal.

- (b) In accordance with rules and regulations promulgated by the Georgia State Department of Public Health, all pets or wild animals, other than a dog or cat, known to have bitten a person, or any animal which cannot be held for a rabies observation period, shall be euthanized and a lab specimen of brain tissue sent to the State Department of Epidemiology for testing and control of rabies.

30-114 Collar and Rabies Vaccination Tag

- (a) It shall be the duty of each dog and cat owner or possessor to provide a collar and tag(s) for each dog and cat and the tag or collar shall be on the animal at all times when the animal is not under immediate control of the owner or possessor of the animal.
- (b) It shall be unlawful for any person to attach a vaccination or owner's license tag to the collar of any animal for which it was not issued, or to remove such tags from any animal without the consent of its owner or possessor.

30-115 Animal License

- (a) The owner, possessor or harbinger of each dog or cat, residing in the incorporated area of the City shall, within 30 days after the animal is vaccinated against rabies, and not later than when such dog or cat shall be six (6) months old, and when the owner or possessor of each dog or cat which shall be brought into the City, shall within 30 days thereafter, or by the time the dog is six (6) months old, obtain from the Animal Control Unit an owner's license and pay the property license fee.

There shall be no charge for seeing eye dogs or similar animals kept by their owner for personal assistance with the owner's physical handicap.

- (b) All licenses shall be issued after payment of the applicable annual fees:
 - 1. for each un-neutered male dog . . . \$6.00
 - 2. for each un-neutered male cat . . . \$6.00
 - 3. for each un-spayed female dog . . . \$6.00
 - 4. for each un-spayed female cat . . . \$6.00
 - 5. for each neutered male dog \$3.00
 - 6. for each neutered male cat \$3.00

- 7. for each spayed female dog \$3.00
- 8. for each spayed female cat \$3.00
- 9. The maximum charge per household per year shall be \$30.00

- (c) In order to be entitled to an owner's license, the owner or possessor of such animal must, at the time of obtaining the license, present to the Animal Control Unit, its agents or employees, a current rabies vaccination certificate showing that the animal, for which the license is to be obtained, has been vaccinated against rabies by a licensed veterinarian. A metal tag, to be fastened to the animal's collar, will be issued with each license. Tags shall be valid for 12 months from the date of vaccination, and must be renewed within 30 days of the expiration date. License expiration dates shall coincide with revaccinations, whereas vaccination certificates must be validated and renewed by the Animal Control Unit every 12 months.
- (d) Owners having a dog or cat vaccinated for a period exceeding 12 months may obtain a license for the animal for the duration of the vaccination.
- (e) All money collected from license fees or other costs or charges provided for in this Chapter may be used to fund the operation of the Animal Control Unit.
- (f) The Animal Control Unit shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public. A duplicate license may be obtained upon payment of a \$2.00 replacement fee.

30-116 Vaccination of Dogs and Cats

No person shall vaccinate dogs and cats against rabies who is not licensed to practice veterinary medicine in the State of Georgia.

30-117 Adoption

The Animal Control Unit or its designee may offer for adoption any animal unredeemed or unclaimed by the owner after seven (7) days or, in the event that the animal is voluntarily surrendered to the Animal Control Unit by the owner of said animal, may be offered for adoption immediately. All persons adopting animals shall be over eighteen (18) years of age and shall provide proper and humane care, feeding, shelter and protection from the weather and veterinary treatment as required. All persons adopting a fertile dog or cat shall cause to have a female spayed or a male neutered within thirty (30) days of the date of adoption or by the maximum age of 6 months for a female and 9 months for a male, whichever is

longer. Any persons adopting an animal shall not use the animal for breeding, exhibition or profit and shall not engage in any research involving the use of the animal or supply the animal to any individual or institution which may use the animal in research. The frequency with which animals may be adopted and placed in any household may be restricted.

Adoption fees as set from time to time by the Mayor and Council of the City of Lawrenceville may include all or part of the costs of an examination and rabies inoculation and all or part of the costs associated with neutering or spaying dogs and cats.

30-118 Vaccines Used and Time of Vaccination

- (a) All dogs and cats being owned, possessed, harbored or residing within the incorporated and unincorporated limits of the City shall be inoculated for the prevention of rabies by a veterinarian licenses to practice veterinary medicine in the State of Georgia, and using only those vaccines prescribed and/or approved by the State Department of Human Resources.
- (b) All dogs and cats are to be vaccinated against rabies before and no later than six (6) months of age. All dogs and cats are to be revaccinated within the specified time (12, 24 or 36 months) depending on the type of vaccine used. Any dog or cat found not vaccinated by six (6) months of age, must have consent of a licensed veterinarian stating the reasons.
- (c) Any person keeping, owning, harboring or having any other type of animal in possession (excluding dogs and cats), is not required to have the animal vaccinated against rabies but does so at his/her own risk and assumes all liabilities for adverse actions of the animal.

30-119 Certificate of Vaccination

- (a) Upon administering anti-rabies vaccines, a certificate of vaccination must be issue and signed by the veterinarian administering the vaccine, to prove evidence of vaccination.
- (b) Any veterinarian is authorized and required in connection with his practice to issued certificates of vaccination, provided he furnishes one copy to the animal owner, one copy to the Animal Control Unit, and one copy is retained by the veterinarian. In addition, a fourth copy may be given to the animal owner and delivered to the Animal Control Unit for the license.

- (c) The certificate of vaccination furnished to the Department of Animal Control shall be maintained in an orderly indexed file for a period of not less than three years.

30-120 Transient Dogs and Cats

Any dog or cat shipped or transported through the City or entering the City only for the purpose of a temporary stay, when such stay shall not exceed 15 days, shall be exempt from license fees and collar and tag sections of this Chapter. However, all other provisions of this Chapter are application to such transient animals.

30-121 Summons

- (a) The Animal Control Officer or Police Officer at his or her discretion may not impound a dog or other animal found in violation of any section of this Chapter, but return the animal to its owner or possessor and issue or cause to be issued a summons directing the owner or possessor of the dog to appear before the recorder's court on a certain day to stand trial for the violation of this Chapter.
- (b) If a violation of this Chapter has not been personally witnessed by the Animal Control Supervisor or his authorized representative or other employee of the City, a subpoena may be issued to the person complaining, to be and appear on the day and time set for trial, then and there to testify on behalf of the City.

**30-122 Liability of the City, Department of Public Safety,
Animal Control Unit, Officers and Employees**

The City of Lawrenceville, the Animal Control Unit and its officers and employees shall not be held responsible or liable for any accidents, diseases, injuries, or deaths to any animal while being impounded or boarded at the Animal Control Shelter.

30-123 Interference With Animal Control Officers

It shall be unlawful to interfere with any Animal Control officer or other officer empowered to act by law, or to take or attempt to take any animal from the City vehicle used to transport said animal, or to take or attempt to take any animal from the Animal Control shelter or impounding area.

30-124 **Penalties**

Any person violating this Chapter may be deemed guilty of violating a City Ordinance and may be punished by a fine not to exceed \$500.00 and by imprisonment in the common jail of the City not to exceed six (6) months, or both fine and imprisonment. Each day that such violation continues to exist shall constitute a separate offense. All violations of this Chapter 30 of the Code of the City of Lawrenceville shall be returned to the Recorders Court of the City of Lawrenceville and the guilt or innocence and if necessary the appropriate fine and imprisonment shall be determined by the Judge of the Recorders Court of the City of Lawrenceville.

30-125 **Repealer**

All Ordinances or parts of Ordinances in conflict with this Chapter are hereby repealed to the extent of any such conflict.

30-126 **Severability**

Should any part of this Chapter be held invalid, such part shall be deemed to be severable, and the invalidity thereof shall not affect the validity of the remaining parts of this Chapter.

30-127 **Effective Date**

This Ordinance shall have immediate effect upon adoption by the Mayor and Council of the City of Lawrenceville.

30-128 **Keeping of Animals in a Residential Area**

It shall be unlawful to have goats, swine, cattle, fowl of any type, and horses within 150 feet of any residence in the City.

1. Notice to Remove. It shall be the duty of the Police Chief to notify, in writing, the owner of the animal in violation of the provisions of this section that said animal must be removed within three (3) days from the date of such notice.

2. Any person violating any provision of this article shall be guilty of violating a duly adopted ordinance of the City and shall be punished either by a fine not less than \$250.00 per day and not to exceed \$1,000.00 per day, or by a sentence of imprisonment not to exceed six (6) months in jail, or both a fine and jail. Each act or omission in violation of this article shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. In addition to any other penalties allowed by law, the

Municipal Court, as part of the sentence, may prohibit the offender from owning, possessing, or having on the offender's premises in the City of Lawrenceville any animal during the term of the sentence, may order for the animal to be removed from the City or humanely euthanized, and may order restitution.

3. Any provision of Chapter 30 in conflict with this provision shall be deemed to be repealed.

30-129 Adoption of Gwinnett County Animal Control Ordinance

The City of Lawrenceville hereby adopts and incorporates herein by reference Section 10, Article II of the Code of Ordinances of Gwinnett County, Georgia, regarding Animal Control Generally. A copy as adopted is attached hereto as Attachment 6. Any reference in the Gwinnett County Animal Control Ordinance to jurisdiction for the prosecution of any violation of this Ordinance shall mean the City of Lawrenceville Municipal Court. Any reference in the Gwinnett County Animal Control Ordinance to penalties shall mean a fine not to exceed \$1,000.00 per day, or by a sentence of imprisonment not to exceed six (6) months in jail, or both a fine and jail. Any reference in the Gwinnett County Animal Control Ordinance to enforcement of the provisions set forth in the Ordinance shall mean the Gwinnett County Animal Control Unit or the City of Lawrenceville Police Department.

¹ Ordinance to Amend Section 30-102(a) was adopted on August 5, 2002.

² Ordinance to Amend Chapter 30 to Adopt and Incorporate Gwinnett County's Amendments to the Animal Control Ordinance was adopted on July 9, 2007.

³ Ordinance to Amend Penalty Provisions and to make Technical Revisions within Certain Sections of the City of Lawrenceville's 2005 Lawrenceville Code of Ordinances was adopted on September 10, 2007.