

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

Ordinance _____

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 re-naming and amending section 4-30, to provide for shelter and tethering requirements; by adding a new section 4-34, to be entitled “Transporting Domesticated Animals,” to provide requirements for the transportation of domesticated animals in vehicles; and by adding a new section 4-35, to be entitled “Sale of Domesticated Animals,” to provide limitations upon the sale of domesticated animals; 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 4-30 of the *Whitfield County Code of Ordinances* by changing the title thereof from “Shelter Requirements” to “Shelter / Tethering Requirements.”

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) All domesticated animals shall be provided with proper shelter. Said shelter shall be constructed and maintained to protect the animal from rain, snow, ice, excessive cold or heat, and excessive direct sunlight, and shall be of a size to allow the animal sufficient space to stand, turn around, and lie down in a comfortable position appropriate to the age, size, and health of the animal.
- (b) Crates specifically designed for domesticated animals shall comply with this section provided such crate is appropriately sized for the animal.
- (c) Adequate shelter generally shall consist of four (4) walls, a roof, a floor, and an opening of adequate size, based upon the size of the animal. Alternatively, metal or plastic drums may constitute adequate shelter. Such shelter shall be elevated not less than four (4) inches above the ground to prevent the intrusion of water.

- (d) Inadequate shelter shall include, but not be limited to, boxes, lean-tos, or the areas beneath or upon porches, decks, or crawl spaces.
- (e) Each domesticated animal shall be provided individual shelter.
- (f) An owner may confine his or her domesticated animal by tethering such animal with a running cable line or trolley system, attached to stationary objects at either end, and not less than twenty (20) feet in length and mounted not less than six (6) feet nor more than seven (7) feet above ground level. The tethering of a domesticated animal to a single stationary object is prohibited.
- (g) The length of the tether shall allow access to the maximum available exercise area and shall allow free access to food, water, and shelter.

- 3. By creating new section 4-34, to be entitled, “Transporting Domesticated Animals,” providing as follows:

4-34. Transporting Domesticated Animals.

- (a) Domesticated animals shall not be left unattended in vehicles without adequate ventilation, or during times of extreme heat or cold. Law enforcement officers who shall come upon a domesticated animal left unattended in any vehicle without adequate ventilation may use reasonable force to remove such animal and transport to the Whitfield County Animal Shelter. Any such officer shall leave a written notice bearing the name of the officer and the location where the animal may be claimed.
- (b) Transportation of domesticated animals in the uncovered bed of a pickup truck upon roads with a speed limit of 55 miles per hour or more shall require the animal to be properly secured in an enclosure that is secured safely to the pickup truck.

- 4. By creating new section 4-35, to be entitled “Sale of Domesticated Animals,” providing as follows:

4-35. Sale of Domesticated Animals.

It shall be unlawful for any person to offer any domesticated animal for sale at any flea market or other temporary sales location. Only kennels licensed by the State of Georgia, pet stores, or animal shelters or animal rescue organizations licensed by the State of Georgia, shall sell, exchange, or barter any domesticated animal to any third party.

- 5. 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.
- 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 7. 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 June, 2010.

Mike Babb, Chairman

Harold Brooker, Vice Chairman

Greg Jones

Randy Waskul

Mike Cowan

Attest:

Samantha Bearden, Whitfield County Clerk
(SEAL)