

ORDINANCE NO. 64

An Ordinance to amend Ordinance No. 57 of the City of Lookout Mountain, Georgia, so as to coordinate certain provisions thereof with an Ordinance of Walker County, Georgia, providing for the regulation of dogs, cats and other animals to the end that services necessary in connection with the control of Animals can be offered the City of Lookout Mountain, Georgia by Walker County.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and it is hereby ordained that Ordinance No. 57 is hereby amended in its entirety by substituting in lieu thereof the following so that as amended said Ordinance shall read:

ARTICLE I  
WORDS AND PHRASES DEFINED

SECTION 1. SHORT TITLE AND LEGISLATIVE INTENT. This ordinance shall be known and may be cited as the "City of Lookout Mountain, Georgia Animal Control Ordinance."

It is the intent of the Council of the City, that enactment of this ordinance will protect animals from neglect and abuse, protect residents from annoyance and injury, assist in providing housing for animals in an Animal Control Center, and finance the functions of licensing and recovery.

SECTION 2. DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the singular include the plural; the word "shall" is always mandatory and not merely directory; and the masculine includes the feminine.

- A. "Animal" means any domesticated dog or cat.
- B. "Animal Control Center" means any pound, lot, premises, and/or building maintained by Walker County, Georgia, for the care and custody of animals.
- C. "Bite" means an actual puncture or tear of the skin inflicted by the teeth of an animal.
- D. "Chief of Police" means the person designated or appointed to the position of Chief of Police of the City of Lookout Mountain, Georgia.
- E. "City of Lookout Mountain, Georgia" means that area lying within the corporate boundaries of said City.
- F. "Estray" means any unregistered animal found running at large beyond the boundaries of the premises of the owner.
- G. "Licensed Veterinarian" is a person with a Doctor of Veterinary Medicine Degree licensed to practice in the State of Georgia or Tennessee.
- H. "Nuisance" means but is not limited to defecation, urination, disturbing the peace, destroying private property, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the City.
- I. The "Owner" of an animal is a person who owns, harbors, or keeps, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his care, or who permits an animal to remain on or about his premises for more than five (5) days.
- J. "Person" means any individual, household, firm, partnership, corporation, and every officer, agent or employee thereof.

- K. "Premises" means a parcel of land and the structure(s) thereon.
- L. "Registered Animal" shall mean a dog or cat licensed by the City of Lookout Mountain, Georgia, as hereinafter required or licensed by any other municipality in accordance with that municipality's licensing requirements.
- M. "Running at Large" means strolling about without constraint or confinement as rambling, roving, or wandering at will, unrestrained beyond the immediate neighborhood in which the owner resides.
- N. "Vaccination" is protection provided against rabies by inoculation with anti-rabies vaccine, given in an amount sufficient to provide immunity from rabies for a minimum of one (1) year.
- O. "Vicious Animal" means any animal which shall bite or in any other manner attack or attempt to attack any person within the City of Lookout Mountain, Georgia, except that any animal that bites, attacks, or attempts to attack any person unlawfully upon its owner's or keeper's premises, or which is provoked to attack, shall not be deemed a vicious animal.
- P. "Walker County, Georgia" means that area lying within the corporate boundaries of said county.

ARTICLE II  
ADMINISTRATION OF ORDINANCE

SECTION 1. ADMINISTRATION OF ORDINANCE. The Chief of Police is responsible for the administration of this Ordinance. Reasonable rules and regulations shall be prescribed by the Chief

of Police or appropriate officers of the county to carry out the intent and purpose of this Ordinance, pursuant to standards created by this Ordinance. Powers delegated to the Chief of Police may be delegated by the Chief of Police to other appropriate city or county employees as he may deem expedient for the effectuation of this Ordinance.

SECTION 2. AUTHORITY OF CHIEF OF POLICE. The Chief of Police, any member of his department or any animal control officer shall have the authority to issue citations for violations of this Ordinance and to perform such other duties as are prescribed herein.

SECTION 3. AUTHORITY OF ANIMAL CONTROL OFFICER. An animal control officer shall wear such identification as may be required by Walker County sufficient to identify him as an animal control officer. It is the duty of the animal control officer to take up and impound in the Animal Control Center any stray animal kept or maintained contrary to this Ordinance.

SECTION 4. ANIMAL CONTROL CENTER. An Animal Control Center already established and operated by Walker County shall be the Animal Control Center used by the City.

#### ARTICLE III OWNER'S DUTIES

SECTION 1. RABIES VACCINATIONS. It is the duty of all persons owning any animal or animals to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for one year and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination. The Chief of Police may require other forms of animals to receive annual rabies vaccination.

The veterinarian administering anti-rabies vaccine to any animal shall issue to the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the date of vaccination and the expiration date of the period of immunity.

SECTION 2. RABID ANIMAL. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal afflicted with rabies or that has been exposed to rabies shall be confined at once in a secure place by the owner. A person who knows or has reason to know that an animal is infected with rabies shall immediately upon learning of the infection notify the Chief of Police or the Animal Control Center as to the place where the animal is confined and shall surrender said animal to the animal control officer upon demand.

SECTION 3. ANIMAL BITING A PERSON.

A. The owner of an animal that bites a person and a person bitten by an animal have a duty to report that occurrence to the Chief of Police or the Animal Control Center within twenty-four (24) hours. The owner of an animal that bites a person shall surrender said animal to an animal control officer if the Chief of Police or the animal control officer deems it necessary to impound said animal for a period of observation.

B. A physician who renders professional treatment to a person bitten by an animal shall report the fact that he has rendered professional treatment to the Chief of Police within twenty-four (24) hours of his first professional attendance. The physician shall report the name, sex and address of the person bitten as well as the type and location of the bite. The physician shall give the name and address of the owner of the animal that inflicted the bite and any

other facts that may assist the Animal Control Center in ascertaining the immunization status of the animal.

- C. An animal that bites a person shall be confined securely for such period of time as may be deemed necessary by the supervisor of the Animal Control Center, but not less than ten (10) days. The owner of the animal shall bear the cost of confinement. The supervisor of the Animal Control Center may consent to confinement on the owner's premises but only if the animal had a current rabies vaccination at the time the bite was inflicted. The premises where the home confinement is to occur shall be inspected and approved for such purpose by an animal control officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the Chief of Police before consent may be given for such home confinement.

A person who has custody of an animal that has bitten a person shall immediately notify the Chief of Police if the animal shows any signs of sickness, abnormal behavior or if the animal escapes confinement. If the animal dies while it is in confinement, the person having custody of the animal shall notify the Animal Control Center and surrender the carcass of the animal to the Animal Control Center personnel.

SECTION 4. RESTRAINT OF ANIMALS. Between the hours of sunset and sunrise, animals are permitted on property other than the premises of the owner only if on a secure leash not exceeding eight (8) feet in length, or under the immediate physical control of the person having custody thereof. Between the hours of sunrise and sunset, a registered animal may be permitted to run at large

within the City so long as said animal does not create or constitute a nuisance. No animal is allowed upon a public playground or upon a schoolyard at any time.

Nothing in this section shall be construed to allow any animal not under physical restraint, to commit any act defined as unlawful in this Ordinance.

SECTION 5. FEMALE ANIMALS IN MATING SEASON TO BE CONFINED. Any person in control of a female dog or cat in mating season shall confine such dog or cat as to preclude other dogs or cats from either attacking or being attracted to such female animal.

SECTION 6. LICENSE REQUIRED.

A. Any person owning, possessing or harboring any animal four (4) months of age or over shall obtain a license for each animal. Application for such license shall be made on such forms as directed by the Chief of Police and shall state the name and address of the owner, the name, breed, age, color, sex of such animal, and any other information deemed necessary by the Chief of Police. A current rabies vaccination certificate shall be presented at the time of the application for the license. Upon payment of a license fee, as established from year to year by the Council of the City, the Chief of Police shall issue a license certificate and tag for each animal. In the event a tag is lost, replacement tags costing one dollar (\$1.00) shall be purchased from the Chief of Police. The license shall expire on April 30 of each calendar year, and shall be renewed on or before May 1 of each year. New licenses shall be issued with the license fee prorated on a semi-annual basis.

- B. A current license tag shall be affixed to the licensed animal at all times in a reasonable manner.
- C. Animals belonging to non-residents of the City who do not keep said animals within the corporate limits of the City for thirty (30) consecutive days shall be exempt from this section; provided, however, that all the other provisions of this Ordinance must be complied with.
- D. The annual license fee shall be as established from year to year by the City Council.

ARTICLE IV  
PROHIBITED ACTIVITIES

SECTION 1. ANIMAL OWNERS.

- A. It shall be unlawful for any animal owner to fail to have his animal or animals vaccinated against rabies as required by Section 1 of Article III hereof.
- B. It shall be unlawful for any animal owner to allow or permit his animal or animals to run at large beyond the immediate neighborhood of the owner and in so doing create or constitute a nuisance between the hours of sunrise and sunset or to allow or permit his animal or animals to leave his premises between the hours of sunset and sunrise when not secured by a leash or under the immediate physical control of the person having custody thereof.
- C. It shall be unlawful for any animal owner to allow or permit his animal or animals upon a public playground or upon a schoolyard at any time.



- D. It shall be unlawful for any animal owner to fail to confine any female animal in mating season so as to preclude other animals from either attacking or being attracted to such female animal.
- E. It shall be unlawful for any animal owner to fail to procure a license in accordance with Section 6 of Article III hereof.
- F. It shall be unlawful for any animal owner to allow or permit his animal or animals to persistently or continually bark, howl, or create or constitute a nuisance or otherwise to disturb the peace and quiet of the inhabitants of the City of Lookout Mountain, Georgia.

SECTION 2. VICIOUS ANIMALS. It is unlawful for any person to keep or harbor a vicious animal in the City of Lookout Mountain, Georgia. Any person attacked by a vicious animal while on any property other than the premises of the owner of the vicious animal may use reasonable force to repel such an attack. After a judicial determination by the Municipal Court that an animal is vicious, the owner or keeper of such vicious animal shall destroy it humanely or turn such animal over to the animal control officer for humane destruction.

SECTION 3. ABUSE OF ANIMALS.

- A. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, overdrive or otherwise cruelly set upon any animal except that reasonable force may be employed to drive off vicious or trespassing animals.

- B. It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter, or to carry any animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal.
- C. It is unlawful for any person to abandon any animal within the City of Lookout Mountain, Georgia.
- D. It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin of significance to the public health.
- E. It shall be unlawful for any operator of a motor vehicle or other self propelled vehicle, upon injuring, striking, maiming or running down any animal to fail to give such aid as is reasonably able to be rendered. In the absence of the owner of the animal, a person may give aid by taking the animal to a veterinary hospital or the Animal Control Center or by notifying the Chief of Police.
- F. It is unlawful for any person to have, keep or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling

condition except as hereinafter provided. The Chief of Police may impound such diseased or painfully crippled animal in accordance with the provisions of this ordinance. All such animals impounded may be destroyed humanely as soon thereafter as is conveniently possible.

SECTION 4. INTERFERENCE WITH ENFORCEMENT OF ORDINANCE.

It shall be unlawful for any person to interfere with, molest, hinder or obstruct the animal control officer, the Chief of Police or any city or county employee or official in the discharge of his official duties under this Ordinance.

SECTION 5. UNLAWFUL DETENTION OF ANIMALS. It is

unlawful for any person, without the knowledge or consent of the animal owner, to hold or retain in his possession any animal of which he is not the owner for more than twenty-four (24) hours without first reporting the possession of such animal to the Chief of Police giving his name and address, a true and complete statement of the circumstances under which he took up the animal, a description of the animal and the precise location where such animal is confined. It is unlawful for any person to fail or refuse to surrender such animal to the animal control officer upon demand.

ARTICLE V  
VIOLATION OF ORDINANCE IMPOUNDING ESTRAYS,  
AND CITATION OF ANIMAL OWNERS

SECTION 1. VACCINATION, LICENSING, OBSTRUCTING ENFORCEMENT, UNLAWFUL DETENTION. Any person who fails to have his

animal vaccinated or licensed as required by this Ordinance or interferes in any manner with the enforcement of this Ordinance or detains an animal without the knowledge or consent of the animal owner shall be guilty of a misdemeanor and punishable by a fine of not less than ten (\$10.00) dollars or more than fifty (\$50.00) dollars.

SECTION 2. RESTRAINT OF ANIMALS. Any animal owner allowing or permitting his animal to run at large beyond the immediate neighborhood of the owner and in so doing create or constitute a nuisance during daylight hours or allowing or permitting his animal to leave his premises at night when not secured by a leash or under the immediate physical control of the person having custody of the animal or allowing or permitting his animal upon a public playground or schoolyard or allowing or permitting his animal to destruct the peace and quiet of the inhabitants of the City or failing to confine his female animal in mating season as required by this Ordinance shall be subject to proceedings in the Municipal Court of the City brought by the Chief of Police on behalf of the City against said owner charging him with a violation of this Ordinance.

For the purpose of prosecution for violations of this Section 2, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the animal owner that said animal was violating any of the sections of this Ordinance at the time and place charged, it being the purpose and intent of this section to impose strict liability upon any animal owner for the actions, conduct and condition of his animal.

Any animal owner convicted for violation of this Section 2 shall be subject to a fine of ten dollars (\$10.00) for the first offense and twenty-five dollars (\$25.00) for the second offense. The procedure to be followed on third and subsequent offenses is hereinafter set forth in Section 3 of this Article V.

SECTION 3. ESTRAY ANIMALS. Registered animals whose owners have been convicted of two violations of this Ordinance found running at large beyond the immediate neighborhood of the owner and creating or constituting a nuisance in violation of the provisions of this Ordinance and estray animals found running

at large within the City in violation of the provisions of this Ordinance shall be confined in the Animal Control Center as hereinafter set forth.

- A. A registered Animal shall be confined at the Animal Control Center for a period of at least five (5) days after the giving of notice of such confinement to the Owner. Such notice shall be given immediately upon confinement by United States mail or by telephone call to the Owner as indicated on the registration records of the City or any other identification tag found on the animal, if the address of such person can be readily ascertained. Such notice shall contain a general description of the impounded animal, the kind of animal, the breed of animal if readily ascertainable, the color of the animal and the sex thereof together with any other information which may be furnished by any identification tag found on the animal. An estray animal shall be confined at the Animal Control Center for a period of at least three (3) days. The animal control officer may dispose of registered animals or estray animals impounded under this Section, one (1) day after the required impoundment period and may either place the animal in an adoptive home, sell the animal, or may destroy said animal in such a humane fashion as the animal control officer may deem appropriate.
- B. The owner of a registered animal may redeem such impounded animal at any time by paying to the Chief of Police an arrest fee of twenty-five

(\$25.00) dollars plus such impoundment fees and boarding fees as may be prescribed from time to time by the county.

The owner of an estray animal may redeem such impounded animal at any time upon compliance with the vaccination and licensing provisions of this Ordinance and upon paying to the Chief of Police an arrest fee of twenty-five dollars (\$25.00) plus such impoundment fees and boarding fees as may be prescribed from time to time by the County.

Any registered animal not claimed within five (5) days after the giving of notice to the owner of said animal of the confinement, or any estray animal not claimed within three (3) days may be redeemed by a person other than the owner or adopted upon compliance with the provisions of vaccination and licensing of this Ordinance and upon payment of such impoundment fees and boarding fees as may be prescribed from time to time by the county. The Chief of Police shall execute a Bill of Sale to any such purchaser sufficient to vest title to the animal in such purchaser.

- C. The animal control officer shall maintain a record of all animals in the Animal Control Center for a reasonable period of time. The record shall contain at least the following information: a complete description of the animal; the manner and date of its acquisition by the Animal Control Center; the date and manner of its disposal; the name and address of the purchaser of any animal; and all fees received.

ARTICLE VI  
MISCELLANEOUS

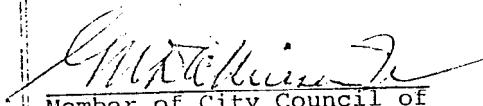
SECTION 1. SAVINGS CLAUSE. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

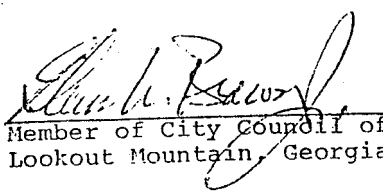
SECTION 2. REPEALER. Ordinance No. 57 in its entirety and all other ordinances or parts thereof heretofore enacted by the City in conflict herewith are hereby repealed.

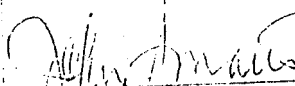
SECTION 3. PART OF CODE OF ORDINANCES. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

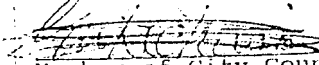
SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective ten (10) days after its adoption by at least three (3) members of the Council of this City after two (2) readings at least one (1) week apart.

APPROVED on first reading on June 19, 1975.

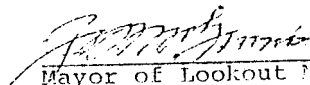
  
Member of City Council of  
Lookout Mountain, Georgia

  
Member of City Council of  
Lookout Mountain, Georgia

  
Member of City Council of  
Lookout Mountain, Georgia

  
Member of City Council of  
Lookout Mountain, Georgia

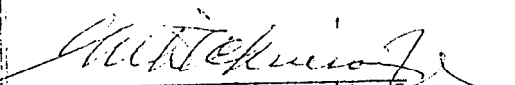
Member of City Council of  
Lookout Mountain, Georgia

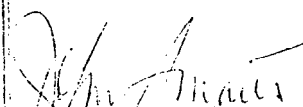
  
Mayor of Lookout Mountain,  
Georgia

Member of City Council of  
Lookout Mountain, Georgia

Mayor of Lookout Mountain,  
Georgia

APPROVED AND adopted on second reading on July 17,  
1975.

  
Member of City Council of  
Lookout Mountain, Georgia

  
Member of City Council of  
Lookout Mountain, Georgia

LAW OFFICES  
WITT, GAITHER,  
RICHARDSON, HENNISS  
& WHITAKER  
1100 AMERICAN NATIONAL  
BANK BUILDING  
CHATTANOOGA,  
TENNESSEE 37402



*[Signature]*  
Member of City Council of  
Lookout Mountain, Georgia

*[Signature]*  
Member of City Council of  
Lookout Mountain, Georgia

Member of City Council of  
Lookout Mountain, Georgia

Mayor of Lookout Mountain,  
Georgia

ATTEST:

City Clerk of Lookout Mountain,  
Georgia

(Seal)