

Ordinance _____

To amend Chapter 3 of the *Code of Ordinances of the City of Chatsworth, Georgia*, captioned "Animals and Fowl" by repealing existing Chapter 3 in its entirety and replacing therewith a re-stated Chapter 3, still to be entitled "Animals and Fowl," which shall constitute a comprehensive animal control ordinance for the City of Chatsworth; and for other purposes.

BE IT ORDAINED by the Mayor and Council of the City of Chatsworth and by the authority of same, **IT IS HEREBY ORDAINED** as follows:

1. Repeal existing Chapter 3 of the *Code of Ordinances of the City of Chatsworth, Georgia*, in its entirety replacing therewith a re-stated Chapter 3, still to be entitled "Animals and Fowl," as follows:

CHAPTER 3. ANIMALS AND FOWL.

ARTICLE I. IN GENERAL

Sec. 3-1. 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:

Domesticated animal means any animal raised so as to live in close proximity to humans. Such animals include dogs and cats, as well as varieties of poultry, livestock, or reptiles.

Domesticated animal at large means any domesticated animal not under the restraint of a person capable of controlling it, on or off the premises of the owner.

Owner means any person who owns, possesses, harbors, keeps, or knowingly permits an animal to be harbored or kept or has an animal in his care or who permits an animal to remain on or about his premises for more than three (3) days.

Public nuisance means any animal that unreasonably annoys humans, endangers the life or health of other animals or persons or substantially interferes with the rights of citizens, other than its owner, to enjoyment of life or property.

The term "*public nuisance*" means and includes, but is not limited to, any animal that:

- (1.) Is found at large;
- (2.) Damages, the property of anyone other than its owner;
- (3.) Chases vehicles;
- (4.) Attacks other domestic animal.
- (5.) Unprovoked, attacks pedestrians or passersby; or
- (6.) Has been found by the animal control officer to be a public nuisance animal by virtue of being a menace to the public health, welfare or safety.

Vaccination means a protection against rabies by inoculation with anti-rabies vaccine given in an amount sufficient to provide immunity from rabies for a minimum of one (1) year. All dogs and cats within the city must be vaccinated against rabies with the vaccine and in the manner prescribed by the state veterinarian and the board of health of the state. Vaccinated dogs and cats shall be provided with proper tag. The owner of every dog or cat vaccinated shall obtain from a veterinarian a certificate of such information.

Sec. 3-2. Protection of wild birds.

It shall be unlawful for any person to kill or maim any wild bird or to destroy the nest of such birds; except that when any such birds are declared by public authority to be a nuisance, any such birds may be destroyed in such numbers as deemed necessary by the public authority; and except that game or migratory birds may be killed only as authorized State or Federal law.

Sec. 3-3. Livestock at Large and the Sale of -Prohibited.

It shall be unlawful to allow any person to keep or maintain livestock, including fowl, horses, mules, cattle, pigs, goats, or any other farm or game animal in the city except in R-A zoning districts and upon not less than three (3) acres. Stock yards, meat packing, slaughter yards or processing plants are permitted in the M-1 and M-2 zoning districts and are exempted from this section.

It shall be unlawful to hold livestock, swine, horse, fowl, or any other farm or game animal sale in the city except for educational purposes or in the R-A and M-1 or M-2 zoning districts, where livestock auctions are permitted to be held.

Sec. 3-4. Same -Impounding; redemption of any animal.

(a.) *Length of time prescribed.* Any non-biting animal seized and impounded under any of the provisions of this article shall be detained for a period of five (5) working days, ten (10) days for biting animals, and if ownership of the animal is not determined within that period, the animal shall be disposed of in such manner as the animal control department may designate.

(b.) *Waiver of time for healthy animals.* If at any time during the required waiting period set forth above the owner affirmatively declines to reclaim the animal, the balance of the waiting period shall be waived and the animal shall be disposed of pursuant to this section.

(c.) *Waiver of time for sick and threatening animals.* If at any time during the required waiting period, an examination of the animal by the animal control department indicates the animal to be severely sick and/or to be a threat to the health of other animals detained in the impoundment, the balance of the waiting period shall be waived and the animal shall be disposed of pursuant to this section.

(d.) *Authority to kill menacing animals.* Nothing in this section shall prevent the animal control department from killing an animal when it determines that it is a menace to public safety or to other animals and cannot be impounded with reasonable effort.

(e.) *Certificate for sterilization.* Any animal not heretofore sterilized which is released for purposes of adoption rather than to its owner for redemption shall be required to have a nonrefundable certificate purchased from the animal control officer

in the amount as set forth by the animal control department. This certificate shall be redeemable by any participating veterinarian in Murray County.

(f.) *Seizure and quarantining of animals that have been deemed harmful by the department of animal control.* If an animal has harmed any person to the extent to where the skin is either scratched or punctured, that animal shall be seized and impounded in quarantine for a period of not less than ten (10) days so as to ensure that the animal is not rabid.

(g.) *Destruction of animals seized three or more times.* If any animal is seized and/or impounded under any of the provisions of this chapter on three (3) or more occasions, the animal shall be destroyed at the discretion of the animal control department.

Sec. 3-5. Unlawful interference by third parties.

(a.) *Holding animal without consent of owner.* No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal which he does not own for more than seventy-two (72) hours without first reporting the possession of such animal to the animal control department. This section shall not apply to those nonprofit organizations whose purpose is the protection of the animals.

(b.) *Causing animals to be in violation of article.* No person shall willfully cause an animal to be in violation of any portion of this article.

(c.) *Attack, assault, or interfere with an officer of the animal control department.* It shall be unlawful for any person to attack, assault, or in any way physically or verbally threaten or interfere with an animal control officer in the performance of those duties required to enforce this article.

(d.) *Motorist to notify animal control department and render assistance.* Any motor vehicle operator who strikes any animal shall immediately give notice to the animal control department or appropriate law enforcement agency if unable to identify the owner immediately. If the animal requires veterinarian assistance, the owner shall be responsible for such bills.

(e.) *Cruelty to animals prohibited; defense allowed.* No person shall perform a cruel act on any animal nor shall any person harm, maim, or kill any animal, except for the animal control department. Any person may, however, reasonably defend his person or property, or the person or property of another, from injury or damage being caused by an animal. The method used for killing the animals shall be designed to be as humane as is possible under the circumstances. A person who humanely kills an animal under the circumstances described herein shall incur no liability for such death.

Sec. 3-6. Charging the Owner with violation.

In case the animal control department shall be unable to seize and impound any stock or animal found running at large, a charge shall be filed against the owner or other person entitled to the possession of such stock or animal, and who has permitted the same to run at large.

Sec. 3-7. Swine and poultry prohibited.

It shall be unlawful for any person to keep or have any swine or poultry within the corporate limits of the city, except within the R-A zoning districts, upon not less than three (3) acres.

Sec. 3-8. City municipal court jurisdiction.

The municipal court of the City shall have jurisdiction over all alleged violations of any section of this article and shall have all powers granted to it which are necessary and incident to the hearing and disposition of the matters brought before the court, such powers to include the authority to issue citations and summons for witnesses. The following persons have standing to file complaints for violations of this article:

- (1.) The animal control officer or his agent.
- (2.) Other law enforcement officers.
- (3.) Public health officials.
- (4.) Individuals with personal knowledge of the violation upon filing a sworn complaint with the city municipal court.

Secs. 3-9 through 3-19 Reserved.

ARTICLE II. ANIMALS

Sec. 3-20. Prohibited acts.

If any dog or cat commits any of the following acts in the city and a legitimate complaint is filed with the animal control department or other law enforcement offices, the owner will be summoned to municipal court.

- (1.) Destroys or damages public or private property (including trash containers).
- (2.) Is a hazard to pedestrians, cyclists, or motorized vehicles.
- (3.) Becomes a public nuisance by continually barking at night.

- (4.) Is an abandoned dog or cat. Any animal shall be considered abandoned, for the purpose of this section, which shall have been placed public property or within a public building unattended and uncared for, upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for.

Sec. 3-21. Animal barns, stables and pens; cleanliness

The owners of animal barns, stables and pens are required to keep the same properly cleaned out and frequently limed, so as not to be offensive to persons who reside near them.

Sec. 3-22. Shelter requirements.

Animals within the city may be confined in a yard with a fence adequate to prevent the animal from leaving the yard. As long as the fenced area permits the animal to reach shade, shelter and a supply of fresh water and food. Animals confined by fenced area shall be provided shelter which shall meet the following minimum requirements.

(a.) The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

(b.) Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement.

(c.) Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt and trash to minimize health hazards.

(d.) When sunlight is likely to cause heat exhaustion of an animal fenced or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

Sec. 3-23. Animal fights.

It is unlawful for any person to promote, stage, hold, manage, conduct, carry on, train for, attend or own any animal for the purpose of participating in any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal.

Sec. 3-24. Animals disturbing the peace.

It is unlawful for any person to allow any animal in his possession or control persistently or continuously to bark, howl, or make noise common to their species or otherwise to disturb the peace and quiet of the surrounding neighborhood. It shall likewise be unlawful to keep or maintain such animals in such a manner as to produce noxious or offensive odors or to otherwise endanger the health and welfare of surrounding inhabitants.

Sec. 3-25. Destruction of property.

No animal shall destroy or damage private or public property.

Sec.3-26. Animals running at large

It is unlawful for any person owning or otherwise having a domesticated animal in his or her care, charge, custody, control, or possession to cause or to allow such domesticated animal to run at large, loose and unattended, in or on any public property, vacant lot, or private property, specifically including, but not limited to, the property of such owner.

Sec. 3-27. Cruelty.

It shall be unlawful to abandon any animal or fail to provide it with sufficient, wholesome, and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather. No person shall kill, beat, cruelly treat, torment or otherwise abuse an animal or improperly use chains or restraints less than twelve (12) feet in length.

Sec.3- 28. Female dog or cats in heat.

It shall be unlawful for the owner of any animal to allow the animal to run at large while in heat. Such animals must be confined so as to prevent access by males.

Sec. 3-29. Allowing animal to injure shade trees.

It shall be unlawful for any person to allow such person's horse, mule or other animal to bite, skin or otherwise injure any shade tree on public property.

Sec.3-30. Driving animals on sidewalks; obstructing crossings; hitching to trees, etc.

It shall be unlawful to ride, drive or place any horse, mule or other animal on any sidewalk, or in any way obstruct the crossings at any intersection of streets in such manner as to prevent the passage of persons, or hitch any animal to any shade tree, electric light or telephone pole.

Sec. 3-31. Cleanup requirement.

The owner of any animal shall be responsible for the removal of any excreta deposited by such animal on public or private property.

Sec. 3-32. Animal control.

No person owning or otherwise having an animal in his or her care, charge, control, custody, or possession shall cause, permit, or allow such animal to be in or upon any public area unless such animal is under restraint by leash or other means. Animals are prohibited in those areas so designated and posted by the City.

Sec.3-33. Keeping of sick or diseased animals.

It is unlawful for any person to own any animal which is seriously sick or injured without providing proper veterinary care for such animal. This section shall not be construed to include animals under active veterinary care or veterinary hospitals.

Sec 3-34. Proof of Vaccination required.

Any animal requiring vaccination shall wear proper tags evidencing vaccination. If the animal is picked up by the animal control department and does not have a collar and proper tags shall be returned to its owner within five working days upon the owner's compliance with this section.

Sec. 3-35. Penalties.

Any owner whose animal is found to be in violation of any of the provisions herein may be cited by an animal control officer or other city law enforcement office's through a sworn complaint alleging any violation by a person who has knowledge of such violation and who can identify the owner of the animal involved or other premises where the animal is located. The maximum punishment for the violation of this Article shall not exceed a fine of \$1,000.00, or imprisonment for sixty (60) days, or both.

Sec. 3-36. Restrictions on permitting dogs to be outside proper enclosure.

No person shall permit any dog to run at large anywhere out-of-doors in the city. This section shall apply to all public places and to private property. No person shall permit any dog to be out-of-doors in any place unless the dog is on a leash held by a person able to control the dog or in a yard with a fence adequate to prevent the dog from leaving the yard. Leaving an unattended dog fastened to a leash, chain, or trolley shall not be deemed to comply with the requirements of this section.

Sec. 3-37. Maximum number.

No person or household shall own, possess, harbor or keep more than three (3) domesticated animals. Unless for educational facilities located in R-A zoning districts are exempted from this section.

Sec.3-38. Jurisdiction .

This article shall govern the entire corporate limits of the City of Chatsworth.

2. This Ordinance shall become effective following its enactment by the Mayor and Council of the City of Chatsworth, the public health, safety, and welfare requiring it.

3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. It is hereby declared to be the intention of the Mayor and Council of the City of Chatsworth that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase 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.

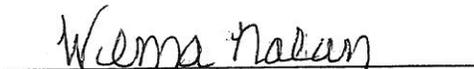
SO ORDAINED, this 1st day of June, 2009.

The foregoing ordinance received a first reading on May 4, 2009 and a second reading on June 1, 2009. Upon section reading, a Motion for Passage of the Ordinance was made by Councilman Fred Welch, second by Councilman Gary Brock and upon the question the vote is 4 ayes, 0 nays, and the Ordinance is adopted.



Tyson Haynes, Mayor

Attest:



Wilma Nolan, City Clerk