

TOWN OF GAY

TITLE 9 – OFFENSES

Editorial Note: Municipalities are prohibited by law from enacting ordinances covering matters which have been preempted by general law and are prevented from regulating conduct which has been made a violation of any criminal law of the state. See O.C.G.A., Sec. 36—35—6 (a) (2); Ga. Const. of 1983, Art. 111, Sec. VI, Para. IV.

State Law Reference: Abandonment of airtight containers, O.C.G.A., Sec. 16-11-100; fireworks, O.C.G.A., Sec. 25—10—1 et seq.; disorderly houses, O.C.G.A., Sec. 16—11—44; peeping toms, O.C.G.A., Sec. 16-11-61; gambling, O.C.G.A., Sec. 16-12-20 et seq.; cruelty to animals, O.C.G.A., Sec. 16—12—4; criminal trespass, O.C.G.A., Sec. 16-7-21.

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Chapter 1 – General Offenses

Sec.9-1-1 Disorderly conduct.

It shall be unlawful and disorderly conduct for any person to:

- 1) act in a violent or tumultuous manner toward another, whereby a reasonable person would be placed in fear of safety for life or limb;
- 2) place the property of another in serious danger of being destroyed or damaged;
- 3) use fighting words directed toward another, who becomes outraged and thus creates a turmoil;
- 4) violently interfere with another's pursuit of a lawful occupation; or
- 5) congregate with others to halt the flow of vehicular or pedestrian traffic and refuse to clear the way when ordered by lawful authority to do so.

Sec. 9-1-2 Public drunkenness.

It shall be unlawful for any person to be on the streets of the town or in any public place in an intoxicated condition.

Sec. 9-1-3 Noise; creating unnecessary noise.

- (a) The creating of any unreasonably loud, disturbing, and unnecessary noise within the limits of the town is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.
- (b) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
 - 1) Horns. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion except as a danger signal if another vehicle is approaching apparently out of control, or, if in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of that device for an unnecessary or unreasonable period of time.
 - 2) Musical instruments. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 12 midnight and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or any persons in the vicinity, except this section shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m.
 - 3) Voices. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 12 midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or any persons in the vicinity.
 - 4) Noisy vehicle. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in any manner as to create loud and unnecessary grating, grinding, or rattling, or other noise.

- 5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper town authority.
- 6) Exhausts. To discharge into the open air the exhaust of any stationary steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- 7) Construction work. The erection (including excavating), demolition, alteration, or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 6:00 p.m. on week days except in cases of urgent necessity, and then only with a permit from the town, which permit may be granted for a period not to exceed 60 days while the emergency continues.
- 8) On streets of institutions requiring quiet. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof.
- 9) Loudspeakers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- 10) Animals, birds. The keeping of any animal or bird which shall disturb the comfort or repose of any persons in the vicinity by making long, continual, or frequent noise.

(c) None of the foregoing terms or prohibitions shall apply to or be enforced against:

- 1) any vehicle of the town while engaged upon necessary public business;
- 2) excavations or repairs of bridges, streets, or highways, by or on behalf of the town, county, or state during the night season, when the public welfare and convenience renders it impossible to perform that work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor; and
- 3) the reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(d) The prohibitions shall not be applicable to any parade, celebration or performance for which a written permit has been obtained prior thereto from the town clerk.

(e) It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the streets, sidewalks, parks, or other public places of the town; provided that nothing in this section shall apply to the United States of America, the state, the county nor the town, nor to public agencies.

Sec. 9-1-4 Posting signs on poles without consent.

It shall be unlawful for any person to post or display in or upon any bridge any sign or advertisement, or to post or display upon any telegraph, telephone, or electric company's pole, or upon any public property or the private property of any person any bills, signs, or advertisements without the consent in writing of the owner thereof.

Sec. 9-1-5 Weapons; discharge in town.

It shall be unlawful for any person to discharge a firearm, including pistol, rifle and shotgun, or to shoot an air gun, including BB gun and pellet gun, within the town, except by law enforcement officers in the line of duty, and the military when on drill or parade, or at a funeral in honor of the dead; provided, however, it shall not be unlawful for any person to shoot a BB gun upon private property if that person shall have first obtained the express permission of the owner of that property to do so.

Sec. 9-1-6 Loitering.

- (a) Loitering shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, walking about aimlessly, or sitting on cars, trucks, or other vehicles, and shall include the colloquial expression "hanging around." It shall be unlawful for any person to loiter within the town on private or public property in such a manner as to:
- 1) create or cause to be created a danger of a breach of the peace;
 - 2) create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
 - 3) under circumstances which would warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property within the vicinity.
- (b) Relocating from one position to another and regrouping or generally "hanging around" shall be "prima facie" evidence of intent to continue an unlawful act under this section and shall constitute a new offense after having been dispersed or cited for an offense under these provisions.

Chapter 2 – Nuisances

State Law Reference: Nuisances O.C.G.A. Title 410

The following conditions may be declared to be nuisances:

- 1) stagnant water on premises;
- 2) any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal, or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the town;
- 3) the generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the town;
- 4) the pollution of public waters;
- 5) maintaining a dangerous or diseased animal or fowl;
- 6) obstruction of a public street, highway, or sidewalk without a permit;
- 7) all walls, trees and buildings that may endanger persons or property;
- 8) any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;

- 9) unused iceboxes, refrigerators, and the like unless the doors, latches or locks thereof are removed;
- 10) any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the town; and
- 11) any other condition constituting a nuisance under state law.

Sec. 9-2-2 Jurisdiction to try and abate.

The mayor's court shall have full jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in case of conviction, to punish persons failing to abate nuisances, as prescribed in section 1-1-5 of this code.

State Law Reference: Jurisdiction of mayor's courts to determine existence of nuisance and order its abatement, O.C.G.A., Sec. 41-2-5.

Sec. 9-2-3 Complaint of nuisance; hearing.

Any official or inhabitant of the town may direct a complaint of nuisance to the mayor and council, who shall investigate and may place the complaint on the mayor's court docket for a hearing upon the basis of the investigation. The court after a 10-day notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

sec. 9-2-4 Abatement by town.

In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the judge that it must be immediately abated, the judge may issue an order to the sheriff directing the nuisance to be abated. The sheriff in such case, shall keep record of the expenses and cost of abating same, and the costs shall be billed against the owner, agent, or tenant for collection as for town revenues.

Sec. 9-2-5 Nuisance per se, exception; summary abatement.

Nothing contained in this chapter shall prevent the mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

Sec. 9-2-6 Offense; penalty.

It is hereby declared to be an offense for any owner, agent, or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense.

State Law Reference: Failure to abate nuisance after order to do so is a state crime, O.C.G.A. Sec. 41-1-6.

Chapter 3 - Animals

Sec. 9-3-1 Definitions

The words, terms, and phrases used in this ordinance shall have the meanings given them in this Sec. unless the context clearly requires a different interpretation. The use of the word "shall" means "mandatory", while the word "may" means "permissive".

ABANDONMENT — releasing or leaving an animal on any property, public or private, with the intention of deserting the animal;

ADEQUATE FOOD palatable, uncontaminated, and nutritionally correct food sufficient in amount and appropriate for the particular type of animal to prevent starvation, or sufficient risk to the animal's health from the lack of it;

ADEQUATE SHELTER — a structure having three sides, a top, and a bottom, suitable for the animal's size to protect it from cold, wind, rain, and other elements with sufficient bedding inside the shelter during cold weather;

ANIMAL — any living vertebrate other than humans and rodents;

ANIMAL CONTROL OFFICER — any person designated by the Board of Commissioners to administer and enforce this ordinance;

ANIMAL SHELTER — any facility operated by the Board of Commissioners for the purpose of impounding and caring for animals held under the authority of this ordinance;

BOARD OF COMMISSIONERS — the Meriwether County Board of Commissioners;

GUARD DOG — any dog maintained for the purpose of safety or security which dog is reasonably expected to attack other persons or animals either independently or on command;

HUMANE CARE OF ANIMALS — the provision of adequate food, adequate water, and adequate shelter to an animal consistent with its normal requirements;

INHUMANE TREATMENT OR CARE OF ANIMALS - any act, omission, or neglect which causes unjustifiable physical pain, suffering, or death to any animal;

INOCULATION AGAINST RABIES - the injection, subcutaneously or otherwise, of rabies vaccine approved by the State Department of Public Health, administered under supervision of a licensed veterinarian with a certificate of vaccination or inoculation issued by the veterinarian;

JURISDICTION OF THIS ORDINANCE — the incorporated area of Gay;

LIVESTOCK — all animals so defined by Official Code of Georgia Annotated, Sec. 4-3-2(1) as follows: all animals of the equine, bovine or swine class, including goats, sheep, mules, hogs, cattle, and other grazing animals, and all ruminants, including but not limited to ostriches, emus, and rheas. Also included are poultry, deer, giraffe and other even-toed and hoofed animals;

OWNER — any person, partnership, or corporation owning, possessing, keeping, or harboring one or more animals; an animal shall be deemed harbored if fed or sheltered for seven or more consecutive days;

PUBLIC NUISANCE - if an animal

- (a) Is permitted to go upon the property of another person other than its owner with the express consent of the person owning or occupying the other property;
- (b) Attacks or acts so as to menace pedestrians or other persons using public ways; or
- (c) Barks, whines, or howls in an excessive, continuous, or untimely fashion; or
- (d) Is repeatedly at large; or
- (e) Trespasses on school grounds.

RESTRAINT — having an animal on a leash or at heel or beside a competent person and obedient to that person's commands;

Having an animal within a vehicle being driven or parked on the street and roads of Gay;

Having an animal in a fenced area within the real property limit of the owner, Invisible fence systems may be allowed if maintained in good working order and if they keep the animal contained. Any person using an invisible fence shall post a sign near the entrance to the property indicating an invisible fence is in use.

Having an animal on a running line which has a connection between two fixed points of not less than thirty (30) feet and a lead of not less than fifteen (15) feet, which lead must be attached to the animal by a chest harness that fastens on the back of the animal rather than on its neck. No other means of restraint may be used to attach an animal to a running line.

RUNNING AT LARGE — any animal off the property of its owner and not under the control of a competent person.

Sec. 9-3-2 Penalty for Violation of this Ordinance

Any person violating any of the provisions of this ordinance shall, upon conviction, be punished as provided in Sec. 1-11 of the Meriwether County Code of Ordinances.

Sec. 9-3-3 Citations

Any person who violates the provisions of this ordinance may be issued a citation for that violation and ordered to appear in the Magistrate Court of Meriwether County. Such citation may be issued by an animal control officer and based upon his own personal knowledge, or upon a sworn written statement of another person who has witnessed the violation. In the latter case, the witness shall be subject to subpoena to testify for Meriwether County at the hearing of the case.

Sec. 9-3-4 Joint Government Services

The Board of Commissioners and representatives of the Town of Gay may contract and enter into formal agreements with each other for joint animal control services and codes for the shared use of personnel, facilities, and equipment used in the provision of such services.

Sec. 9-3-5 Designation of Animal Control Officer.

- (a) The Board of Commissioners shall designate an individual to carry out the duties of animal control officer as provided in this chapter.
- (b) One animal control agency may carry out the duties of animal control for more than one local government pursuant to an agreement entered into under Sec. 9-3-4 of this ordinance.

- (c) Animal control officers are authorized to make whatever inquiry is deemed necessary to insure compliance with the terms of this ordinance. Law enforcement officials of Meriwether County shall cooperate with animal control officers in enforcing the provisions of this ordinance.
- (d) Animal control officers shall not be authorized to make arrest under this ordinance unless they are also certified as law enforcement officers by the State of Georgia.

Sec. 9-3-6 Authority to Remove Abused or Neglected Animals

Animal control officers shall be authorized to remove to a safe location any animal that appears abused or suffering undue pain from abuse or neglect as may be necessary to prevent further suffering. The owner or possessor of the animal may be charged according to O.C.G.A. Sec. 16-12-4

Sec. 9-3-7 Interference with Animal Control Officer

It shall be unlawful for any person to hinder, interfere, harass, or otherwise obstruct any animal control officer in the official performance of his or her duties.

Sec. 9-3-8 Keeping of Wild or Non-Domesticated Animals Prohibited

It shall be unlawful for any person to raise, keep, or permit to be raised or kept, on any property located in Meriwether County wild or non-domesticated animal unless specifically permitted by O.C.G.A. Sec. 27-5-4.

Sec. 9-3-9 Livestock Exempted from this Ordinance

The keeping, and/or producing of livestock in any manner shall be exempt from the provisions of this chapter.

Sec. 9-3-10 Restraint of Animals.

It shall be unlawful for any person to fail to keep under restraint any animal owned by or in the custody or control of such person.

Sec. 9-3-11 Creation of Public Nuisance

It shall be unlawful for any person to create a public nuisance as defined by this ordinance.

Sec. 9-3-12 Confinement of Female Animals in Season

It shall be unlawful for any person or owner having custody or control of a female animal that is in season to fail to confine such female animal so as to prevent contact with a male animal, except for intentional breeding purposes.

Sec. 9-3-13 Animal Care

It shall be unlawful for any owner or person having custody of an animal to fail to provide his or her animals with adequate food, adequate water, adequate shelter, and humane care, and to fail to provide veterinary care when needed to prevent suffering.

Sec. 9-3-14 Cruelty to Animals

It shall be unlawful for any person to engage in cruelty to animals as proscribed by O.C.G.A. Sec. 16-244 and to engage in dog fighting as proscribed by O.C.G.A. Sec. 16-12-37.

Sec. 9-3-15 Abandonment

It shall be unlawful for any person to abandon an animal.

Sec. 9-3-16 Exposure to Poisons

It shall be unlawful for any person to expose a poisonous substance, mixed with food or not, so that the substance is liable to be eaten by any animal, provided that, it shall not be unlawful for a person to expose on his or her own property common rat poison mixed only with vegetable substances.

Sec. 9-3-17 Removal of Waste

It shall be unlawful for the owner or person in control of an animal to fail to immediately remove excrement deposited by his or her animal on public property, walks, or recreation areas.

Sec. 9-3-18 Confinement and Quarantine of Biting Animals

Any animal that is known to have bitten a person is required to be confined by the owner for the purpose of quarantine for not less than ten days at the expense of the owner. The method of quarantine shall be determined by the Meriwether County Health Department in accordance with O.C.G.A. Sec. 31-19-1.

Sec. 9-3-19 Rabies Inoculation for Dogs and Cats

It shall be unlawful for the owner of any dog or cat kept in Meriwether County to fail to have the animal inoculated against rabies and to have a rabies tag attached to the animal's collar. The owner shall be liable for the inoculation of the animal. This provision is in accordance with O.C.G.A. Sec. 31-19-3, et seq.

Sec. 9-3-20 Number of Dogs and Cats per Residential Lot

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

- (1) Pet owners in compliance with any prior ordinance limiting the number of dogs and cats shall be allowed to continue to keep said number of animals.
- (2) A litter of puppies or kittens will be permitted to remain on the owner's property for a period of twelve weeks after their birth.
- (3) Residential lots of five or more acres, lots zoned A-I an RR are limited to five (5) dogs and five (5) cats.
- (4) Foster home operators ("Foster Home" means any place routinely or in the proactive of providing temporary care for animals, except equine. A Foster Home must be under a written

contract with a licensed animal shelter. A Foster Home will be considered an agent for the animal shelter, and not an animal shelter itself), kennels, or other individuals who have been granted a waiver under Sec. 3-9-21.

Sec. 9-3-21 Waiver to Animal Limitations

- (a) Upon written application an upon review and approval based upon the criteria set forth below, the Animal Control Board may grant a waiver of Sec. 9-3-20. In order to grant a waiver, the board must find that:

*There are exceptional and extraordinary circumstances existing that a waiver should be granted; and

- *Granting the waiver will not confer upon the applicant any special privileges that are denied to others; and
- *The waiver will not be injurious to the neighborhood or to the general welfare of the neighborhood; and
- *The waiver does not violate the Meriwether County Zoning Ordinance; and
- *The applicant can demonstrate a special use or need to house animals in greater number than allowed under Sec. 9-3-20. Examples of such special use or need include, but are not limited to, participation in a licensed animal rescue organization, use of animals for therapeutic or other purposes, and emergency care of pets owned by other persons.

(b) The written application for waiver shall be accompanied by an application fee of \$100.00. The owner shall post a conspicuous sign, large enough to be read from any public thoroughfare adjacent to the owner's property, stating that a waiver of the animal limitation Sec. of this ordinance has been applied for and the date, time, and location of the hearing to be held on the application. The sign must be posted not less than fifteen days prior to the hearing on the application.

(c) Any decision denying a waiver may be reviewed by the Board of Commissioners in their discretion, and any granting of a waiver may be revoked upon a finding that the owner is in violation of the public nuisance provisions of this ordinance.

Sec. 9-3-22 Warning Notice on Premises Using Guard Dogs

The owner, tenant, or custodian of property upon or within which a guard dog is located shall conspicuously and prominently post a notice on the outside of the property, which notice shall contain block letters easily read at a distance of fifty feet which block letters shall read "Warning — Guard Dog". These letters shall be either red or black on a white background. If the dog is kept in a fence, the posted warning shall be placed on the fence at intervals of not more than fifty feet apart and at the entrance and exit of the fence. In the case of apartments, condominiums or businesses, the notice shall be posted at every entrance and exit to the apartment, condominium, or business.

Sec. 9-3-23 Invisible Fences

The property owner or occupier of any property protected by an invisible fence restraining an animal shall post a sign at the location of the fence. The sign shall read "Invisible Fence — Animal Inside" so that the sign may be read by all persons approaching the fenced area.

Sec. 9-3-24 Animals Subject to Impoundment

Any animal that is out of control or unattended or otherwise in violation of this ordinance, whether or not the animal is on private or public property, may be impounded by the animal control officer in accordance with this ordinance.

Sec. 9-3-25 Redemption of Impounded Animals

If the owner of an impounded animal is known or can reasonable be identified, the animal control officer shall notify that person by telephone or by mail within two working days of the impoundment. The owner may claim and take custody of the animal within four working

days of the impoundment by the payment of an impoundment fee, boarding fee, and upon providing proof of rabies inoculation. If the impounded animal is not current on rabies inoculation, the animal may be released to the owner who shall have the animal inoculated within five working days of the release and who shall provide a copy of the rabies certificate to the animal control officer. Failure to provide the certificate shall result in a new impoundment.

Sec. 9-3-26 Impoundment Fee

The Board of Commissioners shall set all fees for impoundment and may change them from time to time in their discretion. Impoundment fees are distinct from penalties for violations of this ordinance.

The initial impoundment fees are:

- (a) First Offense - \$25.00;
- (b) Second Offense for the same animal -\$50.00;
- (c) Third and subsequent Offenses for the same animal - \$100.00.

Sec. 9-3-27 Disposition of Unclaimed Animals

If an impounded animal has remained unclaimed for a prescribed period of time or if it has been injured or is suffering and in great pain, and if such animal does not display an identification tag and no determination of the owner can be made from a reasonable investigation, the animal control officer shall be authorized to dispose of the animal in as humane and painless a manner as possible or to donate any animal to a public or private nonprofit institution or agency. Disposal of an animal under this Sec. does not relieve the owner from any other liabilities. If the owner is known or ascertainable, the animal control officer shall be authorized to hold the animal for a reasonable time until such owner can be reached. If the owner fails or refuses to reclaim the animal within ten days of receipt of notice of impoundment, the animal control officer may dispose of the animal as provided for above.

Sec. 9-3-28 Control of Dangerous Dogs — Definitions

1. Dangerous dog means any dog that, according to the records of an appropriate authority;
 - (a) Inflicts a severe injury on a human being without provocation on public or private property; or
 - (b) Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification; or
 - (c) Inflicts a severe injury on another animal without provocation on public or private property.
2. Potentially Dangerous Dog means any dog that, unprovoked, bites a human being on private or public property.
3. Proper Enclosure means an enclosure for keeping a dangerous or potentially dangerous dog, while on the owner's property, securely confined indoors or in a securely enclosed and locked pen, fence or structure suitable both to prevent the entry of young children and to prevent the dog from escaping. Such pen or structure shall have secure sides and top. If the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape. Such enclosure shall also provide adequate shelter for the dog.

Sec. 9-3-29 Exemptions

Any dog being used by a law enforcement officer to assist in official duties shall be exempt from the provisions of this article even if it inflicts injury if the person injured:

- +was committing a willful trespass or tort;
- +was tormenting, abusing, or assaulting the dog;
- +had tormented, abused, or assaulted the dog;
- +was committing or attempting to commit a crime.

Sec. 9-3-30 Violations of this Article

Provisions regarding the violation of this article, and the penalties therefore, shall be applied in accordance with O.C.G.A. Sec. 4-8-28.

Sec. 9-3-31 Animal Control Board

In accordance with O.C.G.A. Sec. 4-8-22(d), the Board of Commissioners will establish an Animal Control Board to conduct all hearings required under this ordinance. The membership, terms and procedures of the board shall be as the Board of Commissioners shall provide. All members of the Animal Control Board shall be residents of Meriwether County.

Sec. 9-3-32 Procedures for Classification

Provisions pertaining to procedures for classification of a dog as a dangerous or potentially dangerous dog, notice requirements and hearings shall be applied in accordance with O.C.G.A. Sec. 4-824.

Sec. 9-3-33 Duties of Owners of Dangerous Dogs and Potentially Dangerous Dogs. Registration Fees

The provisions of this Sec. shall be applied in accordance with O.C.G.A. Sec. 4-8-25, In Accordance with that Sec., any person possession or intending to possess a dangerous or potentially dangerous dog must provide the Animal Control Board with proof of liability insurance, issued by an insurer licensed to do business in Georgia, in an amount of not less than \$50,000.00, which policy of Insurance must provide coverage against liability for any personal injuries inflicted by the dog during the term of the coverage. A separate policy must be maintained for each dog classified as dangerous or potentially dangerous. In the alternative, the owner may provide a surety bond in an amount not less than \$50,000.00, issued by a surety company authorized to do business in the State of Georgia providing payment of the bond to any person who recovers in a court of law for injuries inflicted by the dog up to the amount of the recovery or the bond, whichever is lesser- In addition, the owner of each dog classified as dangerous or potentially dangerous shall pay an annual registration fee of \$ 100.00.

Sec. 9-3-34 Confinement

All provisions permitting dangerous or potentially dangerous dogs to be outside a proper enclosure shall be applied by the animal control officer in accordance with O.C.G.A. Sec. 4-8-26.

Sec. 9-3-35 Confiscation of Dogs

All confiscation of dogs shall be done in accordance with O.C.G.A. Sec. 4-8-27.

Chapter 4 – Cleanliness of Premises; Littering

Sec. 9-4-1. 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:

Brush means all vegetation detached from the land resulting from land clearing operations or other causes.

Garbage means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in storage of meat, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generating of noxious gases or odors, or mulch during or after decay may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans, cartons, or other containers.

Garden trash means an accumulations of grass or shrubbery cuttings and other rubbish attending the care of land, shrubbery, vines, trees and tree limbs.

Litter means all waste material, rubbish, brush, garden trash, tin cans, bottles, sand, gravel, concrete, slag, refuse, garbage, trash, debris, dead animals, or discarded materials of any kind and every' kind and description.

Public or private property shall be all inclusive, such that no property in the city shall be exempt from the regulation of this article.

Rubbish means accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage which are usual to housekeeping and to the operations of stores, offices and other business places, and such materials as metals, mineral matter, glass, crockery, auto bodies or parts, including automobile tires or tubes and wrecked or abandoned automobiles, and building material rubble resulting from the construction or alteration of structures or parts of structures and other materials or refuse not usual to housekeeping or the operation of stores and offices, stumps and any abandoned appliances, including but not limited to washers, dryers and stoves.

Sec. 9-4-2. Cleanliness of premises - Generally.

For the purpose of promoting the health, safety and welfare of the people of the town, every owner of a lot or parcel of land lying within 40 feet of any dwelling, house or place of business is required to keep such land cleared of all brush, garbage, garden trash, rubbish, underbrush and debris, weeds, crawling vines including but not limited to kudzu and wisteria, and grass in excess of 12 inches in height from the ground, and noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or haven for snakes or vermin of any kind or character, or which tends to create a fire hazard and endanger the lives and property of the citizens of the town, or which tends to create a nuisance or other unsightly or unsanitary condition. The above 40 feet limitation shall be exclusive of any public right-of-way.

Sec. 9-4-3. Same - Violations deemed public nuisances and prohibited.

The following conditions are detrimental to the health, safety, and welfare of the citizens of the town and are therefore public nuisances and are prohibited:

- 1) Any portion of a lot or parcel of land lying within 40 feet of any dwelling, institution, or place of business upon which are located brush, weeds, grass, or underbrush in excess of 12 inches in height;
- 2) Any portion of a developed residential zoning lot which is planted in a lawn and the grass is in excess of 12 inches in height; and
- 3) Any portion of a lot or parcel of land upon which is located an accumulation of garbage, garden trash, debris, or rubbish, except as legally permitted in an industrial zoning area.

Sec. 9-4-4. Same — Notice to correct conditions.

If it is determined that any of the conditions specified in 9-4-3 exist on any property within the town, the owner of the property shall be notified in writing that the conditions exist and must be abated within 48 hours.

The attorney for the town will be sent a copy of the above notice.

Sec. 9-4-5. Same — Correction by Town

If it is determined that any of the conditions specified in 9-4-3 exist on any property within the town, and if the owner of the property has been notified in writing that the conditions exist, and if the conditions are not abated within 48 hours after receipt of such notice, the Mayor and Council may direct the conditions be abated at town expense.

The attorney for the town will be notified of the action of the Mayor and Council.

Sec. 9-4-6. Recovery of town expenses.

If any of the conditions specified in 9-4-3 are abated at town expense as provided in 9-4-5, the town shall assess a lien against the property for the cost described in this section.

A letter shall be mailed by the city clerk to the owner of record by certified mail, return receipt requested, which states the town's intention to file a lien and notifies that the owner has 20 days from receipt of the letter to either reimburse the expenses or file written objections to the reasonableness of the assessed cost. Should there be any objections to the cost, the Mayor and Council shall hear and determine the validity of such objections.

Upon final determination of the validity of the objections or on failure to file objections within 20 days, a lien in such form as the city attorney shall determine, shall be filed in the office of the clerk of superior court and recorded as other liens are recorded. A copy of the liens shall be kept in the office of the city clerk, and a copy shall also be filed with the tax commissioner of the county.

The actual direct cost of abating the conditions, together with the necessary expenses for preparing, filing, and recording the lien, including any legal expenses, shall be assessed against the property and shall be collected by the clerk or if not collected, shall be subject to the penalties and interest to which property taxes would be subject and collection may be enforced.