

City of Maysville

It is hereby ordained by the governing authority of The City of Maysville

that the following Ordinance Number 98:2 be amended as follows only as to that portion of the City of Maysville that lies in Banks County, and not as to that portion of the City of Maysville that lies in Jackson County:

36-32-12 Animal Control Violation (1st offense)

36-32-14 Animal Control Violation (2nd offense)

98.2 Sec 1-1. Definitions

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

Abandonment of an animal means the act of any person who abandons an animal by leaving an animal unattended for a period of time in excess of 24 hours without food, water, adequate ventilation or shelter on public or private property, including, but not limited to, the property of the owner/custodian.

Abused animal means any animal that has been harmed by an act, an omission or neglect, including, but not limited to, any animal that has been:

- (1) Deprived of adequate food, water, shelter, ventilation, care, space, or veterinary care.
- (2) Physically harmed, tortured, mutilated, beaten, or illegally killed.
- (3) Trained/used for fighting other animals.
- (4) Used as bait to train/lure other animals to fight/kill.
- (5) Been left in a cage or crate for long periods of time in unsanitary conditions.
- (6) Mistreated to the extent that said mistreatment would constitute cruelty to animals, as set forth in O.C.G.A. § 16-12-4.

Adequate means sufficient, commensurate, equally efficient, equal to what is required, suitable to the case or occasion, satisfactory.

Animal does not include fish or any pests that might normally be exterminated or removed from a business, a residence or other structure.

Animal bite means any physical contact of the teeth, nails, or claws of an animal with human flesh, including, but not limited to, a scrape, puncture, pierce, scratch or tear, so long as bleeding results.

Attacking or biting animal means any animal which poses a physical threat to human beings or domestic animals by, when unprovoked, inflicting an animal bite on a human, or while off the owner's premises causing severe injury or death to a domestic animal.

Dangerous dog means any dog that, according to the records of the city and county has without provocation either:

- (1) Inflicted severe injury on a human being on public or private property; or
- (2) Aggressively bitten, attacked or endangered the safety of humans after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

Nuisance animal means any animal that:

- (1) Damages, soils, defiles, eliminates or defecates on private property other than its owner's property or on public property, without said elimination or defecation being picked up and disposed of by the animal's owner;
- (2) Causes unsanitary or offensive conditions or otherwise endangers public health, welfare or safety;
- (3) Causes an unreasonable disturbance to persons other than the owner of the animal by barking, howling or other noisemaking for a period of more than 15 minutes, without reasonable justification for such noisemaking;
- (4) Chases vehicles, bicycles, or people;
- (5) Is in estrus and not confined in a manner which can keep it away from intact males of the same species; or
- (6) Causes serious annoyance to a neighboring residence and interferes with the reasonable use and enjoyment of that property.

Owner means any person owning, possessing, harboring, keeping or having custody or control of any animal subject to this chapter for five or more days. This definition is intended to embrace any person who is a custodian.

Potentially dangerous dog means any dog that has without provocation bitten a human being on public or private property.

Primary enclosure means any structure or device used to restrict an animal to a limited amount of space, such as a fence, building, room, pen, run, cage, stall, paddock, or pasture, that provides adequate space and shelter.

Proper enclosure means an enclosure for keeping a dangerous dog, potentially dangerous dog or vicious animal securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of another animal or any person other than the owner or caretaker. The enclosure must:

- (1) Be designed to prevent the animal from escaping; and:
 - (a) If the enclosure is a fence, the fence must be high enough to keep the animal from climbing over and must be secured at the bottom to keep the animal from digging under;
 - (b) If the enclosure is a pen or structure other than a fence, the pen or structure must have secure sides, top and bottom constructed or secured in such a manner to prevent the animal's escape, and be of a height and strength to maintain the animal within it.
- (2) Provide adequate shelter; and
- (3) Provide adequate space for the animal.

Vicious animal means any animal which:

- (1) Constitutes a physical threat to human beings or other animals by virtue of an attack of such severity or intensity as to cause severe property or physical damage;
- (2) Makes an unprovoked attack on animals or on human beings; or
- (3) Intentionally attacks physical property in an effort to cause harm to a human or other animal.

98.2 Sec. 1-2. - Penalties.

Any person convicted of a violation of this ordinance shall be punished by a fine of \$100.00 for the first offense. A second offense shall be punished by a fine \$150.00. Any subsequent offense may be punished by the maximum amount allowed for the violation of city ordinances by state law. Applicable court costs shall be levied in addition to any fine imposed.

98.2 Sec. 1-3. - Interpretation of ordinance.

- (a) Nothing in this ordinance shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.

(b) Nothing in this ordinance shall be interpreted or applied so as to create any liability on the part of the city or county, or any employee, board or official which enforces or fails to enforce any of the provisions provided in this ordinance or any provisions in the state dangerous dog law.

98.2 Sec. 1-4. - Incorporation of state law; construction; other regulations.

(a) *Incorporation.* The state law known as the Responsible Dog Ownership Law is incorporated in this ordinance by reference and made part of this ordinance.

(b) *Construction.* This ordinance shall be construed to effectuate its purposes and policies and to supplement such existing state laws as may relate to animals.

(c) *Other regulations.* Other provisions of law or regulations relating to this ordinance shall apply when any provisions of this ordinance shall conflict with the laws of the state or the United States of America. The laws of the state or the United States of America shall apply when this ordinance is silent.

98.2 Sec. 1-5. – Jurisdiction.

The jurisdiction for enforcement of this ordinance shall be enforced within those portions of the City of Maysville located in Banks County, but not those portions of the City of Maysville located in Jackson County, by the City of Maysville Police Department.

98.2 Sec. 1-6. - Animals creating nuisances.

The owner of any animal shall be in violation of this ordinance if the animal exhibits any behavior or engages in any activity defined under section 1-1 as a nuisance animal.

98.2 Sec. 1-7. - Control of animal.

(a) *General control.*

(1) It shall be unlawful for the owner of any animal to permit such animal to be out of his immediate control and restraint, or to be left unattended off the premises of the owner, or to be upon the property of another person without the permission of the owner or person in possession of such other property. For the purposes of this ordinance, condominium and apartment common property shall not be considered to be the premises of the animal owner. Voice control may constitute control of an animal.

(2) Restraint of dogs and/or animals shall be maintained as follows:

(a) When upon the premises of the owner, all animals shall be kept indoors or in a primary enclosure as defined by this ordinance in such a manner as to contain the animal within the bounds of the owner's premises, or on a leash in the hands

of a person that possesses the ability to restrain the animal. When upon the premises of the owner, animals may also be kept on the premises under voice control of the owner and/or contained by use of an invisible electric fence.

(b) When off the premises of the owner, all animals shall at a minimum be maintained on an appropriate chain, leash or tie not exceeding 12 feet in length, and in the hands of a person who possesses the ability to restrain the animal.

(3) The requirements of subsection (a)2 of this section shall not apply in the areas zoned for agricultural purposes or where the owner of the dog is using the dog for hunting or working purposes on property with the permission of the owner or person in possession of such other property. If the dog is being used for hunting purposes the owner shall have on his person a valid hunting license. Dogs, while hunting, or show dogs while being shown, are not required to wear a collar or dog tag; but the owner shall have the dog tag in his possession where it may be shown upon demand of a representative of the Maysville Police Department.

(4) No person shall tie, stake or fasten any animal within any street, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, alley, sidewalk or other public place.

(5) Every female dog and cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with an intact male of the same species except for planned breeding.

(6) Every animal shall be restrained and/or controlled so as to prevent it from causing property damage, harassing pedestrians or bicyclists, molesting passersby, chasing vehicles, or attacking persons or other animals.

(7) Nothing in this ordinance shall be construed to prohibit the control of animals on leashes exceeding 12 feet in length, in the event that animals are working animals, animals in sanctioned competitions, and animals in training.

(b) Control of attacking or biting animal, vicious animals, potentially dangerous dogs and dangerous dogs.

(1) The provisions concerning general control in subsection (a) of this section are applicable to attacking or biting animals, vicious animals and dangerous dogs and potentially dangerous dogs.

(2) When upon the premises of the owner, attacking or biting animals, vicious animals, potentially dangerous dogs and dangerous dogs shall be kept indoors or in a proper enclosure as defined by this ordinance. Permanent or temporary tethering as a means of enclosure is not permissible.

(3) The owner of a dangerous dog shall not permit the dog to be outside of a proper enclosure unless the dog is muzzled in a manner that will prevent it from biting any person. The dog must be restrained by a substantial chain or leash not more than six feet in length and under the physical control of a person who possesses the ability to restrain the dog.

(4) The owner of a potentially dangerous dog, vicious animal or attacking or biting animal shall not permit the dog or animal to be outside a proper enclosure unless the dog or animal is restrained by a substantial chain or leash not more than six feet in length and is under the physical restraint of a person who possesses the ability to restrain the dog or animal.

98.2 Sec. 1-8. - Attacking or biting animals.

The owner of any animal that exhibits the characteristics or behavior as set forth in the definition of "attacking or biting animal" shall be in violation of this ordinance.

98.2 Sec. 1-9. - Vicious animals; possession.

The owner of any animal shall be in violation of this ordinance if the animal engages in any activity or exhibits any behavior as defined by this ordinance under section 1-1 as a vicious animal.

The effective date of this Ordinance shall be the ____ day of _____, 2021.

Mayor Richard Presley

Councilmember Kathleen Bush

Councilmember Junior Hardy

Councilmember Richard Parr

Councilmember Scott Harper

ATTEST:

Barbara Thomas, City Administrator/City Clerk