

ANIMAL CONTROL ORDINANCE SECTIONS AS THEY READ NOW:

Sec. 10-43. Duty of owner to keep animals under control.

It shall be unlawful for the owner of any domesticated animal, or anyone having a domesticated animal in his possession or control, to permit such domesticated animal to be at large. In the event that owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this chapter are complied with.

(Ord. No. 00-3, 6-19-2000)

Sec. 10-44. Duty to keep animals under restraint while on owner's property.

It shall be the duty of every animal owner or said custodian of any dog to ensure that said animals are kept under proper restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor or custodian.

(Ord. No. 00-3, 6-19-2000)

Sec. 10-45. Duty to keep animals under restraint while off owner's property.

It shall be the duty of the animal owner or anyone having a animal in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor or custodian, for the purpose of this section. An animal shall be deemed under control when off the owners real property limits when:

- (1) The animal is within a vehicle, parked or in motion;
- (2) The animal is properly confined within a secured enclosure with the property owners permission;
- (3) The animal is securely restrained by a leash or other method held by a competent person;
- (4) The animal is under immediate voice command of a competent person at all times; or
- (5) Hunting dogs shall be deemed under control for the purpose of this chapter when they are being hunted in accordance with state game and fish department laws, rules, and regulations.

(Ord. No. 00-3, 6-19-2000)

AN ORDINANCE TO AMEND THE CODE OF CITY OF MONROE, GEORGIA WITH RESPECT TO ANIMALS; AND FOR OTHER PURPOSES.

The Mayor and Council of City of Monroe, Georgia, hereby ordains as follows:

Article I

The Code of the City of Monroe is hereby amended by deleting Article II, Sections 10-43 through 10-45 in their entirety and substituting the following in lieu thereof:

Sec. 10-43. Keeping domestic animals under control.

(a) It shall be unlawful for any owner of a domestic animal not to control the animal at all times through one of the following means:

- (1) On a leash when off the property of the owner;
- (2) Within the passenger area of a vehicle driven or parked on the streets;
- (3) Within the property limits of its owner and attended by its owner; or
- (4) Confined within the property limits of its owner or of another with the permission of the person in control of the property. "Confined" means in a building, pen or fenced area or other structure built to prevent intrusion or escape by any dog.

(b) It shall be unlawful for any owner of a domestic animal to chain, tie, fasten or otherwise tether the animal to dog houses, trees, fences, vehicles or other stationary objects as a means of confinement except that the animal may be temporarily confined by a tether while attended by its owner.

Sec. 10-44. Specific requirements for confinement.

It shall be an offense for any owner of a domestic animal not to satisfy the following requirements:

- (a) Any tether used to temporarily confine an animal while attended by its owner must be attached to a collar or harness and shall not be wrapped directly around the animal's neck. Such tethers shall not be excessively heavy or weighted so as to inhibit the animal's movement.
- (b) All domestic animals shall be provided with sanitary shelter from the elements. Said shelter shall be designed, constructed and maintained to protect the animal from rain, snow, ice, excessive cold, excessive heat and excessive direct sunlight, and of a size to allow the animal sufficient space to stand, turn around, and lie down, and make all other normal body movements in a normal and comfortable position appropriate to the age, size, and health of the animal. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, vehicles, or the area on or beneath exposed porches or decks. Nothing in this subsection shall be construed to prevent the transportation and temporary confinement of a domestic animal within the passenger area of a vehicle provided that the animal is provided adequate ventilation and temperature control in order to protect the animal from excessive heat or cold.

- (c) All domestic animals shall be provided with clean, potable water at all times.
- (d) An owner must promptly remove and dispose of animal excrement and food wastes and debris so as to minimize vermin infestation, contamination, odors, and disease hazards.
- (e) All domestic animals shall be provided with a safe and sanitary confinement area constructed to confine the animal, to protect the animal from injury, and of a sufficient space to allow for adequate exercise suitable to the age, size, species, and breed of animal. The area shall have a means to rapidly eliminate excess water and minimize mud.

Section 10-45. Prohibitions for domestic animals.

It shall be unlawful for any person to permit a domestic animal under his or her ownership or possession to do the following:

- (a) Go upon the property of any person other than its owner or keeper without the express consent of such other owner or occupant;
- (b) Attack or act so as to menace pedestrians or other persons using public ways or on the property of another. Pending adjudication for any citation for a violation of this subparagraph (b), the person cited shall be required to maintain the dog in a proper enclosure, as defined in this chapter. Any person convicted of violating this subsection, in addition to penalties provided for in section 10-63, shall be required to maintain the dog in a proper enclosure, as defined in this chapter;
- (c) Disturb the peace of any other person by loud, persistent, habitual barking, howling, growling, yelping or whining. No person shall be charged with violating this subsection unless written warning has previously been issued within Ninety (90) days of the charged violation. No citation for violation of this subsection shall be issued unless there are at least two (2) complaining witnesses who shall have signed a written statement stating the address of the dog owner, a description of the dog and of the offense and the date, time and location of the offense;
- (d) Be in heat and not be confined in an enclosure to the property of its owner or keeper.
- (e) Reserved.

Article II

The Code of the City of Monroe, Article II, Section 10, is hereby amended by adding the following section:

Section 10-45.1. Maximum number of dogs and cats.

- (a) Dogs. The following restrictions apply to the maximum number of dogs that may be possessed or kept on any residential property, based on the area of the lot. Other applicable regulations, including the city zoning ordinance, shall still apply and should be consulted for restrictions on location of shelters and enclosures and other restrictions. "Kennels," as defined therein, are regulated under the zoning ordinance.

(1) Larger than two (2) acres. On any residential property that is larger than two (2) acres, there shall be no restriction on the number of dogs allowed to be possessed or kept, provided all other applicable provisions of this chapter are obeyed. However, any such property that contains more than six (6) dogs shall be required to maintain those animals in an enclosure at least one hundred (100) feet from the nearest property line.

(2) Larger than one (1) acre but equal to or less than two (2) acres. On any residential property that is larger than one (1) acre, but equal to or less than two (2) acres, regardless of the designated zoning of said property, it shall be unlawful to possess or keep more than six (6) dogs.

(3) Equal to or less than one (1) acre. On any residential property that is equal to or less than one (1) acre, it shall be unlawful to possess or keep more than three (3) dogs.

(4) Multifamily units. For any dwelling unit in a multifamily development (e.g., apartment, condominium, townhome, mobile home parks, duplex, triplex, quadraplex or similar) it shall be unlawful to possess or keep more than three (3) dogs. The overall acreage of the development or property shall not control.

(b) Cats. The following restrictions apply to the maximum number of cats that may be kept on any residential property, based on the area of the lot. Other applicable regulations, including the city zoning ordinance, shall still apply and should be consulted for restrictions on location of shelters and enclosures and other restrictions:

(1) Larger than two (2) acres. On any residential property that is larger than two (2) acres, there shall be no restriction on the number of cats permitted provided other provisions of this chapter are obeyed.

(2) Equal to or less than two (2) acres. On any residential property that is equal to or less than two (2) acres, it shall be unlawful to possess or keep more than six (6) cats.

(3) Multifamily units. For any dwelling unit in a multifamily development (e.g., apartment, condominium, townhome, mobile home parks, duplex, triplex, quadraplex or similar) it shall be unlawful to possess or keep more than six (6) cats. The overall acreage of the development or property shall not control.

(c) Other provisions.

(1) The limits on dogs and cats are independent. For example, a one and one-half (1½) acre parcel would allow up to six (6) dogs and up to six (6) cats.

(2) In instances where a new litter of cats or dogs causes a violation of this section, the new litter shall be exempt from the provisions herein for up to twelve (12) weeks from the date of birth.

(d) Definitions.

(1) For purposes of this section, "residential property" shall mean any property zoned to a residential classification under the city zoning ordinance, or any property containing or authorized to contain residential dwelling units (single or multifamily).

(2) "Possess or keep" shall mean owning, maintaining or raising, or otherwise keeping such animals on the premises.

Article III

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Article IV

This Ordinance shall take effect from and after its adoption by the Mayor and Council of the City of Monroe, Georgia.

FIRST READING. This _____ day of _____, 2014.

SECOND READING AND ADOPTED on this _____ day of _____, 2014.

CITY OF MONROE, GEORGIA

By: _____ (SEAL)
Greg Thompson, Mayor

Attest: _____ (SEAL)
Renee L. Prather, City Clerk