

FORSYTH COUNTY, GEORGIA
ORDINANCE NUMBER _____

A Resolution and Ordinance amending Forsyth County Ordinance Number 11, the Forsyth County Animal Control Ordinance, to modify certain regulations governing dangerous dogs and vicious dogs pursuant to changes in State law; to repeal conflicting ordinances; 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 July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the, unincorporated areas of the County; and,

WHEREAS, the governing authority of Forsyth County, to wit, the Board of Commissioners, desires to exercise its authority by amending the Forsyth County Animal Control Ordinance to modify certain regulations governing dangerous dogs and vicious dogs pursuant to changes in State law.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY, GEORGIA AS FOLLOWS:

Section 1.

Article IV, Section 11-100 of the Forsyth County Animal Control Ordinance (codified as Section 14-131 of The Code of Forsyth County, Georgia) is hereby revised to add the following new term, "Animal shelter," and its definition as follows:

“Sec. 11-100. - 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:

Animal shelter means any facility operated by or under contract for the State of Georgia or any county, municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs; any veterinary hospital or clinic operated by a veterinarian or veterinarians that operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

Section 2.

Article IV, Section 11-104(b) of the Forsyth County Animal Control Ordinance (codified as Section 14-135 of The Code of Forsyth County, Georgia) is hereby revised to read as follows:

“Sec. 11-104. - Procedures for classification as dangerous dogs or vicious dogs.

(b) *Notice requirement.* When an animal control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the animal control officer's determination and shall state that the owner has a right to request a hearing from the animal control board on the animal control officer's determination within ~~45~~ 7 days after the date shown on the notice. The notice shall also provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the animal control officer's determination shall become effective for all purposes under this Article. If an owner cannot be located within 10 days of an animal control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the animal control officer. No dog shall be classified as a dangerous dog or vicious dog for

actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under Title 16, Chapter 5 of the Official Code of Georgia.

Section 3.

Article IV, Section 11-107(c) and (d) of the Forsyth County Animal Control Ordinance (codified as Section 14-138 of The Code of Forsyth County, Georgia) is hereby revised to read as follows:

"Sec. 11-107. - Confiscation of dogs.

(c) The owner of any dog that has been confiscated pursuant to this Article may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this Article, unless such confiscation is deemed to be in error by an animal control officer or the county animal control board. All fines and all charges for services performed by a law enforcement or animal control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

(d) In the event the owner has not complied with the provisions of this Article within 14 days of the date the dog was confiscated, such dog shall be released to an animal shelter or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia."

Section 4. Repealer.

All laws, resolutions, or ordinances or parts thereof that conflict with the provisions of this Amendment are hereby repealed.

Section 5. Severability.

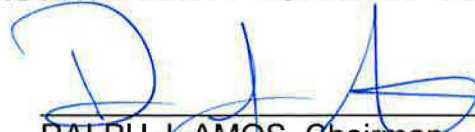
Should any section, subsection, clause, sentence, phrase, or part of this Ordinance for any reason be held, deemed, or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof and the Board of Commissioners hereby declares that it would have passed this Ordinance, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

Section 6. Effective Date.

The effective date of this Amendment shall be the date of adoption.

SO RESOLVED this 7th day of August, 2014.

FORSYTH COUNTY BOARD OF COMMISSIONERS



RALPH J. AMOS, Chairman



CINDY JONES MILLS, Vice Chairman



BRIAN R. TAM, Secretary



JIM BOFF, Commissioner



TODD LEVENT, Commissioner

Attested to:



County Clerk