

**SPONSORS: COMMISSIONER ELAINE LUCAS  
COMMISSIONER BERT BIVINS III**

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO REVISE CHAPTER 5, SEC. 5-26 OF THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY TO ADOPT A \$40.00 FILING FEE FOR DANGEROUS DOG APPEAL HEARINGS; 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 Chapter provides a dog owner may request a hearing before the Board of Health where an Animal Welfare Officer determines a dog should be classified as a dangerous or vicious dog; and

**WHEREAS**, the Board of Health has determined a \$40.00 filing fee, made payable to the Macon-Bibb County Health Department, for an appeal hearing is necessary to offset administrative costs and expenses; and

**WHEREAS**, upon a sufficient showing of indigence in keeping with the qualification of individuals for governmental benefits, the filing fee may be waived by authorized Macon-Bibb County Health Department personnel; 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. 5-26 – Investigation by dog control officer; notice to owner; hearing; determination; review; of the Inaugural Code of Ordinances for Macon-Bibb County is hereby amended by revising Sec. 5-26 to read as follows:

***Sec. 5-26. Investigation by dog control officer; notice to owner; hearing; determination; review.***

*Sec. 5-26.*

*(a) Upon receipt by the dog control officer of a report of a dog within Macon-Bibb county believed to be subject to classification as a dangerous dog or vicious*

*dog, the dog control officer shall investigate to determine whether such dog is subject to classification as dangerous dog or a vicious dog.*

*(b) When the dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall mail notice to the dog's owner of such classification within 72 hours.*

*(1) The notice to the owner shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address.*

*(2) The notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing on the dog control officer's determination, within 15 days after the date shown on the notice.*

*(3) The notice shall include a form to request a hearing before the Board of Health and shall provide specific instructions on mailing or delivering such request to the Board of Health.*

*(4) The notice shall state that the hearing, if requested, shall be before the Macon-Bibb County Board of Health ("Board of Health" or "Board").*

*(5) The notice shall state that if a hearing is not requested within the allotted time, the dog control officer's determination that the dog is a dangerous dog or a vicious dog will become effective for all purposes.*

*(c) When a dog owner requests a hearing, the owner is required to submit a fee in the amount of forty dollars (\$40.00) made payable to the Macon-Bibb County Health Department, along with the notice requesting the hearing. Said fee may be waived where the owner demonstrates sufficient showing of indigence in keeping with the qualification of individuals for governmental benefits. The hearing shall be scheduled within 30 days after the request is received. The Board shall notify the dog's owner in writing by certified mail or statutory overnight delivery of the date, time, and place of the hearing, and such notice shall be mailed to the dog's owner at least 10 days prior to the date of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the Board shall receive such other evidence and hear such other testimony as the Board may find reasonably necessary to make a determination either to sustain, modify, or overrule the dog control officer's determination.*

*(d) The Board of Health shall make a written decision within 10 days of the date of the hearing. The Board shall notify the dog's owner in writing by certified mail or statutory overnight delivery of the Board's determination on the matter within seven (7) days of its decision, and shall send a copy of such decision also to the dog control officer.*

*(1) If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which such determination is effective.*

*(2) If the determination is that the dog is to be euthanized, the notice shall specify the date by which the euthanasia shall occur.*

*(3) Judicial review of the Board's final decision may be had in the Probate Court of Bibb County in accordance with O.C.G.A. §15-9-30.9.*

## **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, assessments, and/or hearing procedures previously established or adopted by Bibb County or the City of Macon regarding animals for any matter other than the investigation by dog control officer, notice to owner, hearing, determination and review related to dangerous and vicious dogs in Bibb County, the City of Macon, and/or Macon-Bibb County, and that any such advisory committees, taxes, fees, charges, assessments and/or hearing procedures 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.**

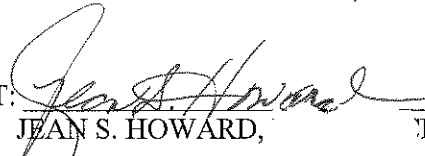
All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

**Section 7.**

This Ordinance shall become effective immediately upon its approval by the Mayor or its adoption into law without such approval.

2015. **SO ORDERED AND ORDAINED** this 16<sup>th</sup> day of June,

  
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ROBERT A.B. REICHERT, MAYOR

ATTEST:   
JEAN S. HOWARD, CLERK OF COMMISSION