

ORDINANCE 2015-007

TO ADOPT AN ORDINANCE TO PROVIDE FOR THE SAFETY, GOOD ORDER, GENERAL WELFARE, TREATMENT, CONTROL, AND MAINTENANCE OF ANIMALS WITHIN THE CITY OF PATTERSON; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, under Section 1.12 of the Charter of the City of Patterson, the City has the general authority to enact regulations to protect the general health, safety, and welfare of the citizens of Patterson; and

WHEREAS, the Council of the City of Patterson has determined that an ordinance regulating animals within the City of Patterson would be beneficial to the citizens of Patterson as it would promote the general health, safety, and welfare of the of the citizens of Patterson; and

WHEREAS, the Council of the City of Patterson, Georgia deems it appropriate and necessary to enact such an ordinance, which ordinance shall amend and supersede any conflicting language in the Code of the City of Patterson.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PATTERSON, GEORGIA HEREBY ORDAINS:

SECTION ONE. The Code of the City of Patterson is hereby amended by adding the following:

Sec. ____ - Enforcement and penalties.

- (a) It shall be the duty of the animal services officer (hereinafter the "officer"), who shall be under the direction of the Chief of Police, to enforce this chapter. Furthermore, the Mayor shall have the authority to appoint other city employees to enforce the provisions of this chapter.
- (b) Such officer has the authority to pick up, catch or procure and impound any companion animal in the city limits in a manner reasonably necessary to effectuate its capture when it appears abandoned or one or more of the sections of this article appear to have been violated.
- (c) The officer has the authority to pick up, catch or procure and impound any animal in the city limits, in a manner reasonably necessary to effectuate its capture, which has bitten a human and/or is infected or believed to be infected with rabies or other disease which may be contiguous or infectious to humans or animals.
- (d) Violations of the provisions of this chapter shall be deemed a misdemeanor, except for the exceptions outlined for dangerous and potentially dangerous dogs and neglect and abuse cases, punishable as provided by state law, with each day such violations continue constituting a separate offense. Upon conviction for the first offense, the court shall be authorized to impose a fine up to the maximum allowed under the City Charter, per day, for each day that such condition or violation shall exist. Appropriate actions and proceedings may be taken by law or in equity to prevent any violations of this chapter, to recover damages, and to restrain, correct or abate a violation; and these remedies shall be in addition to the other penalties described in this subsection.

Sec. ____ - Rights of officials to enter premises.

- (a) Whenever an animal services officer, a representative from the health department, or their authorized representative, any law enforcement officer, or other city official has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, or whenever it is necessary for such official to make an inspection to enforce any provision or perform any duty imposed by this chapter or any other applicable law, he shall have the right to enter such property at any reasonable time to inspect and perform any duty imposed by this chapter or other applicable law; provided, that:
- (1) If such property is occupied, he shall first present proper credentials to the occupant and request entry explaining his reasons;
 - (2) If such property is unoccupied, he shall first make a reasonable effort to locate the owner or the person having charge or control of the property and request entry, explaining his reasons; and
 - (3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, recourse shall be had to every remedy provided by law to secure lawful entry and inspection of the property.
- (b) Nothing in this section shall affect or otherwise abridge the right of any animal services officer to pursue or impound an animal or to issue a citation when an animal is on property other than that of the owner of the animal or that of a person who has a right to control such animal.

Sec. ____ - Interference with officials prohibited.

No person shall resist or interfere with an animal services officer or any other city official in the performance of his official duty in enforcing this chapter; nor shall any person fail or refuse to exhibit the vaccination certificate of any animal required to be vaccinated by this chapter when required to do so by any animal services officer or other city official.

Sec. ____ - Dead animals; removal from public rights-of-way.

The owner of dead animals upon the public rights-of-way shall remove the carcass so as not to constitute a nuisance. If the owner fails to do so, the city may remove and dispose of such carcass that is located on public rights-of-way and charge the cost of such removal and disposal to the owner of the carcass, if known.

Sec. ____ - Abandonment of animals.

No person shall release an animal or leave an animal on any property, public or private, with the intention of abandoning the animal.

Sec. ____ - Abandonment of dead animals upon public property or public right-of-way.

No person shall abandon a dead animal on any public property or public right-of-way unless the place in which the animal is being left is a public or private landfill or other facility designed for receiving such and had been designated by the city as a public or private facility for receiving trash or refuse.

Sec. ____ - Abandonment of dead animals upon private property.

No person shall intentionally abandon a dead animal on any private property belonging to another unless the person so doing shall have first obtained permission from the owner of the property on which the animal is being left.

Sec. ____ - Removal of dead animals from private property.

When any dead animal is found on private property, the owner of the dead animal or the owner of the premises upon which such animal is located shall remove the animal immediately at his own cost. Failure to do so in a timely manner is declared a nuisance and constitutes a violation of this chapter.

Sec. ____ - Animal waste removal.

Any waste deposited by a dog, cat, pet pig, or any other pet animal on public property, public walks, recreation areas of the private property of others must be immediately removed by the person who has custody or control of the animal unless otherwise authorized by the property owner.

Sec. ____ - Livestock on public rights-of-way.

No one shall allow or permit any horses, cattle, sheep, goats or other livestock to run at large on public rights-of-way or to be staked so that they can go upon public rights-of-way, or to drive or lead any such animals along or on the public rights-of-way unless fastened to a rope, chain or other substantial leading device, which rope, chain or other substantial leading device is securely held by a responsible person during all the time that such animals are being led or driven along and over the public rights-of-way.

Sec. ____ - Humane treatment of animals.

- (a) Any person owning, caring for, harboring, or keeping an animal must treat the animal humanely at all times.
- (b) No person shall:
 - (1) Breed, own, possess, harbor, keep or train any animal with the intent that such animal be engaged in animal fighting;
 - (2) Build, make, maintain, or keep a pit or other area on premises owned or occupied by him or allow an area to be built, make, maintained, or kept on such premises, for the purposes of animal fighting;
 - (3) Own, manage, possess, maintain, sell or operate any facility, staging equipment, concession equipment, handling equipment, or exhibition equipment related to animal fighting;
 - (4) Advertise, for the purpose of animal fighting;
 - (5) Encourage or instigate animal fighting in any manner; or
 - (6) Perform any service, with or without pay, in the furtherance of, or to facilitate, any animal baiting or fighting, including refereeing, advertising, acting as a stakes or security holder of wages or handling animals intended to be used in fighting.

Sec. ____ - Permitting animals in heat to roam or run free.

No owner or custodian of any animal in heat shall permit the animal to roam free. Such animal shall be confined in a building or securely enclosed in a manner that shall not allow contact with a nonneutered male animal except for planned breeding.

Sec. ____ - Animal tethering and confinement.

- (a) It shall be unlawful to tether any animal on a chain, rope or cable, which is shorter than three times the length of the animal from the nose to the tip of the tail.
- (b) It shall be unlawful to tether an animal on a chain in which the weight of the chain would cause unreasonable pain or stress to the animal.
- (c) It shall be unlawful to attach a weight of any kind to any type of tether for the purpose of making the animal pull the weight.
- (d) Any animal that is confined must be provided appropriate care, sufficient quantities of good and wholesome food and water on a daily basis, kept in sanitary conditions, provided with sufficient room to stand up, turn around, and sit comfortably, proper air ventilation and quality of air, and protection from the elements and from excessive exposure to fleas, ticks, other harmful insects or external parasites.

Sec. ____ - Prohibited animals.

Except to the extent otherwise authorized in this chapter, no person shall own, have, keep or maintain within the city limits any of the following:

- (1) Any poisonous or venomous biting or injecting species of amphibian or reptile, including snakes.
- (2) Any animal listed as inherently dangerous to humans pursuant to the provisions of O.C.G.A. § 27-5-4 or determined by regulation of the State Board of Natural Resources pursuant to the provisions of that code section as being considered to be inherently dangerous to humans.
- (3) Any animal, bird, fish or insect, either dead or alive, and including any body or part thereof, which then appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1973 or which is protected under any federal or state law or regulation which has as its purpose the protection of endangered or threatened species.
- (4) Any animal, which is afflicted with any disease, which is contagious to humans or other animals and is not under treatment for that disease.
- (5) Any carnivorous animal which has not been domesticated or which has dangerous propensity toward any person, any other animal or any property of anyone other than the owner or custodian thereof.
- (6) Any animal pet at the age of three months and older, which has not been currently inoculated for rabies.
- (7) The provisions of this section shall not apply to the following as long as they have a current valid license for such business:
 - a. Animal dealers;
 - b. Livestock dealers;
 - c. Livestock market operators;
 - d. Kennels or professional breeders.

Sec. ____ - Collar; rabies tag.

Collar and rabies tag must be worn. It shall be unlawful for any person to maintain or keep a domesticated animal on any premises within the city unless the domesticated animal wears a collar or harness securely attached to its body to which shall be securely attached a tag issued for the domesticated animal by a licensed veterinarian, licensed to practice veterinary medicine in the state, showing that the domesticated animal has been, within the current calendar year, vaccinated against rabies.

Sec. ____ - Confinement to property; dogs and cats at large; exceptions.

- (a) Excluding public right-of-way bordering an owner's private property, no dog or cat shall be allowed to stray, run or go, at large upon any public property or street, sidewalk, park, or on the private property of another without the consent of the property owner.
- (b) Any cat that is outdoors while not under direct control must be sterilized.
- (c) Any dog or cat that is on private property without the consent of the property owner or resident may be captured in a humane trap or otherwise humanely confined. Persons capturing at large dogs or cats will be responsible for the humane care of the animal until the captured animal is turned over to the department, other humane organization, or licensed wildlife trapper. A person shall not entice a dog or cat to become at large for the purpose of trapping or apprehending when that dog or cat would otherwise not be at large.
- (d) No person shall under any circumstance tether or otherwise confine any animal in a manner that is injurious to its health. In order for a dog or cat to be allowed on a public street, road, park or other public property, excluding public right-of-way adjoining an owner's private property or unless otherwise specifically permitted, the dog or cat shall be under the direct control of the owner or keeper, except while hunting pursuant to permit or during a legitimate obedience demonstration, show, trial, training exercise, competition, show and/or match or educational program, so long as proper precautions are taken by the owner of the dog and/or sponsor of the event to insure the safety and protection of both the public and other animals.

Sec. ____ - Animals in vehicles.

- (a) An animal may not be placed or confined, or allowed to be placed or confined or allowed to remain in an unattended vehicle without sufficient ventilation, or under conditions or for such a period of time as may be expected to endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, debility or death.
- (b) An officer or animal services officer who finds an animal in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal.
- (c) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.
- ~~(d) No person shall transport or carry on any public highway, roadway or thoroughfare any dog or cat or other animal in a vehicle unless the animal is safely enclosed within the vehicle, or, if, traveling in the bed of an open vehicle (including but not limited to convertibles, pickup and flatbed trucks without a topper), is confined by a secured, well-ventilated container of proper size or properly tethered to prevent the animal from falling or jumping from the vehicle.~~

Sec. ____ - Vicious animals.

- (a) No person owning or having custody or control of any dog or other animal known by such person to be vicious shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.
- (b) It shall be the duty of every owner of any vicious animal, or anyone having any such animal in his possession or custody, to ensure that the vicious animal is kept under restraint, as prescribed in subsections (d), (e) and (f) of this section and that reasonable care and precautions are taken to prevent the vicious animal from leaving, while unattended, the real property limits of its owner, custodian, or harbinger, and it is securely and humanely enclosed within a house, building, fence, locked pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition. Such enclosure must be securely locked at any time the animal is left unattended so that children are prevented from entry and to prevent the vicious animal from escaping.
- (c) For owners of a vicious animal whose animal lives out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the vicious animal must be humanely confined inside a locked pen or kennel of adequate size. The kennel or pen must have secure sides that set securely into the ground or onto a concrete pad. The gate to the kennel must be locked when the animal is unattended. This enclosure shall provide protection from the elements.
- (d) A vicious animal shall not be upon any street or public place except when securely restrained by a leash not more than six feet in length and humanely muzzled when appropriate, as determined by the animal services officer, and in the charge of a competent and responsible person.
- (e) Whenever outside of its enclosure, as provided for in subsections (b) and (c) of this section, but the owner's property, a vicious animal must be attended by the owner or custodian and restrained by a secure collar, muzzled when appropriate, as determined by the animal services officer, and on a leash of sufficient strength to prevent escape.
- (f) No vicious animal shall be chained, tethered, or otherwise tied while unattended by the owner or custodian to any inanimate object such as a tree, post, or building outside of its primary enclosure.
- (g) A warning sign (i.e., beware of dog) shall be conspicuously posted denoting a vicious animal on the premises.
- (h) Failure to keep any vicious animal confined or under restraint as provided for in this section shall be unlawful and shall be punishable as provided in this article.

Sec. ____ - Cruelty to animals.

- (a) General care; prohibited acts.
 - (1) It shall be unlawful for any person to inflict, cause or permit cruelty to or upon any animal, including without limitation, to negligently, willfully or maliciously strike, beat, physically or mentally abuse, overwork, overload, maim or disfigure, intentionally chase or run down with a vehicle, bicycle or motorized or powered implement, or otherwise engage in any act or omission causing, inflicting, or resulting in unnecessary pain, injury, physical or mental suffering, abuse or death to an animal, in each case taking into account the animal's age, size, physical condition, breed and species, except that reasonable force may be used in self-defense to destroy a vicious or dangerous animal or to drive away trespassing animals as authorized by Georgia law. Examples of such aforesaid prohibited acts or omissions regarding animals include, but are not limited to the following:
 - a. Allowing a collar, rope, chain or other item to become embedded in or cause injury to an animal's neck or other portion of the body.
 - b. Allowing a slip-type choke, or pinch-type collar to be used as a primary collar to tether an animal.
 - c. Intentionally causing or allowing animals to engage in a fight.

- d. Allowing animals to live in unsanitary conditions.
 - e. Allowing animals to live in regularly overcrowded conditions.
 - f. Failure or refusal to obtain veterinary medical treatment for an animal when, in a veterinarian's, animal services officer's, or law enforcement official's opinion, such treatment is needed.
 - g. Shooting a domestic animal, either on or off of the owner's property unless such domestic animal is then in the act of attacking or maliciously chasing a human being, horse, hog, goat, poultry, any other domestic animal or sheep or cattle and shooting such domestic animal is then the most reasonable action under the particular circumstance. An exception to this is allowed under the direction of a veterinarian or law enforcement official where the animal is hopelessly suffering.
 - h. Inhumanely trapping an animal (except for nondomesticated animals for which the person conducting such trapping possess a valid and currently in effect permit for such trapping of such animal issued by the Georgia Department Natural Resources) with any trap other than a live trap which must be checked at least every 24 hours. The following trapping requirements must be followed:
 - 1. Trapping is not allowed with the intention to harm any animal or to abandon or relocate any animal upon public or private property (except, in each case, to the extent specifically authorized by a valid and currently in effect permit for trapping of such animal issued by the Georgia Department Natural Resources to the person conducting such trapping.
 - i. Permitting any exhibit, function or activity where animals are not receiving humane care, are being cruelly treated, or such animals run the risk of causing injury to the public or themselves. Animal control, city, or state law enforcement officials, and representatives acting in their official capacity of the city or state departments of health or the state or federal departments of agriculture shall have the authority to inspect and to close down public exhibits in the city of animals, and/or impound any or all such animals, which are part of fairs, carnivals, festivals, fundraising events, petting zoos or any other activity or function carried out in the city if it is determined that animals in such activity or function are not receiving humane care, are being cruelly treated, run the risk of causing injury to the public or themselves, or do not in each case have are complying with all applicable lawfully required licenses, registrations and permits.
- (2) It shall be unlawful for any person to intentionally administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass or other harmful substance in any place with the intent to injure any animal. This provision is not applicable to licensed pest control exterminators using poisons as part of an insect pest control program or the use of commercial insecticides, rodenticides or rodent baits used to control insect and wild rodents, or to licensed veterinarians using veterinary pharmaceuticals in providing bona fide veterinary services.
- (3) All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any person to engage in one or more of the following acts or omissions (in each case taking into account the animal's size, age, physical condition, breed and species).
- a. Failure to provide adequate food and water and adequate shelter. ~~Food, water and shelter shall be provided by the owner or custodian of an animal as follows:~~
 - ~~1. All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of adequate food.~~
 - ~~2. All animals shall be supplied and have access to a constant supply of adequate water.~~
 - ~~3. All animals shall be provided by its owner or custodian with adequate shelter from the weather at all times. Examples of inadequate shelter include, but are not limited to the following:~~

- ~~i. — Underneath outside steps, decks and stoops.~~
- ~~ii. — Underneath houses.~~
- ~~iii. — Inside or underneath motor vehicles.~~
- ~~iv. — Inside metal or plastic barrels.~~
- ~~v. — Inside cardboard boxes.~~
- ~~vi. — Inside temporary animal carriers or crates.~~
- ~~vii. — Shelters located in flood-prone areas.~~
- ~~viii. — Shelters surrounded by debris, obstructions or impediments that may endanger or harm an animal.~~

(b) Medical care.

- (1) It shall be unlawful for any owner or custodian of a sick, diseased, suffering or injured animal to fail or refuse to provide proper veterinary medical treatment for the animal.
- (2) It shall be the duty of any person who allows a stray or abandoned animal to stay on their property to either:
 - a. Notify animal control of its' sick, diseased, injured, suffering or abandoned condition for impoundment; or
 - b. Provide proper veterinary medical treatment, adequate food and water and adequate shelter for the animal.
- (3) It shall be the duty of any person who has knowledge of a sick, diseased, injured, suffering or cruelly or inhumanely treated animal to notify animal control or law enforcement officials as soon as possible.
 - a. It shall be unlawful for any person to place or leave an animal in a closed vehicle or other enclosure at such internal temperatures (or where the internal temperatures that may reasonably be expected to occur or result) or other conditions and/or lack of air, ventilation or water will cause or result in, or reasonably be expected to cause or result in, harm or distress to the animal.
 - b. Should an animal services officer or law enforcement official find an animal in a closed vehicle or other enclosure in violation of subsection i. above, or otherwise believes that such animal is in eminent danger, harm or distress, and the owner of the vehicle or enclosure is not immediately available to release such animal, then in such event, the animal services officer or law enforcement official may then use such reasonable force as necessary to extract the animal from such closed vehicle or other enclosure.

Sec. ____ - Animal redemption.

(a) Identifiable animals.

- (1) Animal(s) with an identification tag or other owner identification shall be held a minimum of ten calendar days before being dispositioned by the city. In calculating the ten-day time period, the day of impoundment shall be counted as day one. The city shall attempt to contact owners of identified animals. Owners of impounded animals who have been notified by the city shall have five business days, with the day of notification being counted as day one, to redeem their animal(s), before the animal(s) become the property of the city.

(b) Unidentifiable animals.

- (1) Animals impounded by the city without an identification tag or other owner identification shall be held for redemption for a minimum of five calendar days. In calculating the five-day time period, the day of impoundment shall be counted as day one.

(c) Owner-surrender animals.

- (1) Any owner-surrendered animals, (depending on kennel space) that are adoption-quality (healthy and non-aggressive with current vaccinations) can be held two days to be adopted. On the third day the animal will be humanely euthanized. All other animals, not adoption-quality will be humanely euthanized at time of surrender in accordance with the applicable provisions of the ordinance of Patterson, Georgia or Georgia law.
- (d) Animals showing undue suffering.
 - (1) Any animal showing undue suffering shall be humanely euthanized at the discretion of the shelter manager or his designee.

SECTION TWO. All ordinances and parts of ordinances, or resolutions and parts of resolutions, in conflict with this ordinance are hereby repealed.

SECTION THREE. All articles, sections and paragraph titles or captions contained in this ordinance are for convenience only and shall not be deemed to be a part of the context nor affect the interpretation of this ordinance.

SECTION FOUR. If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.


SECTION FIVE. This ordinance shall become effective upon final approval after second reading by the City Council of the City of Patterson, Georgia.

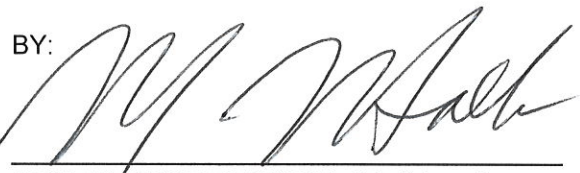
SECTION SIX. It is the intent of the City Council of the City of Patterson, Georgia, and it is hereby enacted, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Patterson, Georgia, and that sections of this ordinance may be renumbered or relettered to accomplish this purpose.

Adopted this 11th day of December, 2015 by the affirmative vote of a majority of the councilmembers present at an official meeting of the Council of the City of Patterson.

ATTEST:

PATTERSON CITY COUNCIL


 RAY CUNNINGHAM (City Clerk)

BY: 
 HON. GEORGE DENISON, JR. (Mayor)
 Melvin Hollis, Mayor Pro Tempore

Date of 1st Reading: 11-13-15
 Date of 2nd Reading and Approval: 12-11-15



