

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2022-O-010

AN ORDINANCE OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO AMEND SECTION 37 OF ARTICLE 1 OF CHAPTER 42 OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, GEORGIA TO ADD DEFINITIONS REGARDING WILDLIFE ACTIVITIES IN PARK AND RECREATIONAL FACILITIES; TO AMEND SECTION 42 (F) OF ARTICLE 1 OF CHAPTER 42 OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, GEORGIA TO PROHIBIT THE FEEDING OF WILDLIFE IN PARK AND RECREATIONAL FACILITIES; TO PROVIDE GUIDELINES FOR ENFORCEMENT AND PENALTIES FOR SUCH ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, the Georgia Department of Natural Resources Wildlife Resources Division has recommended adding provisions to the Cherokee County Code of Ordinances to assist with wildlife management in Cherokee County; and

WHEREAS, the Cherokee County Recreation and Parks Advisory Board recommended approval of the requested changes at their June 8, 2022 meeting; and

WHEREAS, this Ordinance will benefit the safety and welfare of the wildlife population as well as the citizens of Cherokee County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

WHEREAS, this Ordinance change will benefit the safety and welfare of the citizens of Cherokee County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

Section 1

Section 37 of Article I of Chapter 42 of the Code of Ordinances of Cherokee County, Georgia shall be amended to provide additional definitions for certain terms used in said Ordinance. Said Ordinance shall read as follows:

CHAPTER 42 – PARKS AND RECREATION.

ARTICLE I – IN GENERAL.

SEC. 37 – DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed in this section, unless the context clearly indicates a different meaning.

Director means the Director of the Cherokee Recreation and Parks Agency.

Director's authorized agent means employees and agents of the Cherokee Recreation and Parks Agency authorized to act on behalf of the director of the Cherokee Recreation and Parks Agency.

Domestic animal means an animal that, through long association with humans, has been adapted to human living conditions.

E-cigarette(s) means any electronic oral device, such as one consisting of a heating element, battery, and/or electronic circuit, that produces an aerosol mist or vapor, the use or inhalation of which simulates smoking. The term "vaping" shall mean the use of an e-cigarette or inhalation of the vaporized contents of an e-cigarette.

Feed means to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish.

Park and recreation facility means all Cherokee County public parks and recreation areas in such parks including the land, buildings, lakes, ponds, streams, swimming pools, and all other property and buildings owned, leased, or managed by Cherokee County and the Cherokee Recreation and Parks Agency within said parks and recreation facilities.

Person means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Wildlife means all animals that are neither human nor domesticated.

All references to masculine pronouns shall be construed to be gender neutral.

Section 2.

Section 42 Subsection (f) of Article I of Chapter 42 of the Code of Ordinances of Cherokee County, Georgia shall be amended to prohibit the feeding of wildlife in parks and recreational facilities. Said Ordinance shall read as follows:

CHAPTER 42 – PARKS AND RECREATION.

ARTICLE I – IN GENERAL.

SEC. 42 – ANIMAL CONTROL IN PARKS.

- (f) Unless authorized by the Cherokee Recreation and Parks Agency Director or authorized agent, no person shall feed, in any public park or on any other property owned or operated by Cherokee County, Georgia, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

Section 3.

It is hereby ordained that the provisions of this Ordinance shall become a part of the Code of Ordinances of Cherokee County, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 4.

- (a) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Cherokee County Board of Commissioners to be fully valid, enforceable, and constitutional.
- (b) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of

this Ordinance. It is hereby further declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Cherokee County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

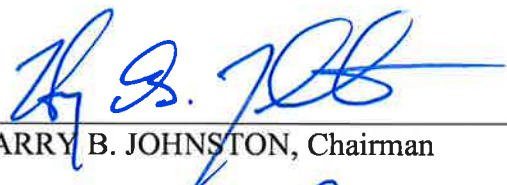
Section 5.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 6.

This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED, APPROVED, AND ADOPTED this 19th day of July, 2022.

By: 
HARRY B. JOHNSTON, Chairman

Attest: 
CHRISTY BLACK, County Clerk

