

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO REVISE CHAPTER 5, SEC. 5-12 OF THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY INCREASING THE AMOUNT CHARGED FOR OFFENSES REGARDING THE CARE AND CONTROL OF LICENSED OR PERMITTED ANIMALS, MANDATING COURT APPEARANCE FOR THE THIRD AND FOURTH OFFENSES UNDER THIS SECTION, AND ADDING A FEE TO FUND ANIMAL WELFARE EDUCATION EXPENSES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, by virtue of Article IX, Section III, Paragraph II of the Constitution of Georgia, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942, and by virtue of the will of the people in a referendum held on July 31, 2012 there is to be a consolidated local government known as "Macon-Bibb County"; and

**WHEREAS**, the current Macon-Bibb County Animal Welfare violation fees are substantially lower than those charged by nearby comparative governments; and

**WHEREAS**, the Macon-Bibb County Animal Welfare director wishes to bring the fees for animal violations in line with comparative local governments; and

**WHEREAS**, the Macon-Bibb County Animal Welfare director hopes that the possible incursion of said fees will encourage compliance with our local animal ordinances, thereby promoting the safety of the citizens and animals of Macon-Bibb County; and

**WHEREAS**, there are mandated continuing education requirements for the employees of Macon-Bibb County Animal Welfare; and

**WHEREAS**, the addition of a five dollar (\$5.00) fee to be placed on every animal welfare citation will be used to fund mandated Animal Welfare educational requirements for its employees; and

**WHEREAS**, the ordinance contained herein would benefit and promote the health, safety, morals and welfare of the citizens of Macon-Bibb County.

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

**Section 1.**

Chapter 5, Sec. 5-12 – Care and control of licensed or permitted animals; of the Inaugural Code of Ordinances for Macon-Bibb County is hereby amended by revising Sec. 5-12 to read as follows:

***Sec. 5-12. Care and control of licensed or permitted animals.***

*Sec. 5-12.*

*(a) It shall be the duty of the owner, caretaker, or possessor of any licensed or permitted animal to provide adequate shelter, food water, and sanitary conditions for said animal at all times, and to provide said animal with necessary medical care including, but not limited to , the required annual rabies vaccination.*

*(b) The owner of any licensed or permitted animal shall be responsible for maintaining control of that animal at all times so as not to be a danger to the person or property of others, or constitute a nuisance as defined in sections 15-1 and 15-26(b)(3).*

*The owner of any licensed or permitted animal shall be in violation of this code section if he or she allows their animal to (1) defecate on private property other than that of the owner or on public property unless such waste is immediately removed and properly disposed of by the animal owner; (2) chase moving vehicles including bicycles; (3) molest, attack or interfere with persons in the use of the public rights-of-way; (4) otherwise act in a manner that is contrary to the public health, welfare or safety according to the law.*

*(c) Every female cat or dog in heat shall be kept segregated from males of their species, except for intentional breeding by the owner.*

*(d) A person who is convicted or who pleads guilty or nolo contendere to a violation of this section shall suffer the following minimum punishment:*

*(1) First offense, a minimum fine of seventy-five dollars (\$75.00).*

*(2) Second offense within a one-year period, a minimum fine of one hundred fifty dollars (\$150.00).*

*(3) Third offense within a one-year period, a minimum fine of two hundred twenty-five dollars (\$225.00), with a mandatory appearance in Municipal Court.*

*(4) Fourth offense within a one-year period, a minimum fine of three hundred dollars (\$300.00), with a mandatory appearance in Municipal Court.*

*(5) In addition to the above fines, all fines, regardless of the number of the offense, shall include a five dollar (\$5.00) fee to be charged and dedicated to support the educational requirements mandated for Animal Welfare personnel.*

**Section 2.**

It is the intention of the Macon-Bibb County Commission that nothing herein shall be interpreted as amending, altering, abolishing, discharging, or in any manner

affecting any advisory committees, fines, fees, charges, and/or assessments previously established or adopted by Bibb County or the City of Macon regarding animals for any matter other than the care and control of licensed or permitted animals in Bibb County, the City of Macon, and/or Macon-Bibb County, and that any such advisory committees, taxes, fees, charges, and/or assessments shall continue in full force and effect in Macon-Bibb County consistent with the provisions of the Macon-Bibb County Charter, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942.

### **Section 3.**

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

### **Section 4.**

This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County.

### **Section 5.**

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission 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 Macon-Bibb County Commission 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 Macon-Bibb County Commission 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 6.**

To the extent necessary, penalties in effect for violations of Chapter 1 of the Code of

Ordinances, Macon-Bibb County, Georgia, at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 7.**

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

**Section 8.**

This Ordinance shall become effective immediately upon its approval by the Mayor.

**SO ORDAINED** this 19<sup>th</sup> day of August, 2014.

  
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ROBERT A.B. REICHERT, MAYOR

ATTEST:   
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SHELIA THURMOND, CLERK OF COMMISSION