

ORDINANCE 2017-16

ORDINANCE TO AMEND THE CITY OF SMYRNA CODE OF ORDINANCES CHAPTER 14 “ANIMALS,” ARTICLE I “GENERAL,” SECTION 14-11 “CONTROL OF ANIMAL,” AMENDING (a) “GENERAL CONTROL” (2) ADDING (c) PROHIBITING TETHERING ANIMAL

WHEREAS, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

WHEREAS, the Mayor and Council of the City of Smyrna are charged with the protection of the public health, safety, and welfare; and

WHEREAS, the Mayor and Council wish to ensure the City of Smyrna Code of Ordinances aligns with amendments adopted by the Cobb County Board of Commissioners to the Code of Ordinances of Cobb County; and

WHEREAS, the Mayor and Council now wish to update the City of Smyrna Code of Ordinances regarding the control of animals, Chapter 14, “Animals,” Article I – “General,” Section 14-11 – “Control of animal.”

NOW, THEREFORE, the Mayor and Council of the City of Smyrna, pursuant to their authority, do hereby adopt the following amendment:

1.

Chapter 14, Animals, Article I, General, Section 14-11, Control of animal of the Code of Ordinances of the City of Smyrna, Georgia is hereby amended by amending Section 14-11(a)(2) to read as follows:

Sec. 14-11. - Control of animal.

(a)

(2)

Restraint of dogs and/or animals shall be maintained as follows:

a.

When upon the premises of the owner, all animals shall be kept indoors or in a primary enclosure as defined by this chapter in such a manner as to contain the animal within the bounds of the owner's premises, or on a leash in the hands of a person that possesses the ability to restrain the animal. Tethering as a means of primary enclosure is not permitted.

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b.

When off the premises of the owner, all animals shall at a minimum be maintained on an appropriate chain, leash or tie not exceeding 6 feet in length, and in the hands of a person who possesses the ability to restrain the animal.

c.

It shall be unlawful for any owner of a dog to chain, tie, fasten or otherwise tether the dog to a stationary object or pulley run as a means of confinement, except that the dog may be temporarily confined by a tether while attended by its owner, notwithstanding subsections (2)a. and (2)b. of this section.

2.

Severability. Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

3.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

4.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Smyrna, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

This Ordinance shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.

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The above Ordinance was read and approved by the Mayor and Council of the City of Smyrna, Georgia, on the _____ day of _____ 2017.

Max Bacon, Mayor

Attest:

Terri Graham, City Clerk

SEAL

As to form:

Scott Cochran, City Attorney