

CITY OF HAMPTON DOG RESTRAINT ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE RESTRAINT OF DOGS WITHIN THE CITY OF HAMPTON; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR PENALTIES; AND FOR OTHER PURPOSES.

BE IT ORDAINED, by the Mayor and City Council of the City of Hampton, Georgia, and it is hereby ordained by authority thereof as follows:

Section 1. Definitions.

For the purposes of this ordinance, the following words and their derivations shall have the meaning given therein. Not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. For purposes of this ordinance:

- A. "City" shall mean the City of Hampton, Georgia.
- B. "Council" shall mean the City Council of the City of Hampton, Georgia.
- C. "Owner" shall mean any person who owns, keeps, harbors, or acts as custodian of a dog for a period of 72 hours or more.
- D. "Person" shall mean any individual, firm, partnership, association, corporation or organization of any kind.
- E. "Restraint" shall mean securing of a dog by a leash or lead with a collar, or enclosure by way of a fence or other enclosure such that it may not run at large beyond the limits of the property of its owner or custodian. A dog shall also be considered under restraint if, although not secured or enclosed, it is within the limits of the property of its owner or custodian and is supervised to the extent that someone responsible is present on the property of the dog's owner and the dog is not running at large. A dog shall also be considered under restraint if it is being trained or hunted in conformance with the

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BE IT ORDAINED by the Mayor and City Council of the City of Hampton, Virginia, and it is hereby ordained by authority thereof as follows:

Section 1. Definitions.

For the purposes of this ordinance, the following words and their derivatives shall have the meaning given herein. Not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory, for purposes of this ordinance:

- 1. "City" shall mean the City of Hampton, Virginia.
- 2. "Council" shall mean the City Council of the City of Hampton, Virginia.
- 3. "Owner" shall mean any person who owns, keeps, harbors, or acts as custodian of a dog for a period of 72 hours or more.
- 4. "Person" shall mean any individual, firm, partnership, association, corporation or organization of any kind.
- 5. "Restraint" shall mean securing of a dog by a leash or lead with a collar or enclosure by way of a fence or other enclosure such that it may not run at large beyond the limits of the property of its owner or custodian. A dog shall also be considered under restraint if, although not secured or enclosed, it is within the limits of the property of its owner or custodian and is supervised to the extent that someone responsible is present on the property of the dog's owner and the dog is not running at large. A dog shall also be considered under restraint if it is being trained or hunted in conformance with the

game laws of the State of Georgia. All dogs being restrained by being tied must be tied with a material of sufficient strength to restrain the dog.

Section 2. Failure to Restrain Dog.

It shall be unlawful for any person to fail to restrain a dog which is owned by or in the custody or control of such person. Failure to restrain a dog shall be punishable as hereinafter provided.

Section 3. Enforcement.

It shall be the duty of the City of Hampton Police Department to enforce the provisions of this ordinance upon information constituting probable cause made known to any officer authorized to enforce the provisions of this ordinance that a violation has occurred. Members of the City Police Department and other City employees shall have the right to go on any private property as is reasonably necessary to enforce the provisions of this ordinance. This ordinance may be enforced by any means reasonably designed to prevent or correct violation hereof, including, but not limited to, the setting of live traps. A citation and summons may be issued to the alleged violator requiring him to appear before the presiding judge in the Recorders Court of the City of Hampton on a day and time certain to answer the charge contained therein.

Section 4. Penalties.

Each violation of this ordinance shall be punishable by a fine not to exceed \$500.00 and imprisonment not to exceed 30 days.

Section 5. Impoundment.

Any dog kept in violation of this ordinance shall be subject to impoundment by the City. Notice of the impounding of a dog shall be given to the owner of the dog, if known. The notice of impoundment shall contain a general description of the dog impounded, with the breed, color, age and sex thereof. If the owner is unknown, notice shall be posted on the bulletin board in front of the City Hall for five days. Any impounded dog may be disposed of on the fifth day after giving notice to the owner or on the tenth day after

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Section 4. Penalties.

Each violation of this ordinance shall be punishable by a fine not to exceed \$25.00

and imprisonment not to exceed 30 days.

Section 5. Impoundment.

Any dog kept in violation of this ordinance shall be subject to impoundment by the City. Notice of the impounding of a dog shall be given to the owner of the dog, if known. The notice of impoundment shall contain a general description of the dog impounded, with the breed, color, age and sex thereof. If the owner is unknown, notice shall be posted on the bulletin board in front of the City Hall for five days. Any impounded dog may be disposed of on the fifth day after giving notice to the owner or on the tenth day after

posting of notice where the owner is unknown, unless before such time the owner shall have claimed the dog and paid a fee to the City of \$10.00 for impoundment, plus costs of feeding the dog.

Section 6. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 26 of the City, being An Ordinance By The Mayor And The Council Of The City of Hampton To Provide That All Dogs Be Inoculated And Tagged, etc., shall remain in full force and effect, except those parts which specifically conflict herewith.


Section 7. Severability.

The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Adopted in open session.

First reading this 11 day of December, 1984.

Second reading this 8 day of JANUARY, 1985.



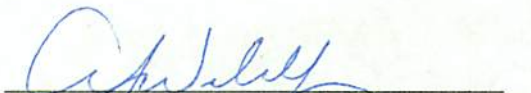
TOMMY N. SMITH, MAYOR

Attest:



MARTHA A. BARNETTE, CITY CLERK

Reviewed:



A. J. WELCH, JR., CITY ATTORNEY