

**AN ORDINANCE OF THE WHITFIELD COUNTY
BOARD OF COMMISSIONERS AMENDING CHAPTER 4 OF THE
WHITFIELD COUNTY CODE OF ORDINANCES**

Ordinance 2022-_____

WHEREAS, the Whitfield County Board of Commissioners has regulated the maintenance and keeping of domesticated animals within Whitfield County in order to protect the health, welfare, and safety, of the citizens of Whitfield County; and

WHEREAS, the Whitfield County Board of Commissioners has, from time to time, amended said ordinance in order to protect the health, welfare, and safety of the public; and

WHEREAS, the Whitfield County Board of Commissioners finds such amendments to be useful, necessary, and proper, and protective of the health, welfare, and safety of the public.

NOW, THEREFORE, BE IT RESOLVED by the Whitfield County Board of Commissioners that Chapter 4 of the *Whitfield County Code of Ordinances*, entitled "Animals," be amended by amending Section 4-1, "Definitions," by amending the existing definitions of "Adequate food and water" and "Trolley system (or running cable line,)" and by adding therein, in alphabetical order, a new definition of "Adequate Shelter" and of "Unsanitary conditions;" by deleting existing section 4-30 in its entirety and by renaming and amending a new section 4-30, to provide for shelter and tethering requirements; and for other purposes.

BE IT ORDAINED by the Board of Commissioners of Whitfield County and by the authority of same, **IT IS HEREBY ORDAINED** as follows:

1. By amending Section 4-1 of the *Whitfield County Code of Ordinances* by amending the definition of "Adequate food and water" and "Trolley system (or running cable line,)" by deleting the existing definitions and replacing therewith as follows and by adding, in alphabetical order, the definition of "Adequate Shelter," and of "Unsanitary conditions," as follows:

Adequate food and water shall mean unspoiled food and fresh water, which are in sufficient quantity and otherwise appropriate to the particular domesticated animal to maintain good health and hydration. With respect to a Dog or Cat, such food and water shall be placed within containers that are clean and otherwise free from contaminants or debris and shall be secured or weighted so as to prevent unintended spillage to the extent practicable.

Adequate shelter shall mean a protective covering appropriate to Dog(s) or Cat(s,) providing sufficient space to keep and maintain the domesticated animal in good health and free from pain and suffering. Such shelter shall be relatively clean, dry, and designed to withstand expected weather conditions. Bedding material within such structure shall be provided during colder temperatures and adequate ventilation during warmer temperatures. Taking into account the age, size and condition of the Dog or Cat, such shelter shall be of sufficient size to allow the domesticated animal to

stand, turn around, lie down, and enter and exit the structure comfortably. If constructed of wood or similar materials, such shelter shall be raised not less than two (2) inches from the ground to avoid rot and water infiltration. Adequate shelter shall include consideration of the number of animals living on the property.

Trolley system (or running cable line) shall refer to a tethering system consisting of a horizontal braided metal cable not less than ten (10) feet in length attached at each end to a stationary object, such as a vertical post or tree. The horizontal cable shall have stops at each end to limit the travel distance and to prevent the domesticated animal from becoming entangled around the stationary object. The Dog shall be attached to the horizontal cable with an appropriate lead with secure metal swivels on either end. Such trolley system shall, at all times, provide the Dog access to Adequate shelter.

Unsanitary conditions: Any domesticated animal's living space shall be considered unsanitary for purposes hereunder if it is contaminated by health hazards or irritants, including, but not limited to the following:

- a. Excessive animal waste;
- b. Standing water or mud;
- c. Garbage, trash, junk, debris or other waste;
- d. Rancid, contaminated, or dirty food or water;
- e. Excessive fumes, foul or noxious odors, or chemicals;
- f. Uncontrolled parasite or rodent infestation;
- g. Areas containing nails, screws, broken glass, metal, sharp objects or the like.

2. By amending Section 4-30 of the Whitfield County Code of Ordinances by repealing existing Section 4-30 in its entirety and replacing therewith the following new Section 4-30, as follows:

Sec. 4-30. Shelter / Tethering Requirements.

- (a) Except as set forth specifically in paragraphs (b) and (c) hereinbelow, any owner of a Dog, as defined in Section 4-1, shall ensure that such animal is not tethered, whether by chain, rope, leash, or the like, to any fixed object, including, but not limited to, any post, tree, fence, doghouse, rail, vehicle, or other structure. This prohibition against tethering shall apply whether such Dog is within any structure, out of doors, or within a vehicle and whether such animal is located upon the owner's property or otherwise.
- (b) Notwithstanding paragraph (a,) provided that person not less than eighteen (18) years of age is present at the premises at all times, a Dog may be tethered to a Trolley System (or running cable line) for not more than eight (8) hours per day.
- (c) Notwithstanding paragraph (a,) a Dog may be tethered temporarily, but only while the animal and its owner are immediately together with one another and provided

the tether is attached to a properly-fitted harness or collar.

(d)The following are not permitted at any time when tethering a Dog, regardless of whether the animal is attended by its owner or not:

- a. Use of a choke, prong, or similar collar;
- b. Wrapping the tether directly around the neck;
- c. Use of a tether that restricts the animal's range of movement to less than the greater of five feet or one-and-one-half times the length of the animal's body;
- d. Use of a tether that places any animal within any street, alley, sidewalk or other public place within the county or in a manner that allows any animal to access any portion of any street, alley, sidewalk or other public place;
- e. Confinement in an outside compartment of a vehicle while in operation.

3. These amendments shall become effective immediately following enactment by the Board of Commissioners of Whitfield County, Georgia, the public health, safety, and welfare requiring it.
4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. It is hereby declared to be the intention of the Board of Commissioners of Whitfield County that the sections, paragraphs, sentences clauses, and phrases of this Ordinance area severable and if any shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ORDAINED, this _____ day of _____. 2022.

Jevin S. Jensen, Chairman

Barry W. Robbins, Vice Chairman

Greg Jones

Robby Staten

John Thomas

Attest:

Blanca Cardna, Whitfield County Clerk
(SEAL)

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