

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, TO ENACT CERTAIN SECTIONS AND/OR SUBSECTIONS OF CHAPTER 6, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF BYRON, AND FOR OTHER PURPOSES.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF BYRON, GEORGIA, THAT THE CITY OF BYRON, GEORGIA, ADOPTS CHAPTER 6, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF BYRON, GEORGIA, BY ENACTING THE FOLLOWING CHAPTERS, SECTIONS, AND/OR SUBSECTIONS:

Chapter 6 of The Code of Byron, Georgia, shall hereby read as follows:

Chapter 6 – ANIMALS

ARTICLE I. - IN GENERAL

Sec. 6-1. - Consent required for keeping animals near occupied buildings; permit.

(a) It shall be unlawful to keep, feed, fatten, or breed any livestock, inclusive of chickens and other fowl, horses, cattle, hogs, or any other domestic animals commonly sold or used for commercial, food, or other purposes, whether one or more of such animals, in any pen or other enclosure or in any manner whatsoever for any purpose within 500 feet of any house or dwelling of any type or other unit of human occupancy, without first obtaining the written consent of all persons who are heads of households or sole or joint occupants of any such structure or unit of occupancy for the keeping, feeding, fattening, breeding, or maintenance of any such animal.

(b) If any such adjoining house, dwelling, or unit of human occupancy is vacant at the time such usage of any such enclosure for maintaining any such livestock is contemplated, such written consent specified in subsection (a) of this section shall be obtained from the owner, tenant, or person responsible for the maintenance or payment of taxes of the unit of occupancy so vacant.

(c) After obtaining the written consent of occupants of any such adjoining dwelling, house, or unit of occupancy, such person desiring to so keep, feed, maintain, fatten, or breed any such livestock shall obtain a permit therefor from the city clerk.

(d) The written consent required in this section from adjoining occupants of units of occupancy shall be obtained every twelve months from the date of first obtaining such consent, and the permit shall be renewed every twelve months thereafter.

(e) Upon a finding by the municipal court that such pens or enclosures constitute a nuisance by virtue of noise, odor, or menace to public health or upon a finding that such pens or enclosures lack a valid permit, the court may order the cessation of use of the enclosure or pen and abatement of any nuisance.

Secs. 6-2. -6.4 -- Reserved.

Sec. 6-5. - Limitation of number of dogs and cats per residential lot.

(a) It shall be unlawful for there to be more than four dogs and four cats on any residential lot subject to the following exceptions:

(1) Pet owner's compliance with any prior ordinance limiting the number of dogs and cats shall be allowed to continue to keep all animals in their possession as of the date of adoption of the ordinance from which this section is derived. However, as said animals die or are otherwise disposed of, they shall not be replaced if replacement of said animals causes the pet owner to remain in noncompliance with this section. Said animals may only be replaced once said owner comes into compliance herewith. The only exception to this section shall be as provided in section 6-6.

(2) A litter of puppies or kittens will be permitted to remain on property for a period of 12 weeks after their birth.

(3) Limitation does not apply to residential lots of five or more acres or for lots zoned residential agricultural (R-Ag).

(4) Limitation does not apply to foster home operators or breeders licensed by the department of agriculture, or other individuals who have been granted a waiver by the city council consistent with the procedures and criteria outlined in section 6-6.

Sec. 6-6. - Waiver of limitation on number of dogs and cats on residential lots.

(a) Upon application to and approval by the city council, a citizen may keep animals in greater numbers than provided in section 6-5, provided that the city council find that:

(1) There are exceptional and extraordinary circumstances existing that such a waiver should be granted;

(2) Granting the waiver would not confer upon the applicant any special privileges that are denied to others;

(3) The waiver will not be injurious to the neighborhood or to the general welfare of the neighborhood; and

(4) The applicant can demonstrate a special use or need to house animals in greater numbers than provided in section 6-5. This item shall be deemed to include, but not be limited to, participation in a licensed animal rescue organization, use of animals for therapeutic or other purposes, emergency care of pets owned by other persons, or other circumstances which are specified in the application for waiver.

(b) The person making application for such a waiver shall submit, with his/her application a fee of \$25.00. A sign containing information as to the proposed waiver, and the date and time at which the application will be considered by the city council shall be posted in a conspicuous location on the property not less than 15 days prior to the date of the public hearing.

(c) The application shall be sent to the city council for review, public hearing and approval/denial thereof. The city council shall have 30 days in which to make a decision.

(d) Any waiver approved by the city council may be revoked upon the applicant being found in violation of the nuisance provisions of this chapter.

Secs. 6-7—6-35. - Reserved.

ARTICLE II. - DOGS

DIVISION 1. - GENERALLY

Sec. 6-36. - 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:

Dog means and includes all members of the canine family.

Inoculation against rabies means the injection, subcutaneously or otherwise, as approved by the state department of public health.

Owner means and includes any person having a right of property in the dog, who keeps or harbors a dog, who has it in his care or acts as its custodian, or who permits a dog to remain on or about any premises occupied by him.

Sec. 6-37. - Penalties.

Any person violating any provision of this article shall be subject, upon conviction, to a fine not in excess of \$100.00 and/or imprisonment not to exceed 30 days or an imposition of both. In situations where the violation is for harboring a vicious animal, the fine shall not exceed \$250.00.

Sec. 6-38. -- Reserved.

Sec. 6-39. - Chain or leash required.

It shall be unlawful for any person to cause, permit or allow any dog owned by such person to leave or be off of the premises of the owner, unless the dog shall be firmly held by a chain or leash which shall be held by some person strong enough to control the movements of such dog. All dogs will be secured to allow city employees to perform necessary work within the city and perform meter readings.

Sec. 6-40. --Reserved.

Sec. 6-41. - Nuisance abatement.

(a) As used in this section, the term "nuisance" is defined to include any animal that:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;
- (4) Is repeatedly at large;
- (5) Damages private or public property;
- (6) Barks, whines or howls in an excessive, continuous, untimely fashion; or
- (7) Causes odor.

(b) Upon a finding by the municipal judge that any animal constitutes a public nuisance within the definition of this section, the judge may order the owner or custodian to abate the nuisance by permanently removing the animal from the city limits. If the owner or custodian fails to abide by such order, the municipal judge, after a hearing, may order the animal to be destroyed by the appropriate city authority.

Sec. 6-42. – Reserved.

Sec. 6-43. - Vaccination and tag required; license issued upon evidence.

It shall be the duty of each dog owner or person in possession of a dog to have such dog inoculated with antirabies vaccine or any other similar vaccine by a veterinarian as required by state laws. It shall be the duty of each dog owner or person in possession thereof to have an inoculation tag firmly affixed to that dog at all times.

Sec. 6-44. – Reserved.

Sec. 6-45. - Enforcement by impoundment; fee; notice; disposal.

(a) In addition to the penalties provided in this article, any police officer or any other person designated by the city council will impound any dog which does not carry an inoculation-tag. The dog shall be impounded in a facility established or designated by the city council for that purpose, including any veterinary hospital under contract with the city. The owner may obtain possession of their dog so impounded or seized by paying an impounding fee of \$20.00 for the first offense, \$40.00 for the second offense, and \$70.00 for the third offense. There will also be \$10.00 per each additional 24 hours the dog is kept in the impound. The dog shall not be released

until proof has been furnished to the impounding facility that the dog has been inoculated with antirabies vaccine.

(b) If the dog has not been inoculated or proof of inoculation cannot be shown, the owner will be allowed to remove the dog for purposes of inoculation, provided he pays a refundable deposit of \$25.00. A refund of such amount will occur at such time proof of inoculation is shown; otherwise, the refund is forfeited to the city.

(c) When the owner of any dog impounded for any reason authorized by this article can be identified, such owner shall be notified immediately by the impounding officers and not later than 24 hours after impoundment.

(d) When the owner of any dog so impounded cannot be identified, a description of the animal shall be posted with the impounding facility and a copy posted with the police department and at the city hall, which notice shall be posted for a period of seven days. If, at the end of seven days, no person claims ownership of that dog, the impounding facility is authorized to dispose of that animal in a humane manner or may allow a person to adopt the animal subject to provisions, fees and regulations that have been approved by resolution of the city council. If the adopter fails to comply with said regulations, he or she shall be in violation of this section and may be cited and shall, upon conviction in municipal court, be subject to the penalties as set out in section 6-37. Adopter shall also be required to return the animal to the animal control officer and forfeit the adoption fee.

Secs. 6-46—6-100. - Reserved.

This #2021-5 Ordinance shall be effective March 8, 2021 and thereafter. Any and all existing or pre-existing provisions in conflict with this Ordinance shall be, and are hereby repealed.

SO ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA,
THIS 8th DAY OF March, 2021.

CITY OF BYRON, GEORGIA


(absent)
Michael L. Chidester, Mayor

Michael S. Chumbley
Michael S. Chumbley, Mayor Pro Tem

James Richardson
James Richardson, Council Member

Rusty Adams
Rusty Adams, Council Member

Alan C. Dorsey
Alan C. Dorsey, Council Member

Christopher C. Hodges
Christopher C. Hodges, Council Member

Attest:

Telina Allred
Telina Allred, City Clerk