

ORDINANCE NO. 11-01-22

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF DONALSONVILLE, GEORGIA WITH RESPECT TO THE DEFINITION OF NUISANCE ANIMALS; TO ADD DEFINITIONS OF TETHER AND RESIDENCE; AS WELL AS FOR CLARIFICATION AND PROCEDURES FOR ENFORCEMENT OF LAWS FOR THE KEEPING AND TREATMENT OF DOGS IN THE CITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL LAWFUL PURPOSES.

WHEREAS, Chapter 8 of the Donalsonville, Georgia Code of Ordinances has as its purpose generally to provide for the safety, good order, general welfare treatment and maintenance of animals, as well as to provide generally for the public health and welfare of the citizens of the city; and

WHEREAS, City staff and the Mayor and Council have recommended the clarification and strengthening of the provisions of the City Ordinance in the manner that it deals with nuisance dogs and the enforcement of related violations; and

WHEREAS, the Mayor and Council of City of Donalsonville, based upon citizen complaints and repeated code violations, deems it in the public interest to adopt certain changes and additions to Chapter 8 of the Code of Ordinances.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DONALSONVILLE hereby ordains by the authority of the City Charter and general law that Chapter 8 (Animals) of the Code of Ordinances of the City of Donalsonville, is hereby amended to read as follows;

Section 1. Section 8.3 (Definitions) is hereby amended by deleting the definition of the phrase "Nuisance Animal" and inserting in lieu thereof a replacement definition of said phrase as follows: Nuisance Animal. An animal shall be deemed to be a public nuisance if the animal:

- (a) Is habitually permitted to go upon the property of another person other than its owner or keeper without the express consent of such other property owner or occupant.
- (b) Attacks or acts so as to menace pedestrians or other persons using public ways.
- (c) Habitually barks, whines or howls in an excessive, continuous, or untimely fashion.
- (d) Is repeatedly at large.
- (e) Causes an unsanitary, dangerous or offensive condition; or creates an accumulation of excreta which has the potential of becoming an insect breeding site; or creates noxious or offensive odors which are detectable outside the property of the owner or custodian thereof;

provided, however, that such term shall not apply to animals owned as part of farm or ranch operations or to animals at a location which has a current valid kennel license for operation at a location where such activities are permitted, pursuant to the zoning ordinance of the City.

- (f) Does not have proof of rabies inoculation, if required;
- (g) Is trained, owned, or harbored for the purpose, primary or in part, for animal fighting;
- (h) Is kept or maintained contrary to the public health, welfare or safety according to the rules and regulations promulgated by the health department, which rules and regulations are incorporated and made a part of this chapter as if fully set out;

FURTHER, Section 8.3 (Definitions) is amended by adding and defining the words “residence” and “tether” as follows:

Residence means an address in the City of Donalsonville at which a person or persons regularly reside. For the purpose of this code section it shall not mean a vacant and unoccupied home.

Tether means use of a rope, chain or other such restraining cord which is designed to prevent an animal from moving away from a restricted area or locality.

Section 2. Section 8.35 (At large animal declared nuisance) is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

At large animal declared nuisance

(a) No person owning, having an interest in, harboring or having the care, charge, control or possession of any animal shall permit or allow it (either willfully or through failure to exercise due care of control) to be, remain, go, or run at large upon a public right-of-way, park or other public space or any open lot or land in the City other than the property of the said animal’s owner. The presence of any animal upon a public right-of way, park or other public space or upon any open lot or land in the City other than the property of the said animal’s owner, is hereby declared to be a nuisance and dangerous to the health and safety of the public.

(b) All animals found to be at large in violation of this chapter may be impounded in the manner proscribed in this chapter.

(c) Should an animal at large be classified as a dangerous dog or a vicious dog then the provisions of O.C.G.A. § 4-8-29 shall apply.

Section 3. Section 8.43 is hereby amended by changing the topical designation from “Nuisance Animals” to “Habitually noisy animals” and further by deleting the section in its entirety and inserting in lieu thereof the following:

Habitually Noisy Animals

(a) It shall be unlawful for any person to knowingly keep or harbor any animal which habitually barks, howls, yelps, or cries to the great discomfort, annoyance or the peace and quiet of the neighborhood or in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals are hereby declared to be a public nuisance.

(b) An animal is considered to be in violation of this section when it causes a disturbance by 15 minutes or more of excessive barking and there are two or more complaints filed by different adult complainants in and from the neighborhood within a two-week period.

Section 4 The Code of Ordinances of the City of Donalsonville, Georgia, is hereby amended by adding a section to be numbered Section 8.44 which section reads as follows:

Section 8.44 Nuisance Procedure

(a) No person shall allow any animal over which they have custody or control to remain on their property or premises if the same shall constitute a nuisance.

(b) The City Manager, or designee, upon formal complaint by any citizen concerning an animal, shall conduct an investigation to determine whether the animal constitutes a nuisance. If the investigation concludes that the animal does constitute a nuisance, the owner of the animal shall be so notified and shall be given a reasonable period of time in order to correct those conditions constituting the nuisance. Failure to correct said nuisance within a period of time considered by the City Manager, or designee, to be reasonable under the circumstances. Failure to timely correct said nuisance shall be punished as prescribed in Section 1.11.

Section 5 The Code of Ordinances of the City of Donalsonville, Georgia, is hereby amended by adding a section to be numbered Section 8.45 which section reads as follows:

Section 8.45 Unlawful Treatment of a Dog

(a) It shall be unlawful for any owner or other person controlling or possessing any dog to:

(1) Leave a dog tethered outdoors while unattended, unless the dog has adequate shelter, potable water shade from direct sunlight and an area that allows the dog to avoid standing water.

(2) Tether, fasten, chain, tie or restrain a dog, except by means of a properly fitting harness or collar of nylon or leather construction and a tether in proportion to the size of the animal. The tether must be at least fifteen (15) feet in length with a swivel at both ends.

(3) Tether a dog outdoors under conditions where the animal or tether can become entangled on the tether, another animal, or some other object, or where the tether can restrict the tethered animals access to suitable, edible, and sufficient food, clean water (cool in summer and unfrozen in winter), and appropriate shelter.

(4) Tether a dog for more than 10 hours in a 24-hour period or for more than 15 hours in a 24-hour period if the tether is to a running line, pulley or trolley system.

(5) Tether the dog outdoors in unsafe or unsanitary conditions, or when said tether does not allow the animal to defecate or urinate in an area separate from the area where it must eat, drink or lie down.

(6) Expose a dog to any weather conditions that cause immediate imminent threat to the animal's well-being.

(b) A person who is convicted of, or pleads guilty or nolo contendere to, a violation of this section shall suffer the following minimum punishment:

(1) First offense minimum fine: \$50.00

(2) Second offense within a one-year period, minimum fine: \$100.00

(3) Third offense within a one-year period, minimum fine: \$250.00

(4) Forth or subsequent offense within a one-year period, minimum fine: \$500.00.

Section 6 The Code of Ordinances of the City of Donalsonville, Georgia, is hereby further amended by adding a section to be numbered Section 8.46 which section reads as follows:

Section 8.46 Keeping of Dogs

(a) Except for a person in an occupation requiring or involving the keeping of animals located within areas permitted by the City of Donalsonville zoning regulations, no person shall be allowed to keep more than four (4) dogs at any location. Puppies less the ten (10) weeks old shall be excluded.

(b) It shall be unlawful to house, keep or maintain dogs at a residence property at which no person regularly resides.

Section 7. The effective date of this ordinance shall be the 1st day of February, 2023.

Section 8. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 9 Should any portion of this ordinance be held invalid, the remaining provisions shall continue in full force and effect.

This ordinance having been presented, read and tabled at the regular monthly meeting on the 1st day of November, 2022 and again presented and read at the next regular meeting on the 6th day of December, 2022 and duly passed by an affirmative vote of the Council on motion properly made and seconded, said ordinance is hereby adopted this 6th day of December, 2022.

Ron Johnson, Mayor

Ed Bond, Mayor Pro Tem

Mitchell Blanks

Travis Brooks

Mitzy Moye

Lindsey Register

Flossie Smith

ATTEST:

Christina Corvers, City Clerk