

Chapter 8 ANIMALS

ARTICLE I. IN GENERAL

Sec. 8-1. - Adoption of Gwinnett County Animal Ordinance.

The City Council adopts and incorporates by reference the ~~Ordinance~~ within the ~~Gwinnett County Code of Ordinances~~Gwinnett County, Georgia, Chapter 10 -- Animals, as may be amended from time to time. For the purpose of prescribing regulations governing animals, including dangerous dogs, the same is adopted and incorporated as amended herein and otherwise as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City. The Gwinnett County animal welfare division is hereby authorized to enforce the Ordinance. The incorporated area of the City shall be subject to the fees charged by the county animal welfare division and all such fees shall be retained by the county to defray the cost of the animal welfare division.

Sec. 8-2. - Modifications of terms.

The aforementioned Gwinnett County Code provisions incorporated by ~~referenced~~reference in section 8-1 shall be considered amended in any manner necessary to change the wording to express the intent of adoption and incorporation. "City of Lawrenceville, Georgia" shall replace references to "Gwinnett County-" , where appropriate. "~~Mayor and City Council of the City of Lawrenceville, Georgia~~" shall replace "Board of Commissioners", where appropriate. Specifically, the following changes are made:

Sec. 10-1. Definitions. ~~Replace the definition of Police officer to read as follows: Police Officer~~ means any law enforcement officer empowered to make arrests or cause to be issued summonses in the City ~~of Lawrenceville.~~

Sec. 10-2. Penalties for violation of chapter. City shall replace county herein , where appropriate.

Sec. 10-4. Summons.

(b) City shall replace county herein.

Sec. 10-5. Liability of the county, animal welfare division, officers and employees. City shall replace county herein , where appropriate.

Sec. 10-8. Public nuisance animal.

(a) (6) ~~e~~City shall replace county herein.

Sec. 10-140. Rabies vaccination certificates. Shall be deleted in its entirety and replaced with the following:

The owner, possessor, or harbinger of each dog or cat residing in the city must obtain and possess a current rabies vaccination certificate from a licensed veterinarian showing that the animal has been vaccinated against rabies. Upon vaccination, all veterinarians shall be responsible for issuing a metal tag

with a vaccination and identification number. Tags must be renewed within 30 days of the expiration date of the vaccination.

Sec. 8-3. – Animals in Parks.

The restrictions on animals in parks within the city, as outlined in City Ordinances, [Chapter 28 – Parks and Recreation, Article II. – Use of Recreation Facilities, Sec. 28-43. - Animals](#) shall not be changed and shall continue to be in force and effect as adopted.

Secs. 8-4—8-3022. Reserved.

ARTICLE II. PIT BULLS

Sec. 8-23. Definitions.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Owner means any person, firm, corporation, organization or department owning, possessing, harboring or having the care or custody, whether temporarily or permanently, of a pit bull.~~

~~Pit bull 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.~~

~~(Code 2005, § 30-109(a))~~

Sec. 8-24. Regulation of pit bulls.

- ~~(a) 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 register these dogs and comply with all the requirements of this article. 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.~~
- ~~(b) A pup born to a female pit bull shall be licensed and registered pursuant to this article. The owner shall have six months from the birth of the dog to register the animal with the City of Lawrenceville Police Department.~~
- ~~(c) Any person having knowledge which he 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:~~
- ~~(1) If the dog was licensed on or before October 1, 2003; and~~
 - ~~(2) If the dog is currently registered as a pit bull pursuant to the provisions of this article.~~
- ~~(d) If the dog was not registered and licensed with the City, or not currently registered pursuant to the provisions of this article, the City Police Department shall serve notice upon the owner of the alleged pit bull,~~

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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 article. 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.

- (e) ~~If the owner desires to challenge the determination, the owner may file an appeal to the Municipal Court within five 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 article, the City Police Department shall cite the owner of the alleged pit bull in accordance with the provisions of this section.~~

(Code 2005, § 30-100(a), (e))

Sec. 8-25. Registration.

- (a) ~~All owners of pit bulls shall annually, on or before April 15 of each year, register their dog, provide a current color photograph of the dog to the City of Lawrenceville Police Department and pay a registration fee of \$50.00 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.~~
- (b) ~~An owner of a pit bull who fails to register the dog is subject to a forfeiture of not less than \$100.00 or more than \$250.00 per day.~~
- (c) ~~An owner of a pit bull who registers but neglects to have the tag and red collar worn by the dog at all times is subject to a forfeiture of not less than \$25.00 or more than \$150.00 per day.~~
- (d) ~~A collar may be removed from a pit bull for grooming or purposes of other care when the dog is secured indoors or in an approved pen.~~

(Code 2005, § 30-100(f))

Sec. 8-26. Requirements of pit bull dogs.

- (a) ~~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 embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.~~
- (b) ~~The owner or keeper shall display a sign on his 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.~~
- (c) ~~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.~~

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(d) ~~The provisions of this article shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.~~

~~(Code 2005, § 30-109(g))~~

Sec. 8-27. Apprehension and impoundment.

(a) ~~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 pit bulls. 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 \$50.00 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.~~

(b) ~~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 running at large. Any pit bulls found running at large shall be impounded and may be returned to its owner only upon proof of registration of the pit bull. 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.~~

(c) ~~In any event, when a pit bull 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 article shall be responsible for all costs of such confinement, impoundment or destruction.~~

~~(Code 2005, § 30-109(h))~~

Sec. 8-28. Removal of pit bull pending litigation.

~~Whenever any person is charged with harboring a pit bull as defined in this article, 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 an unregistered pit bull provided by this article, 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 pit bull constitutes a public nuisance.~~

~~(Code 2005, § 30-109(i))~~

Sec. 8-29. Violations.

(a) ~~Any person who violates any provision of this article shall, upon conviction, be punished by a fine not to exceed \$1,000.00, or by imprisonment in the County Jail not to exceed six months, or by both such fine and imprisonment. This article shall not be deemed to be violated unless the alleged violator knew, or should have known, that, after a reasonable inquiry, the dog, which is the subject matter of the alleged violation, is an unregistered pit bull dog under the provisions of this article.~~

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

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~~(Code 2005, § 30-109(j))~~

Sec. 8-30. Repealer.

~~This article is adopted in addition to the provisions that have adopted the Gwinnett County Animal Control Ordinance. It is the intent that this article 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 these additional regulations.~~

~~(Code 2005, § 30-109(i))~~