

Ordinance No. 21-04

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 3-4 OF THE CODE OF ORINANCES OF HENRY COUNTY, GEORGIA TO DEFINE AND PROHIBIT THE TETHERING OF ANIMALS

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes the County to adopt ordinances preserving the public health, safety, and welfare, and to adopt appropriate measures to enforce those ordinances; and

WHEREAS, Section 3.4.2 of the Code of Henry County provides for definitions of terms applicable to Article I of Section 3-4 of the Code of Henry County “Animal Control Ordinance”

WHEREAS, Section 3-4-2 of the Code of Henry County neither defines nor describes “tethering” of animals;

WHEREAS, Section 3-4-9 of the Code of Henry County describes certain prohibited acts as relates to the care and restraint of animals;

WHEREAS, Section 3-4-9 of the Code of Henry County does not address tethering of animals; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Henry County, Georgia, the Board of Commissioners of Henry County desires to exercise its authority to adopt an ordinance defining and prohibiting the tethering of animals in Henry County

NOW, THEREFORE, the Henry County Board of Commissioners, hereby ordains as follows:

Section 1. “Section 3-4-2 - Definitions” is hereby amended by adding the following thereto:

Tethered means an animal attached to a stationary object by a chain, cable or similar device commonly used for the size and type of animal involved. An animal is not considered tethered when the animal is attached to a stationary object, as long as the owner or custodian is physically within reach of the animal. Any tethering device used to tether an animal must be at least ten (10) feet in length

Tethering shall mean any act or restraining or confining an animal by use of a Tether.

Section 2. “Section 3-4-9 – Unlawful Acts” is hereby amended to add a new

Section 3-4-9(11) as follows:

(11) *Except as provided in Section 3-4-9(12), tethering of a canine is prohibited.*

Section 3. “Section 3-4-9 – Unlawful Acts” is hereby amended to add a new

Section 3-4-9(12) as follows:

(12) *An animal may be attached to a running cable line or trolley system or to a tether attached to a swiveling anchor provided that:*

- a.** *Only one (1) animal may be attached to each swiveling tether, running cable line or trolley system;*
- b.** *Any swiveling tether must be securely attached to the ground such that the animal cannot pull such anchor from the ground;*
- c.** *Tethers and cables attaching the animal to the running cable line or trolley system must be made of a substance which cannot be chewed by the animal and shall not weigh more than five (5) percent of the body weight of the animal tethered;*
- d.** *A running cable line or trolley system must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal;*
- e.** *The running cable line or trolley system must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level;*
- f.** *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;*
- g.** *The tether shall be attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification; and with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal to a running cable line or trolley system; and*
- h.** *The canine must be tethered at sufficient distance from any other objects to (i) prohibit the tangling of the cable; (i) prevent the animal from extending over an object or an edge that could result in injury or strangulation of the animal; (iii) the tether must be of sufficient distance from any fence so as to prohibit the animal from reaching the fence while attached to the tether; (iv) the canine must be secured such that it may reach no closer than thirty (30) feet from any boundary line, public right of way, public sidewalk of public street.*

Section 4. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

Section 5. It is the express intent of the Board of Commissioners of Henry County, Georgia that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 6. This Ordinance shall become effective sixty (60) days from the date of adoption hereof. The County shall take reasonable measures to notify the public of the adoption hereof.

SO ORDAINED, this 8 day of September, 2021.

HENRY COUNTY, GEORGIA

By: 
Carlotta Harrell, Chair
Board of Commissioners

ATTEST:


Stephanie Braun, County Clerk