

ARTICLE XII. SIGNS

Sec. 1300. Purpose and Intent.

The City of Walnut Grove finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever-increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

Regulation of the location, size, height, placement, number, spacing and certain content neutral features of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to enable the public to locate goods, services, and facilities in the city without difficulty and confusion, to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, to improve the general attractiveness of the community, to take advantage of the beauty of the community's environment, and to protect property values. The goal of this article is to avoid being an impermissible content-based regulation, and instead to be a permissible content neutral time, place and manner restriction. More communication is desirable during the election cycle, so that all citizens may freely express their viewpoints during the election campaigns, and therefore this ordinance allows increased opportunities for signs during these periods, without limiting content. At all times, any sign permitted under this regulation can carry any legal message, political or non-political, commercial or non-commercial. However, it is not the intent of this article that all signs are built to the maximum size. The city encourages use of the minimum signage necessary to meet the purposes required. Accordingly, it is the intention of the city to establish regulations governing signs which will:

1. Promote and protect the public health, safety, and general welfare;
2. Protect the character of the city's historic commercial district and residential neighborhoods;
3. Enhance the economy of the city by promoting the reasonable, orderly and effective display of signs;
4. Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;

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5. Restrict signs and lights which increase clutter or which increase the probability of traffic accidents by obstructing vision;
 6. Promote signs compatible with their surroundings;
 7. Protect property values by minimizing the possible adverse effects and visual blight caused by signs; and
 8. Improve pedestrian and traffic safety and reduce traffic and pedestrian hazards.

Further, recognizing that the aesthetic, cultural, and historic qualities of the city are unique and, therefore, vital to the community's interest, it is the objective of this article to protect these and to ensure that these are not compromised. It is an objective of this article to protect and preserve the aesthetic qualities of the community by regulating the number, size, placement, installation and maintenance of signs. The fact that such signs are intended to command visual contact, grants to signs a proportionally greater role than other structures in determining the overall aesthetic quality of the community. The aesthetic impact of signs has an economic factor that can bear heavily upon the enjoyment and value of property; therefore, the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the community. It is both rational and important for a community's citizens to plan their physical surroundings so unsightliness is minimized. Signs can detract from the beauty of a neighborhood and lower property values.

Further, in seeking to comply with federal and Georgia law, the city council has determined the following: large billboards are, as the U.S. Supreme Court has recognized, an aesthetic harm and potential traffic safety hazard; the Georgia Supreme Court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, judicial decisions of the Eleventh Circuit have recognized that portable signs are visual clutter and a potential traffic hazard. These holdings support the constitutionality of this article, as intended by the City. It is not the intent of this Article to regulate the content of speech through signage controls. To the extent any court of competent jurisdiction interprets any provision of this Article to restrict the content of speech; it is the intent of the mayor and council that all allowable signs may display a noncommercial message in addition to, or in lieu of, any other message.

Sec. 1301. Authority.

This Article is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, the Charter of the City of Walnut Grove, the general police powers of Walnut Grove and other authority provided by federal, state or local laws applicable hereto.

Sec. 1302. Applicability.

These sign regulations shall be valid throughout the city limits. Signs shall be erected, placed, established, painted, created and maintained in accordance with the physical standards outlined in this Article. Sign placement and size regulations shall vary between districts. To determine which district a proposed sign will be located in, see the official zoning map in city hall. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a

criminal statute by the city or other duly constituted government authority or a civil action by the city or other private person or entity.

Sec. 1303. Definitions.

For the purpose of the regulations set forth in this Article, the following definitions shall apply. Words and phrases not defined by this Article, but defined in other city ordinances, shall be given the meanings set forth in such ordinances. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Words used in the singular shall include the plural; and the plural the singular; and the words used in the present tense shall include the future tense. Article, division, and section headings or captions are for reference only and shall not be used in the interpretation of this Article.

The word "shall" is mandatory, not discretionary. The word "may" is permissive. The word "lot" include the words "piece," "plot," and "parcel." The words "zone," "zoning district" and "district" have the same meaning. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for." The word "structure" shall include the words "building" and "sign." The word "he" shall include the word "she." The word "erected" includes the word "constructed," "moved," "located" or "relocated"

A-Frame sign. See sandwich sign.

Aggregate sign area means the combined sign surface area of all signs on a lot, excluding the area of one face of all double-faced signs.

Animated sign means a sign that has moving parts or includes action, motion, blinking, flashing, scrolling, rotation, varying light intensity, or color changes, or the optical illusion of action, motion, blinking, flashing, scrolling, rotation, or color changes, provided that electronic changeable copy meeting the standards of this article are excluded from the definition of animated sign.

Awning means a structure projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials such as cloth, plastic or metal.

Awning sign: See canopy sign. Awning signs are considered building signs.

Banner means a piece of fabric or similar material, intended to be temporary in nature, that is attached to a pole, enclosed in a frame, or mounted in some manner as a temporary sign. Flags meeting the definition and standards of this article are excluded from the definition of the term "banner."

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoned lot as the light source; also, any light with one or more beams that rotate or move. This term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Building facade means for a single occupancy building, the portion of any exterior elevation of a building extending from grade to the top of a parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes; for a planned center with multiple occupants, the portion of any exterior elevation of a building extending from grade to the top of a parapet wall or eaves and the width between the left most wall and the right most

wall of an occupied building space along the exterior elevation fronting a public street, excluding alleys and lanes.

Building front means the length of an outside building wall facing a street.

Building sign: Any sign attached to any part of a building, as contrasted to a freestanding sign. For the purpose of this article, any sign face that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the building marquee, building awning, a building canopy or a fence shall be considered a wall sign.

Canopy means a non-retractable structure, other than an awning, made of cloth, metal or other material, with frames attached to the building and/or carried by a frame supported by the ground.

Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. Canopy signs are considered building signs.

Changeable copy sign: That portion of a sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Tri-vision signs and LED signs are specifically excluded from the definition of changeable copy sign.

Double-faced sign means a sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction. A sandwich sign or an a-frame sign is a double face sign.

Electronic sign. See changeable copy sign.

Externally-illuminated sign means any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Flag means a piece of cloth varying in size, color, and/or design and used as a symbol, standard, signal, or emblem used as the symbol of an organization or entity.

Flashing sign. See animated sign.

Ground sign means a sign securely affixed to an independent support structure that is permanently attached to the ground and wholly independent of any building or any other structure, whether portable or stationary, for support.

Sign height means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the nearest point of the vehicular traffic surface of the adjacent improved public right-of-way, other than an alley. In the event a sign is equal distance from more than one improved public right-of-way, none of which are alleys, the highest point shall be used.

Indirectly illuminated sign means a sign illuminated by an external light source directed primarily toward such sign.

Internally illuminated sign means a sign illuminated by an internal light source.

LED sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind to form part of the sign face, whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. For purposes of this article, a sign that includes electronic changeable copy meeting the standards of this article is not considered an LED sign. Use of LED lighting behind an opaque panel face for the purpose of internal illumination of the sign face that is contained on the panel is not included within the definition of LED sign.

Mansard roof: Any roof that has an angle greater than forty-five (45) degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or three-quarters ($\frac{3}{4}$) of the length of a side building wall. For purposes of this article, a low slope roof shall mean any roof with a pitch less than three (3) inches rise per twelve (12) inches horizontal.

Monument-style sign means a permanent ground sign mounted directly upon the ground and not attached to or a part of or supported by a building and designed in such a manner that the base of the sign face is flush with the supporting solid base which is flush with the ground. The base shall be at least as wide as the sign.

Multi-faced sign means a sign structure with more than two sign faces situated so that each sign face is facing a different direction.

Neon sign means an internally illuminated sign containing a glass tube filled with neon or phosphorous, which is bent to form letters, symbols or other shapes and which tubing forms all of a portion of the visible element of the message. Neon tubes hidden behind opaque sign faces and utilized for internal illumination of the sign face do not constitute neon signs.

Nonconforming sign means any sign lawfully existing on the effective date of the ordinance from which this article is derived, or any amendment thereto, but that would not be permitted under the terms of this article or any subsequent amendment.

Parapet means the extension of a false front or wall above a roof line.

Pennant means pieces of cloth or plastic joined together, uniform or varying in size, color and/or design, suspended from a structure to the ground or additional structure and designed to move in the wind.

Person means any person, firm, partnership, association, corporation, company or organization of any kind.

Planned center means a contiguous area or subdivision of land, planned and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, office or industrial uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses (i.e., office park, shopping center, industrial park).

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs posted on the roofs or truck beds of vehicles, signs converted to "A" or "T" frames, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business for purposes other than signage.

Prohibited sign means any sign prohibited in section 1306.

Projecting sign means a sign projecting more than six inches from the outside wall or walls of any building upon which it is located.

Right-of-way means a strip of land over which the city has a right by ownership or easement, to construct a public street, sidewalk or location for public utilities.

Roof sign means a sign erected and constructed wholly on or over the roof of a building, supported by the roof structure, or extending vertically above the highest portion of the roof.

Rotating sign means a sign which is designed to revolve by means of electrical power.

Sail sign means a piece of cloth, varying in size, shape, color, and design, attached at one edge to a staff or cord for the entire vertical length of the cloth, and used as a means of conveying a message.

Sandwich sign means a freestanding portable sign, also referred to as an "A-frame sign" that has two sides, hinged or otherwise fastened together at the top and supported by opening the sides from one another at the base, similar to a ladder, so that the sign, when opened, becomes self-supporting.

Setback means the distance from a property line to the nearest part of a building structure or sign, as measured perpendicularly to the property.

Sign means any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter designed to convey information visually and which is exposed for public view on the exterior of a building or on surrounding property. For purposes of this article, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without an organized relationship of components, each component shall be considered to be a single sign.

Sign face means the surface or plane of the sign upon, against, or through which a message is displayed or illustrated, including the message display surface and any framing, trim or molding.

Sign structure means poles, beams, columns, posts, foundations, or other means providing structural support for the sign surface area to which the sign is affixed and excluding those portions of any such structure the primary purpose of which is to serve an architectural function (i.e., building wall, freestanding wall, entrance wall, fence, gate, etc.).

Sign area means the smallest square, rectangle, triangle, circle or combination thereof, which encompasses the entire sign inclusive of any border and trim, but excluding the base, apron, supports, and other structural members.

Stanchion sign: A ground sign that is mounted on a pole or other vertical support such that the bottom of the sign face is more than six (6) feet above the ground and there is no visual obstruction other than the vertical support between the ground and the bottom of the sign face.

Standard informational sign means a sign intended for temporary use measuring not more than 4½ square feet in sign area and sign height comprised of rigid plastic, cardboard, or wood with no reflective elements, flags or projections and erected on a wooden stake or metal frame with a thickness or diameter not greater than 1½ inches in residential districts or placed within the window of a building in non-residential districts.

Streamers. See definition of *Pennant*.

Street frontage means the length of a property line along the street on which it borders.

Temporary sign means a sign of a non-permanent nature, including but not limited to portable signs and sandwich signs, as defined by this section.

Tenant space frontage means the horizontal distance in feet between the left side wall and right side wall or building end of a tenant space fronting a street or common parking area.

Trailer sign, see portable sign.

Tri-vision sign means a sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation. For purposes of this article, a tri-vision sign is not a changeable copy sign.

Wall sign means a sign applied to or mounted to the wall or surface of a building or structure, the display surface which does not project more than six inches from the outside wall of such a building or structure.

Window sign means a sign installed flush with the interior or exterior of a window and intended to be viewed from the outside.

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Zoning district means any geographic area defined by the official zoning map for the purpose of regulating use.

Zoning ordinance means the official zoning ordinance of the city.

Sec. 1304. General Provisions.

- A. All signs must be in compliance with the provisions of this article, the Standard Building Code, the zoning ordinance, and the National Electric Codes as adopted.
- B. Where the Historic Commission has adopted standards for signage within the City of Walnut Grove Historic District, any sign proposed for erection in that district shall be reviewed for compliance with those standards.
- C. All signs must be placed on private property, except signs erected on public property by an authorized governmental unit. No sign shall be located closer than ten feet from the back of the curb of a public roadway, nor be located closer than ten feet from the public right-of-way.

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- D. No sign shall be attached to or painted on a telephone pole or power pole, or any tree, rock or other natural object.
 - E. Any sign allowed under this article may contain any commercial or noncommercial message except that such messages cannot be obscene, as defined by the courts.
 - F. For the purposes of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, each such element shall be considered to be a single sign.
 - G. No sign or sign structure (above a height of three feet) shall be maintained within 15 feet of the intersection of the extended right-of-way lines of two streets, of an intersection of a street right-of-way with a railroad right-of-way, or otherwise placed in a location that limits sight distance as determined by the city manager and/or designee.
 - H. No sign or sign structure may be erected or maintained which obstructs any fire escape, window, ventilation, door or hydrant; nor shall any sign or sign structure be attached to a fire escape.

Sec. 1305 Signs regulated by zoning district.

Types of signs and regulatory aspects of those signs, allowed per zoning district shall be as follows:

- A. *Signs in the AG zoning districts.*
 - 1. *Standard Informational Signs.* The aggregate sign area of all standard informational signs on a lot shall not exceed 16 square feet in sign area. Standard informational signs shall not be located within the public street right-of-way and shall be no closer than ten feet to the back of curb of a public roadway. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.
 - 2. *Ground signs.* Ground signs shall be limited to a quantity of one per road frontage per lot with an aggregate sign area of no more than 35 square feet and a sign height of no more than five feet.
 - 3. *Monument signs.* Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to a residential subdivision or development. Monument signs at the entrances to residential subdivisions or developments shall not exceed five feet in height and 24 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material. Internal illumination is prohibited.
 - 4. *Temporary residential development sign.* Residential lot developers and residential lot development companies may apply for a sign permit to put up a

temporary sign at the entrance of residential subdivisions if there are currently lots for sale in the subdivision. The temporary sign must be displayed within 100 feet of the entrance of the subdivision on private property or common area of the subdivision. Permission must be obtained from the owner of the property. The temporary signs are limited to one per public road entrance to the subdivision and shall only be allowed for a maximum of three years or until lots are sold, whichever is less. The temporary sign may be in the form of a simple pole sign with the maximum dimensions of four feet by six feet and a maximum height of five feet from the ground.

4. No sign, permanent or temporary, shall be erected that has a sign height that is greater than five feet.
5. No sign, permanent or temporary, shall be illuminated in any manner.

B. *Signs permitted in the OI zoning districts.*

1. *Standard Informational Signs.* Standard informational signs shall be limited to window signs. The aggregate sign area of all standard informational signs on a lot shall not exceed 16 square feet. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.
2. *Ground signs.* Ground signs shall be limited to a quantity of one ground sign per road frontage per lot with a sign area of no more than 32 square feet per sign face and an aggregate sign area of no more than 64 square feet. Ground signs shall be limited to a maximum height of eight feet and shall have a minimum setback of ten feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units.
3. *Window signs.* Individual or aggregate window signs shall not exceed 25 percent of the area of windows on the building elevation facing the road frontage, not to exceed 64 square feet. For buildings with multiple tenants, the foregoing limitation is to be applied separately to each tenant space.
4. *Wall signs.* One wall sign per road frontage for each tenant no greater than one square foot of sign area per one linear foot of tenant space frontage shall be permitted, not to exceed 64 square feet.
5. *Banners.* Banners up to 16 square feet in sign area may be displayed for 30 days per premise up to four times per year with at least 45 days between each 30-day display period. No banner shall be attached to a utility pole or light pole.
6. *Monument signs.* Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to a commercial, office or industrial planned center. Monument signs at the entrance of a commercial, office, or industrial planned center shall not exceed eight feet in height and 32 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone,

textured concrete masonry units or equivalent architectural material. Internal illumination is prohibited.

7. Except as otherwise provided in this subsection B, signs may be illuminated internally or externally, provided that any external light fixtures must be directed away from streets and adjacent property.

C. *Signs permitted in the C1, C2 zoning district.*

1. *Standard Informational Signs.* Standard informational signs shall be limited to window signs. The aggregate sign area of all standard informational signs on a premise shall not exceed 16 square feet. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.
2. *Ground signs.* Ground signs shall be limited to a quantity of one ground sign per road frontage per lot of not more than 32 square feet in sign area per sign face and an aggregate sign area of more than 64 square feet. Ground signs shall be limited to a maximum height of six feet and a minimum setback of ten feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units. Ground signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property.

Ground signs may use a light emitting diode (LED) board to display static messages provided that the following standards are complied with in addition to all other requirements of this article:

- A. The LED board shall contain static messages only and shall display each static message for no less than 30 seconds;
- B. The LED board shall not operate at a brightness level of more than 0.20 footcandles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet or, if the LED board is in the line of sight of any residential structure, 0.10 footcandles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet;
- C. Once every 12 months and in the event of a complaint, the owner of the LED board shall be required to provide to the city manager or other designee a certification of the brightness level of the LED board from an independent contractor and, if the brightness levels are not met, the owner shall turn off the LED board until the brightness level is corrected;
- C. The LED board must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change;
- D. The LED board shall employ a default setting that displays a dark, blank screen should a malfunction occur and the owner of the sign shall provide to the city manager or other designee, information for a 24-hour contact able to turn off the LED board promptly if a malfunction occurs; and

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- E. The LED board shall not be animated, move, flash, blink, or vary in light intensity during the display of a single message, and transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition.
2. *Window signs.* Individual or aggregate window signs shall not exceed 25 percent of the area of windows on the building elevation facing the road frontage, not to exceed 64 square feet. For buildings with multiple tenants, the foregoing limitation is to be applied separately to each tenant space.
 3. *Wall signs.* One wall sign per road frontage for each tenant no greater than one square foot of sign area per one linear foot of tenant space frontage shall be permitted. Wall signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property.
 4. *Canopy signs.* One canopy sign per tenant printed or affixed directly onto the canopy material with a sign area not to exceed eight square feet.
 5. *Projecting signs.* One projecting sign per building with a sign area not to exceed six square feet. Minimum clearance of seven feet six inches (7'6"), measured from the bottom of the sign, is required above any pedestrian way.
 6. *Double-faced signs.* One double-faced sign per tenant with a sign area not to exceed four square feet per sign face and a sign height not to exceed three feet. Double-faced signs may only be placed directly in front of the building space occupied by the tenant and shall not impede the flow of pedestrian traffic. Double-faced signs must be removed and shall not be displayed between the hours of 10:00 p.m. and 7:00 a.m.
 7. *Banners.* Banners up to 12 square feet in sign area may be displayed for 30 days per premise up to four times per year with at least 45 days between each 30-day display period. No banner shall be attached to a utility pole or light pole.
 8. *Monument signs.* Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to any commercial, office or industrial planned center. Monument signs at the entrance of a commercial, office, or industrial planned center shall not exceed eight feet in height and 32 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material.
 9. Except as other provided in this subsection C, signs shall not be illuminated internally or externally.
- D. *Signs permitted in the PUD zoning districts.*
1. *Standard Informational Signs.* The aggregate sign area of all standard informational signs on a lot shall not exceed 16 square feet in sign area. Standard informational signs shall not be located within the public street right-of-way and shall be no closer than ten feet to the back of curb of a public roadway. For non-residential uses, standard informational signs shall be limited to window signs. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that
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election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.

2. *Ground signs.* Ground signs shall be limited to a quantity of one ground sign per road frontage per lot of not more than 100 square feet in sign area per sign face and an aggregate sign area of more than 200 square feet. Ground signs shall be limited to a maximum height of ten feet and a minimum setback of ten feet. If the lot contains a principal building or planned center of over 50,000 square feet, the maximum sign area per sign face shall be 120 square feet with an aggregate sign area of not to exceed 240 square feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units. Ground signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property.

Ground signs that are not located in the designated historic district may use a light emitting diode (LED) board to display static messages provided that the following standards are complied with in addition to all other requirements of this article:

- A. The LED board shall contain static messages only and shall display each static message for no less than 30 seconds;
 - B. The LED board shall not operate at a brightness level of more than 0.20 footcandles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet or, if the LED board is in the line of sight of any residential structure, 0.10 footcandles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet;
 - C. Once every 12 months and in the event of a complaint, the owner of the LED board shall be required to provide to the city manager or other designee a certification of the brightness level of the LED board from an independent contractor and, if the brightness levels are not met, the owner shall turn off the LED board until the brightness level is corrected;
 - C. The LED board must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change;
 - D. The LED board shall employ a default setting that displays a dark, blank screen should a malfunction occur and the owner of the sign shall provide to the city manager or other designee, information for a 24-hour contact able to turn off the LED board promptly if a malfunction occurs; and
 - E. The LED board shall not be animated, move, flash, blink, or vary in light intensity during the display of a single message, and transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition.
3. *Window signs.* Individual or aggregate window signs shall not exceed 25 percent of the area of windows on the building elevation facing the road frontage, not to exceed 100 square feet. For buildings with multiple tenants, the foregoing limitation is to be applied separately to each tenant space.

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4. *Wall signs.* One wall sign per road frontage for each tenant no greater than one square foot of sign area per one linear foot of tenant space frontage shall be permitted. Wall signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property.
 5. *Banners and sail signs.* Banners and sail signs up to 16 square feet in sign area may be displayed for 30 days per premise up to four times per year with at least 45 days between each 30-day display period. No banner shall be attached to a utility pole or light pole. No sail sign shall exceed 16 feet in height measured from ground level at the point where it's based is mounted.
 6. *Monument signs.* Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to a single family or multi-family residential subdivision or development or any commercial, office or industrial planned center. Monument signs at the entrances to single-family or multi-family residential subdivisions or developments shall not exceed eight feet in height and 24 square feet in sign area per sign face. Monument signs at the entrance of a commercial, office, or industrial planned center shall not exceed eight feet in height and 32 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material.
 7. *Temporary residential development sign.* Residential lot developers and residential lot development companies may apply for a sign permit to put up a temporary sign at the entrance of residential subdivisions if there are currently lots for sale in the subdivision. The temporary sign must be displayed within 100 feet of the entrance of the subdivision on private property or common area of the subdivision. Permission must be obtained from the owner of the property. The temporary signs are limited to one per public road entrance to the subdivision and shall only be allowed for a maximum of three years or until lots are sold, whichever is less. The temporary sign may be in the form of a simple pole sign with the maximum dimensions of four feet by six feet and a maximum height of eight feet from the ground.
 8. Except as other provided in this subsection D, signs shall not be illuminated internally or externally.
- E. *Signs permitted in the M-I zoning districts.*
1. *Standard Informational Signs.* Standard informational signs shall be limited to window signs. The aggregate sign area of all standard informational signs on a premise shall not exceed 16 square feet. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.
 2. *Ground signs.* Ground signs shall be limited to a quantity of one ground sign per road frontage per lot of not more than 100 square feet in sign area per sign face and an aggregate sign area of more than 200 square feet. Ground signs shall be
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limited to a maximum height of ten feet and a minimum setback of ten feet. If the lot contains a principal building or planned center of over 65,000 square feet, the maximum sign area per sign face shall be 150 square feet with an aggregate sign area of not to exceed 300 square feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units. Ground signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property.

3. *Window signs.* Individual or aggregate window signs shall not exceed 25 percent of the area of windows on the building elevation facing the road frontage, not to exceed 100 square feet. For buildings with multiple tenants, the foregoing limitation is to be applied separately to each tenant space.
4. *Wall signs.* One wall sign per road frontage for each tenant no greater than one-fourth square foot of sign area per one linear foot of tenant space frontage shall be permitted. Wall signs may be illuminated internally or externally, provide that external light fixtures must be directed away from streets and adjacent property
5. *Banners and sail signs.* Banners and sail signs up to 16 square feet in sign area may be displayed for 30 days per premise up to four times per year with at least 45 days between each 30-day display period. No banner shall be attached to a utility pole or light pole. No sail sign shall exceed 16 feet in height measured from ground level at the point where it's based is mounted.
6. *Monument signs.* Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to any commercial, office or industrial planned center. Monument signs at the entrance of a commercial, office, or industrial planned center shall not exceed eight feet in height and 32 square feet in sign area per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material.
7. Except as otherwise provided in this subsection E, signs shall not be illuminated internally or externally.

F. *Signs in the R1, R2, R3 zoning districts.*

1. *Standard Informational Signs.* The aggregate sign area of all standard informational signs on a lot shall not exceed 16 square feet in sign area. Standard informational signs shall not be located within the public street right-of-way and shall be no closer than ten feet to the back of curb of a public roadway. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, there shall be no limit on the aggregate sign area of standard informational signs and an unlimited number of standard informational signs shall be permitted on any property in the City.
2. *Monument signs.* Two single-faced, monument signs or one double-faced monument sign shall be permitted at every entrance to a residential subdivision or development. Monument signs at the entrances to residential subdivisions or developments shall not exceed five feet in height and 24 square feet in sign area

per sign face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material.

3. *Temporary residential development sign.* Residential lot developers and residential lot development companies may apply for a sign permit to put up a temporary sign at the entrance of residential subdivisions if there are currently lots for sale in the subdivision. The temporary sign must be displayed within 100 feet of the entrance of the subdivision on private property or common area of the subdivision. Permission must be obtained from the owner of the property. The temporary signs are limited to one per public road entrance to the subdivision and shall only be allowed for a maximum of three years or until lots are sold, whichever is less. The temporary sign may be in the form of a simple pole sign with the maximum dimensions of four feet by six feet and a maximum height of eight feet from the ground.
4. No sign, permanent or temporary, shall be illuminated in any manner.

Sec. 1306. Prohibited signs.

The following types of signs are prohibited in all zoning districts of the city:

- A. Signs imitating traffic or emergency signals or which display intermittent lights resembling the color, size, shapes, or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles.
- B. Signs or devices employing intense illumination when visible from the public right-of-way, flashing (strobe type) or blinking lights, spot lights, floodlights, or any type of pulsating or moving light.
- C. Signs which contains flashing or intermittent red, green, blue, or amber illumination or white flashing strobe lights. (Nothing herein is to be confused with seasonal lighting).
- D. Signs that cast direct light onto any residential premises.
- E. Signs tacked, posted, marked, painted or otherwise affixed on a roof, fire escape or utility pole.
- F. Signs which obscure or disfigure any significant architectural element of the building to which it is attached.
- G. Signs installed over, above, or extending above the bottom edge of a roof.
- H. Signs on a vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed.
- I. Signs that require removal of any trees from the public right-of-way.
- J. Cold-air/helium-filled devices exceeding five feet at any measurement.
- K. Pennants and streamers.
- L. Neon signs.
- M. Projecting signs.
- N. Rotating signs.

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- O. Signs not in good repair, including without limitation any sign which is in a state of disassembly or any sign which has its internal lighting exposed to view for more than one week.
 - P. Portable signs, except as permitted in section 1305C.6.
 - Q. Signs emitting any sound, smoke, or vapor.
 - R. Animated signs.
 - S. Window signs in AG, AG-2 zoning districts.
 - T. Signs which contain words, pictures, or statements which are obscene.
 - U. Any sign that is structurally unsound or is a hazard to traffic or pedestrians.
 - V. Signs placed within public rights-of-way, except publicly owned, authorized or maintained signs which serve an official public purpose.
 - W. Any sign placed or erected on property without the permission of the owner.
 - X. Signs attached to a building for structural support that exceed 150 square feet in sign area.
 - Y. Signs not attached to a building for structural support that exceed 30 feet in ground sign height and/or 150 square feet of sign area.
 - Z. Signs that violate this Article, the zoning ordinance, or any other law, ordinance, or code.

Sec. 1307. Signs allowed without a permit in all zoning districts.

- A. Any sign not visible from the outside of a structure or to passing members of the public from public thoroughfares or right of way.
- B. Signs designating the entrance or exit from property or providing direction for drivers maneuvering within the property so long as they do not exceed six square feet per sign area and four feet in height. The aggregate square footage of all such signs on a single parcel shall not exceed 48 square feet.
- C. Signs on courtesy benches and trash cans on private property in the GC zoning district, provided that such signs shall not extend beyond nor be larger than the bench or trash can to which they are affixed.
- D. Signs for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law. Such signs shall be no more than four inches in height per numeral in residential districts and 12 inches in height per numeral in commercial and industrial districts.
- E. Signs erected by, or on the order of, a public officer in the performance of his duties.
- F. Window signs not exceeding 20 percent of the available window space per building elevation in a single occupant building or per tenant space in a multi-occupant building.
- G. Non-illuminated, standard informational signs (excluding banners). For each residential or nonresidential lot, the quantity of standard informational signs shall be limited to either one standard informational sign that is 16 square feet in sign area or a combination of standard

informational signs the aggregate of which shall not exceed 16 square feet in sign area. Standard informational signs shall not be located within the public street right-of-way and shall be no closer than ten feet to the back of curb of a public roadway. Notwithstanding the foregoing, during the period from opening of qualifying for elections until the final determination of all contests and issues resolved by that election, an unlimited number of standard informational signs is permitted on any property in the City.

Sec. 1308. Procedures.

A. Permit.

1. A sign permit or temporary sign permit is required before a sign or temporary sign may be erected or an existing sign or temporary sign may be enlarged, relocated or have any improvements made costing 60 percent or more of the sign's total replacement value. All signs using electrical wiring and connections require an electrical permit in addition to any sign permit required under this article.
2. A sign permit or temporary sign permit shall be issued by the city when the plans and specifications for the proposed sign or part thereof conform in all respects to this Article and the building code. Applications for such permits shall be accompanied by all the information required hereunder and such other information as the city may require in the exercise of sound discretion to determine compliance with this article. Standardized sign plans may be filed with the city in fulfillment of this requirement, although site plans shall be filed with each application.
3. Except as otherwise provided in this Article, a temporary sign permit shall authorize the display of a temporary sign only for a period of 30 consecutive days from the date of issuance. In no case shall the same premises be issued a temporary sign permit more than four times in a 12-month period. Upon expiration of the temporary sign permit, the permittee shall remove the temporary sign and its supporting structure.
3. Each sign application shall contain an agreement to indemnify, defend and save the city harmless from all damages, demands or expenses which may in any manner be caused by the sign or sign structure.
4. Every sign for which a sign permit is required shall be plainly marked with the name of the permittee and shall have the number of the permit issued for said sign by the city affixed on the framework of the sign so the information therein shall be readily accessible, legible and durable.

B. Application. Applications for permits shall be filed with the city, on city forms. The application shall describe and set forth the following and any additional information pertinent to the application as may be requested by the city to determine compliance:

1. The type of the sign;
2. A scaled site plan showing the location, and plan describing the construction;
3. Scaled elevation drawing showing height and sign face dimensions;
4. Square footage, height and use of existing signage;
5. The name(s) and address(es) of the sign owner(s);

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6. Written consent of the property owner or agent, granting permission for the sign;
 7. The name, address, and phone number of the sign contractor.
- C. *Expiration date.* A sign permit shall expire if the sign has not been completed within six months after the date of issuance; provided, however, that one six-month extension of the permit shall be granted if an additional permit fee has been paid prior to the expiration.
- D. *Processing.* Upon receipt of a properly completed application, the city shall commence review no later than ten working days after the date of its submission. Review by all city officers shall be completed and the permit shall be issued or denied by the thirtieth day after submission. A permit shall be denied for any noncompliance with this article. All applications meeting the standards shall be granted.
- E. *Fees.* No permit shall be issued until the fees, as adopted by the mayor and city council, have been paid in accordance with the fee schedule kept at city hall .

Sec. 1309. Construction and maintenance.

- A. All signs, together with all their supports, braces, guys, and anchors shall be kept in constant good repair and, unless constructed of galvanized or non-corroding metal, shall periodically be given an appropriate protective coating. The area surrounding the base of all signs shall be maintained free of high weeds and debris.
- B. The city may periodically inspect signs to determine compliance.
- C. The permittee shall remove discarded or unusable paper, sign faces, parts and debris from the sign or sign structure.
- D. No permittee shall allow sign(s) to fall into disrepair. On first class mail written notice from the city to the sign owner and property owner, any sign which is in disrepair or vandalized shall be repaired or removed. The city shall include in the written notice a time limit for compliance of up to 30 consecutive days. An aggrieved party may appeal by filing a written notice of appeal with the city clerk as provided in section 1700, provided that the final determination shall be made within 60 days from the notice of appeal. On appeal, the standards that shall be considered in making a decision are the standards set forth in this article. If it is determined the original decision was made contrary to the standards of this article, the appeal shall be upheld. If it is determined the standards of this article were correctly applied, the decision shall be upheld and the appeal dismissed.

Sec. 1310. Enforcement.

- A. *Enforcement.* This article shall be administered and enforced by the city manager and/or designee.
- B. *Removal.*
 1. The city may order the removal of any sign in violation of this article. Notice shall be given by first class mail to the permittee and owner of the sign allowing up to 30 days to comply.
 2. An aggrieved party may appeal by filing a written notice of appeal with the city clerk as provided in section 1700, provided that the final determination shall be made within

60 days from the notice of appeal. On appeal, the standards that shall be considered in making a decision are the standards set forth in this article. If it is determined the original decision was made contrary to the standards of this article, the appeal shall be upheld. If it is determined the standards of this article were correctly applied, the decision shall be upheld and the appeal dismissed.

3. If the sign is not removed within either 30 days after the order of removal or 30 days after the date of decision on any appeal, whichever is later, the city may cause the sign to be removed.

C. *Removal without notice.* The city may cause the removal of any sign in violation, without notice to any party, if:

1. The sign is on the public property; or
2. The sign poses an immediate threat to life, health or safety.

D. *Costs of removal.*

1. Any sign in violation of this article is declared a nuisance and the costs of removal shall be at the sign owner's expense.
2. Removal without notice shall be without liability to the city, its officials, officers, agents, servants or employees. The permittee and property owner shall be jointly and severally responsible for the costs of removal. If payment for such removal is not made within 60 days after the receipt of a statement, the city may certify the amount thereof for collection to the city attorney. If a sign remains unclaimed for more than 120 days from removal, it may be disposed of per O.C.G.A. §§ 44-14-411 et seq.

E. *Invalid permit or non-compliant sign.* The city may issue a removal order following the procedures of subsection B. above when a permit was improperly issued, issued on the basis of misstatement of fact or fraud, a sign has not been constructed per this article or the application or site plans, a sign permit has expired or a sign is otherwise not in compliance with this article. If a sign is not removed within ten days following receipt of a removal order the city may institute such legal proceedings hereunder against the property owner, sign owner, permittee, lessee, sign erector or a combination of the above as may be required to effect removal.

Sec. 1311. Fines and penalties.

- A. *Citations.* Any responsible parties may be cited to appear in city court for the violation of this article.
- B. *Penalties.* Any person or entity convicted of violation may be punished as provided in the City Code.

Sec. 1312. Inspections.

Inspection and enforcement personnel are empowered to enter into or inspect any building, structure, or premises upon which a sign subject to this article is located for inspecting the sign, its structural and electrical connections, and to ensure compliance with this article.

Sec. 1313. Nonconforming signs.

- A. Signs which do not comply with this article and were legally placed before the effective date of this article shall become nonconforming. However, signs which were illegally erected, established or maintained with respect to the applicable requirements of prior ordinances shall be removed or brought into compliance within 30 days from the effective date of this article. Upon failure to comply with this article, the city may cause the removal of any nonconforming sign at the expense of the owner, per section 1310.
- B. A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted. Provided, however, if a nonconforming sign is damaged by an act of God, the owner may repair the sign but shall make the sign conforming if physically possible. If not, the sign may be repaired if the repair does not extend the natural life of the sign as it existed before the damage occurred.
- C. Minor maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with this article.
- D. Each sign which exists at the effective date of this article shall be registered by its owner with the city.

Sec. 1314. Appeals.

The applicant shall be given written notice stating the reasons the applicant's sign permit application is denied. An applicant may appeal per section 1700, provided that a final decision on any such appeal shall be made, put in writing with reasons stated, and served by first class mail on the appellant within 60 days of the notice of appeal. On appeal, the standards that shall be considered in making a decision are the standards set forth in this article. If it is determined the original decision was made contrary to the standards of this article, the appeal shall be overturned. If it is determined the standards of this article were correctly applied, the decision shall be upheld and the appeal dismissed.

STATE OF GEORGIA
CITY OF WALNUT GROVE

ORDINANCE NO. 2023- ____

AN ORDINANCE TO REVISE CHAPTER 9, ARTICLE III ("ANIMAL CONTROL") OF THE CODE OF ORDINANCES, CITY OF WALNUT GROVE, GEORGIA TO REVISE ITS ANIMAL CONTROL REGULATIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, WHEREAS the Mayor and the Council of the City of Walnut Grove, Georgia, the governing body of the City of Walnut Grove, Georgia, desire to amend its animal control regulations; and

WHEREAS, the Mayor and the Council of the City of Walnut Grove, Georgia are authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the City and Walton County entered into a Service Delivery Strategy Agreement where the County provides animal control services to the City; and

WHEREAS, Walton County updated its animal control regulations; and

WHEREAS, it benefits the City and the County to have the animal control regulations consistent with each other so that the service can be properly provided by the County; and

WHEREAS, the Mayor and Council of the City of Walnut Grove, Georgia deem such amendment to be for the betterment and general welfare of the City of Walnut Grove and its inhabitants;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Walnut Grove, Georgia, and it is hereby ordained by authority of same, as follows:

SECTION 1. Chapter 9, Article III, of the Code of Ordinances of the City of Walnut Grove is hereby deleted and replaced with the following:

“ DIVISION 1. IN GENERAL

Sec. 9-51. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned animal means any animal which shall have been placed upon public property or within a public building unattended and unsupervised or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or without care. An animal shall also be considered as abandoned which has

been upon or within the property of the owner or custodian of the animal for a period of time in excess of 36 hours unattended.

Adequate food means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal. Garbage, spoiled, rancid, or contaminated food is not adequate food.

Adequate confinement area means a fenced area, kennel, pen, building, or other enclosure with shade or access to a heat source, as weather-appropriate, that (a) is sufficient to prevent escape by the animal contained with it, (b) is sufficient to protect the animal from injury and illness, (c) has sufficient open ground space, not occupied by a shelter or other items and free of excrement, to allow the free movement of the confined animal or animals, and (d) has sufficient open ground space, not occupied by a shelter or other items and free of excrement, to allow adequate exercise for the confined animal. Whether a confinement area is adequate for an animal will be based on the number, age, size, energy level, and species contained within it.

Adequate shelter means protective cover appropriate for the species and providing adequate space to maintain the animal in good health, which also prevents pain, suffering or a significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four sides with a door opening, a constructed floor, and a roof. It should also be clean, dry and compatible with current weather conditions, in addition to age, size, species and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. Adequate shelter must be compatible with the number of animals on the property.

- (1) Adequate shelter includes, but is not limited to, the following:
 - a. Sufficient coverage and insulation to protect an animal from extreme hot and cold temperatures;
 - b. Sufficient protection from the elements to keep the animal dry;
 - c. Sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating; and
 - d. Adequate bedding or resting area suitable for the breed, species, age, size, and medical condition of the animal.
- (2) Materials not suitable for shelters include, but are not limited to:
 - a. Inadequately insulated containers;
 - b. Plastic kennels or airline-type animal shipping crates;
 - c. Metal or plastic drums;
 - d. Abandoned or parked vehicles;
 - e. Uncovered porches or decks;
 - f. Lean-tos;
 - g. Any other structure that fails to provide sufficient protection from the elements.

Adequate veterinary care means medical care of an animal from or under the direction of a veterinarian and necessary to maintain the health of an animal based on the age, species, breed, etc., of the animal, or to prevent an animal from suffering from:

- (1) Ongoing infections;
- (2) Infestation of parasites;
- (3) Disease; or
- (4) Any other medical condition/injury where withholding or neglecting to provide such care would:
 - a. Endanger the health or welfare of the animal; or
 - b. Promote the spread of communicable diseases.

Adequate water means clear, clean, drinkable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice, rainwater and rancid or contaminated water.

Animal at large means any animal found loose and not under proper restraint off of the property of its owner.

Animal control officer means any person so designated by the board of commissioners to perform the duties of animal control and enforce the provisions of this chapter.

Animal shelter shall have the same meaning as set forth in O.C.G.A. § 4-14-2.

Animal under restraint means:

- (1) Any animal controlled within the property limits of its owner;
- (2) Any animal secured by a leash, where one end of the leash is attached to a proper collar or harness and the other end is held by or affixed to a competent and responsible person, or enclosed by way of a fence or other enclosure;
- (3) Any animal at heel or beside a competent person and which is obedient to the person's commands; or
- (4) Any animal within a vehicle being driven or parked on the streets.

Hunting dogs shall be deemed under restraint for the purpose of this chapter when they are being used for hunting in accordance with state game and fish department laws, rules, and regulations.

Domesticated animals means animals that are accustomed to living in or about the habitation of humans, including, but not limited to, cats, dogs, cows, fowl, horses, swine, domesticated wild animals and exotic animals.

Impoundment means the action of taking physical control of an animal by an animal control officer or other officers empowered to act by law and the transporting of such animal to the animal control facility.

Owner means any person who owns, harbors, keeps and maintains, has lawful possession of, or knowingly causes or permits an animal to be harbored or kept, who has an animal in his care, who shelters or provides for such animal sufficient quantities of wholesome food and water

14 consecutive calendar days or longer, or who permits an animal to remain on his premises. The term "owner" shall also include any person hired or acting as custodian of the animal for its owner. If the owner or keeper of any animal is a minor, each parent or guardian of such minor shall be considered an owner for purposes of this chapter and shall be responsible for ensuring compliance with all provisions of this chapter.

Person means any individual or corporation or other entity.

Proper collar or harness means any fitted collar or harness which provides enough room between the collar and the animal's throat, or between the harness and all points of contact with the animal's body, through which two fingers may fit but from which the animal cannot easily free itself. Rope, cable, chain, wire or other similar materials are not suitable as a proper collar or harness.

Sec. 9-52. - Animal control unit.

There is created for the county and city and approved by the city mayor and council an animal control unit (separate from and independent of any humane society), and it shall be staffed with personnel as may be from time to time authorized by the board of commissioners, which are deemed approved by the city mayor and council. The animal control unit shall enforce this article and the operation of the county shelter, which also house animals from the city.

Sec. 9-53. Duty of owner to keep animals under control.

It shall be unlawful for a domesticated animal to be at large. The Owner of an at large domesticated animal shall be strictly liable for a violation of this provision.

Sec. 9-54. Duty to keep animals under restraint.

It shall be the duty of every animal owner to ensure that such animal is kept under proper restraint and that the animal does not become at large.

Sec. 9-55. Control and Removal of Animal Waste.

It shall be unlawful for the owner of any animal to fail to immediately remove any feces deposited by such animal upon any:

- (a) public sidewalks, public streets, public parks, or other public property, provided, however, that this subsection shall not be construed as to apply to hoofed animals or livestock; or
- (b) private property without permission of the owner or lawful possessor of such property.

Sec. 9-66. Enforcement.

- (a) *Primary enforcement responsibility.* The primary responsibility for enforcement of this chapter shall be vested in the animal control unit.

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- (1) The animal control unit shall consist of animal control officers, the number and identity of which shall be designated by the board of commissioners and deemed approved by the city mayor and council.
 - (2) These officers shall be vested with the authority to issue citations for violation of this article.
 - (3) The officers comprising the animal control unit may also call upon any law enforcement officer as may be necessary for the enforcement of this article.
 - (b) *Issuance of citations.* Upon information known to any officer or member of the animal control unit or the county sheriff's department that any person is in violation of this chapter, a citation may be issued requiring such person to appear before the judge of the magistrate court of the county on a day and time certain to stand trial for the violation of this chapter.
 - (c) *Right of officer to defend himself in performance of duty.* In the performance of his duties pursuant to the provisions of this chapter, any animal control officer or any law enforcement officer assisting in enforcing this chapter may use such force as is necessary to defend themselves from attack by an animal; provided, however, that all efforts shall be made to impound an attack animal without undue harm, injury or danger to the animal, the officer, or to any other persons and property.
 - (d) *Right of entry.* Any animal control officer or other authorized officer is hereby authorized to enter upon any property for the purpose of investigating alleged violations of this chapter, or to seize and impound any animal found to be in violation of this chapter. The animal control unit may use any appropriate means necessary to remove an animal in distress from inside a vehicle, enclosure or building other than a residence.
 - (e) *Testimony of witnesses.* If a violation of this chapter has not been witnessed by an officer of the animal control unit, the sheriff's department or other employee of the county, a subpoena shall be issued to the person possessing sufficient evidence of a violation requiring such person to appear on the day and time set to testify on behalf of the county.
 - (f) *Impoundment of animals.* Animals within any of the following classes may be impounded by the animal control unit:
 - (1) Animals at large in violation of this chapter;
 - (2) Animals that have been abandoned;
 - (3) Animals subjected to treatment that violates section 10-19;
 - (4) Animals which have bitten a person or animal or which have been bitten by an animal suspected of having rabies;
 - (5) Animals not wearing current vaccination tags;
 - (6) Animals suspected of having rabies; and
 - (7) Unconfined dogs in quarantine areas.

Sec. 9-57. Disposition of impounded animals.

- (a) *Notice of impoundment.* It shall be the duty of the animal control unit to attempt to immediately notify the owner of each domesticated animal impounded if the owner of the domesticated animal is known or can be reasonably ascertained.
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- (b) *Mandatory minimum holding period.* Except as otherwise set forth in in this section, it shall be the duty of the animal control unit to house and care for any impounded domesticated animals for: (a) 72 hours if the owner is unknown and the animal is untagged or (b) 168 hours if the animal is properly tagged or chipped with the current owner's information, with said time period to commence upon the notification or attempted notification of the owner identified in the tag or chip. If not reclaimed within this time period, the animal shall be deemed abandoned and the property of the animal control unit.
- (c) *Reclaiming animal; fees.* The owner of any domesticated animal which has been impounded may, within the mandatory minimum holding period, reclaim such domesticated animal by payment of the impoundment fee and daily board rate established from time to time by the board of commissioners after providing proof of ownership satisfactory to the animal control unit. It shall be the in discretion of the animal control unit whether to allow an owner to make application for adoption if the mandatory minimum holding period has expired. If no proof of current rabies inoculation can be shown at the time of the animal's release, the owner shall pay the necessary fees to have the animal properly inoculated and tagged, in addition to any other fees that may be due.
- (d) *Animal adoption.* The animal control unit may release for adoption any animal unclaimed after the mandatory minimum holding period, following the adoption procedure as outlined in section 10-16. Any person adopting an animal shall pay the required adoption fees and any other such fees deemed necessary.
- (e) *Treatment or euthanization of diseased or injured animal for which the minimum holding period has not expired.* If any animal impounded by the animal control unit for which the minimum holding period has not expired shows evidence of contagious, infectious or fatal disease or is seriously ill or severely injured and suffering, and:
- (1) after reasonable inquiry or investigation undertaken in a timely fashion, no determination as to owner can be made;
 - (2) the owner, although known, cannot reasonably timely be contacted; or
 - (3) the owner refuses to claim the animal immediately after notification and accept financial responsibility for necessary veterinary care,
- the animal control director or his designee will determine whether there is a just reason for euthanasia and/or whether the animal will evaluated and/or cared for by a licensed veterinarian.
- For purposes of this section, *timely* shall mean a time period not to exceed 24 hours; a shorter duration shall be warranted if the animal control director or his designee determines that humane care of the animal so dictates.
- (f) *Veterinary expenses.* All veterinary expenses incurred shall be charged to the owner of such animal.
- (g) *Dangerous animals.* Any animal which presents a serious danger to persons, animal control personnel, or other animals may be, without regard to the mandatory minimum holding period, destroyed by the most humane method available.
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- (h) *Research.* No live animal in the possession of the animal control unit shall be released, sold, or given to any individual, institution, or private firm for the purpose of medical or scientific research.

Sec. 9-58. Public nuisance animal.

- (a) It shall be unlawful for any owner of an animal to allow such animal to become a public nuisance. Any animal will be deemed to be a public nuisance animal if:
- (1) It is repeatedly found at large;
 - (2) It damages the property of someone other than the owner of the animal;
 - (3) It aggressively chases, attacks or bites a person while off the property of the owner;
 - (4) It produces, because of quantity, manner or method in which animals are kept, unsanitary conditions;
 - (5) It is a dog and it continuously makes excessive noises. Excessive noises shall be defined as continuous howling, barking or crying or causing unreasonable auditory annoyance continuously for a period of one-half hour or more. For the purposes of this chapter, the dog must be within 200 feet of the property line of the complaining party;
or
 - (6) It is an in-heat female dog or cat that is at large.
- (b) In addition to any other penalty, an owner of any animal deemed to be a public nuisance animal shall be required to have such animal spayed or neutered, as appropriate, at the owner's expense within 30 days for violation of this section.

Sec. 9-59. Abandoned animals.

It shall be unlawful for anyone to knowingly abandon or permit such abandonment of or aid in such abandonment of any domesticated animal.

Sec. 9-60. Biting animals.

- (a) *Definition.* For purposes of this section, *Rabies Compendium* means the Compendium of Animal Rabies Protection and Control published by the National Association of State Public Health Veterinarians Compendium of Animal Rabies Prevention and Control Committee.
- (b) *Confinement.* All domesticated animals, whether vaccinated or not, and who are known to have bitten a person causing an injury that is open and bleeds, shall be confined for a period of ten days for observation of rabies, unless humanely euthanized with its brain tissue analyzed for indications of rabies as set forth below.
- (c) *Destruction and analysis of animals suspected of rabies.* For all wild animals, exotic animals, and domesticated wild animals, or in the case of consent of owner for other owned domesticated animals, the animal shall be destroyed immediately, decapitated and its brain tissue analyzed for indications of rabies, if it has bitten a human or another animal causing an injury that is open and bleeds.
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- (d) *Destruction of unvaccinated animals.* An animal which has not been vaccinated or which has been vaccinated less than one month prior to being bitten by a known rabid animal shall be immediately destroyed.
- (1) If the owner is unwilling to destroy such animal, it shall be confined in strict isolation in a location approved by the animal control officer for the time period set forth in the most recent edition of the Rabies Compendium.
 - (2) The confined animal must be vaccinated on the schedule set forth in the most recent edition of the Rabies Compendium.
 - (3) If the confined animal develops signs or symptoms of rabies during the quarantine period, it shall be humanely euthanized. An animal that dies or is humanely euthanized during the period of quarantine shall have its brain tissue analyzed for indications of rabies.
- (e) *Revaccination and confinement.* Any dog or other animal for which rabies vaccination effectiveness has been established and having current vaccination at least one month prior to being bitten by a known or suspected rabid animal should be revaccinated and then confined in a manner approved by the animal control officer for the time period set forth in the most recent edition of the Rabies Compendium; thereafter, it shall be released to the owner if the animal exhibits no signs (clinical) of rabies as determined by a veterinarian.

Sec. 9-61. Establishment of infected area quarantine.

Whenever the department of human resources for the state declares the county or any area therein an "infected area" pursuant to O.C.G.A. § 31-19-2, then every dog and cat in such infected area shall be quarantined and confined to the owner's or custodian's premises during the entire period of time for which such declaration of the department of human resources is in effect.

Sec. 9-62. Confinement area of facility.

- (a) *Place of confinement.* Confinement area or facility to which a dog or other animal is confined in compliance with the provisions of this chapter shall be either an animal shelter, kennel, animal hospital or such other place as designated by the animal control officer.
- (b) *Requirements for confinement facility.* Unless otherwise authorized by the animal control officer, unvaccinated biting animals and animals to be confined as prescribed in section 10-10 shall be confined in an animal shelter, kennel or animal hospital at the owner's expense. Such facility shall provide for the following:
 - (1) Construction and management which will keep the animal dry and clean, prevent its escape and prevent its contact with both people and other animals;
 - (2) A method and procedure for the identification of the animal and the recording of the date of its admission to the area or facility;
 - (3) Assurance that the animal will have safe and adequate water and food;
 - (4) Adequate space for the animal's exercise;
 - (5) Protection against excessive heat and cold; and

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- (6) Space, cages, pens and other necessary equipment to isolate the animal for its protection against injury and infectious diseases.

Sec. 9-63. Vaccination of dogs and cats.

- (a) *Vaccination required.* The owner of a dog or cat four months of age or older shall cause such dog or cat to be vaccinated against rabies as defined by this chapter.
- (b) *Revaccination.* Each dog and cat shall be revaccinated within 10-12 months of the date of the first known vaccination.
- (c) *Vaccination periods.* When dogs or cats known to have been vaccinated at least twice, with such vaccinations occurring within 10-12 months of each other are vaccinated a third or subsequent time with a vaccine approved by the state department of human resources as providing three-year protection, such animals shall be revaccinated within three years. When other approved vaccines are used, yearly inoculations shall be required.
- (d) *Vaccination by owner.* Vaccination by an owner, unless such owner is a licensed veterinarian, shall not be recognized.
- (e) *Revaccination of dogs or cats brought into county.* The owner of any dog or cat brought into the county for a permanent stay from outside the county shall cause such dog or cat to be revaccinated in accordance with this chapter.
- (f) *Certificate of vaccination for evidence of comparable procedures.* When the owner of such dog or cat produces evidence satisfactory to the animal control officer that such dog or cat has been vaccinated in a manner and by procedures comparable to the requirements of this chapter, then a county certificate of vaccination may be issued in lieu of revaccination.
- (g) *Vaccination by licensed veterinarian.* No person shall vaccinate any dog or cat against rabies who is not licensed to practice veterinary medicine in the state.
- (h) *Temporary stay requirements for dogs.* Any dog brought into the county for a temporary stay not exceeding 14 days shall be confined or on a leash at all times unless it has been vaccinated for rabies in its home jurisdiction.

Sec. 9-64. Certificate of vaccination.

- (a) *Issuance of certificates of vaccination and vaccination tags.* Any veterinarian is authorized and required in connection with his practice to issue certificates of rabies vaccination and rabies vaccination tags.
- (b) *Evidence of vaccination.* Evidence of vaccination shall consist of a certification of vaccination and vaccination tag.
- (c) *Preparation of certificate.* The certificate with each item answered shall be prepared in triplicate and signed by the veterinarian administering this vaccine.
- (d) *Disposition of copies.* The veterinarian shall furnish one copy to the owner, one copy to the county animal control officer and retain one copy for his files.

- (e) *Maintenance of records.* The certificates of vaccination furnished to the county animal control officer by the veterinarian shall be maintained by the animal control officer in an orderly, indexed file until such certificates have expired.

Sec. 9-65. Vaccination tags and collars.

- (a) *Issuance.* Coincident with the issuance of the certificates of vaccination, the veterinarian shall also furnish to the owner of the vaccinated dog or cat a serially numbered tag bearing the same number and year thereon as the certificate bears.
- (b) *Vaccination tag to be worn.* Every dog and cat that is kept, possessed, maintained or harbored in the county at all times shall wear affixed to its collar or harness a current vaccination tag.
- (c) *Unlawful removal.* It shall be unlawful for any person to attach a vaccination tag to the collar of any animal for which it was not issued, or to remove an unexpired vaccination tag from any animal he does not own.

Sec. 9-66. Adoption.

- (a) *When animals to be offered for adoption.* The animal control unit or its chosen agent may offer for adoption any animal unreclaimed after the mandatory minimum holding period defined in section 10-7.
- (b) *Immediate availability.* In the event that the animal is surrendered to the animal control unit by such owner, the animal may be offered immediately.
- (c) *Age requirement.* All persons adopting animals must be over 18 years of age and shall provide proper and humane care, feeding, sheltering, confinement, protection from weather, and veterinary treatment as needed.
- (d) *Spay and neutering.* All persons adopting a fertile dog or cat shall cause the female to be spayed and/or the male to be neutered within 30 days from date of adoption in the case of an adult animal, or within 30 days of the animal attaining the age of four months in the case of an immature animal.
- (e) *Use of adopted animal for research prohibited.* Any person adopting an animal shall not permit the animal to be used by any individual or institution for any purposes of research.
- (f) *Restrictions on frequency of adoption.* The frequency with which animals may be adopted and placed in any household may be restricted in the discretion of the animal control director or his designee.
- (g) *Refusal of adoption.* The animal control unit or its designee reserves the right to refuse adoption of any animal to any person that does not meet specified requirements.
- (h) *Adoption fees.* Adoption fees are set by the board of commissioners and may include all or part of the costs of an examination, rabies and other inoculation, microchipping, and all or part of the costs associated with spaying or neutering dogs and cats.

Sec. 9-67. Discretion.

Any animal control officer may at his or her discretion not impound a dog or other animal found in violation of this chapter but may instead return the animal to its rightful owner.

Sec. 9-68. Interference with an animal control officer.

It shall be unlawful to interfere with the investigation or duties of any animal control officer or officer empowered to act by law, or to take or attempt to take any animal from a county vehicle used to transport such animal, to take or attempt to take any animal from the animal control shelter or impounding area, or to otherwise seek to release any animal from the custody of the animal control unit.

Sec. 9-69. Humane treatment of animals.

(a) *Provision of basic care.* No person having an animal in its possession and/or control shall fail to provide such animal:

- (1) adequate food at least once every 24 hours;
- (2) adequate water at all times;
- (3) adequate shelter;
- (4) adequate veterinary care; and
- (5) an adequate confinement area.

Animals shall be provided humane care at all times.

- (b) *Inhumane treatment prohibited.* No person shall beat, ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit combat between animals.
- (c) *Exposure to poisonous substances.* No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall be likely to be eaten by any domesticated animal.
- (d) *Exposure to unsanitary conditions.* No person shall expose an animal to unsanitary conditions by depositing or failing to remove feces, waste, debris, trash, mud, standing water or similar unsanitary condition from the animal's immediate living area or area of confinement.
- (e) *Tethering.* No person may fasten an animal, whether by chain, rope, tie, leash, cable line or other tether, outdoors or inside a structure or vehicle, to any thing including, but not limited to, a dog house, tree, fence, vehicle, runner, trolley system, other animal, cinder block, crate, house, furniture, or other object, unless it is on a temporary basis and a competent and responsible person is attending the animal. A person is attending an animal if the person is competent and responsible for the animal, is in the same structure or vehicle as the animal or is outside on the same property as the animal, has a clear line of sight to the animal, and is close enough to physically intervene before the animal harms another person or animal.
- (1) It shall be the duty of every owner of a domesticated animal to ensure such animal is not tethered in violation of this section.

- (2) Any tether used while an animal is tethered in accordance with the requirements of this subsection (e) must be attached to a proper collar or harness.
- (3) An animal may not be tethered at any time:
 - a. By use of a prong, choke, pinch, martingale, or similar collar;
 - b. By use of a rope, chain, or other tether wrapped directly around the animal's neck or body;
 - c. By use of a tether that, including all collars, harnesses, weights, locks, and other items that have their weight borne by the animal, weighs more than five percent of the body weight of the animal;
 - d. In an outside compartment of a running vehicle;
 - e. In a manner that prevents the animal from lying, sitting, or standing comfortably and without the restraint becoming taut other than while undergoing customary grooming or veterinary procedures;
 - f. In a manner that allows the animal to become entangled on the restraint or another object;
 - g. In a manner that endangers the animal by restricting its access to adequate food, water, or shelter; or
 - h. In a manner that causes injury to the animal.

Sec. 9-70. Liability of county, officers and employees.

The county, the animal control unit and its officers shall not be held responsible or liable for any accidents, diseases, injuries or deaths to any animal while being impounded or boarded at the animal shelter. Furthermore, the county, the animal control unit and its officers shall not be responsible or liable in any way for the health, welfare or actions of an animal after its adoption.

Sec. 9-71. Violations.

Any person who shall violate any provision of this chapter, as this chapter exists or as it may hereafter be amended, shall be guilty of a misdemeanor and subject to the jurisdiction of the municipal court and, upon conviction, shall be punished as provided in section 1-5.

Secs. 9-72—9-100. Reserved.

DIVISION 2. DANGEROUS AND VICIOUS DOGS¹

Sec. 9-101. 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:

Animal shelter shall have the same meaning as set forth in O.C.G.A. § 4-14-2.

Classified dog means any dog that has been classified as either a dangerous dog or a vicious dog pursuant to this article.

Dangerous dog means any dog that:

- (1) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;
- (2) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or
- (3) While off the owner's property, kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

Mail means to send by certified mail or statutory overnight delivery to the recipient's last known address.

Owner means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of a dog. In the case of a dog owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.

Probate court means the Probate Court of Walton County, Georgia.

Serious injury means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

Superior court means the Superior Court of Walton County, Georgia.

¹Editor's note(s)—Ord. of 9-9-14, § 1, repealed the former Art. II, §§ 10-51—10-60, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Ord. of 5-7-13, § 1.

State law reference(s)—O.C.G.A. § 4-8-20 et seq., known as the Responsible Dog Ownership Law.

Vicious dog means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

Sec. 9-102. Exceptions to definitions.

The terms "dangerous dog" and "vicious dog," as defined in this chapter, shall not include the following:

- (1) A dog that is in the act of use by a law enforcement or military officer to carry out the law enforcement or military officer's official duties.
- (2) A dog that inflicts an injury upon a person who, at the time, was committing a willful trespass or other tort, or was tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime, under O.C.G.A. Chapter 5 of Title 16.

Sec. 9-103. Applicability of provisions.

Any dog classified prior to July 1, 2012 as a potentially dangerous dog in this state shall on and after that date be classified as a dangerous dog under this article. Any dog classified prior to July 1, 2012 as a dangerous dog or vicious dog in this state shall on and after that date be classified as a vicious dog under this article.

Sec. 9-104. Animal control officer.

The director and personnel of the animal control unit created by section 9-52 shall serve as animal control officers for the county and city and shall be charged with enforcing this article. An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.

Sec. 9-105. Liability of city.

Pursuant to state law, under no circumstances shall the city or county, or any employee or official of the city or county, be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

Sec. 9-106. Procedures for classifying vicious dogs and dangerous dogs; notice; hearing.

- (a) *Duty to investigate.* Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within the animal control officer's jurisdiction, the animal control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
- (b) *Impoundment.* If the animal control officer believes that a dog subject to classification as a dangerous dog or vicious dog poses a threat to public safety, the dog may be immediately impounded and the dog owner shall be responsible for all costs resulting from such impoundment. At the discretion of the animal control officer, the dog may be held at an approved veterinary or boarding facility at the owner's expense. Any impounded dog may be held until the requirements for possessing a classified dog as contained in section 10-57 are met or until a hearing in probate court pursuant to subsection (d) of this section results in a decision that no classification is warranted. Notwithstanding the foregoing, if the animal

control officer states his or her intention to pursue a civil action in superior court to request euthanasia of the dog pursuant to subsection (g), (i), or (j) of this section within ten days of mailing the notice provided for in subsection (c) of this section, the dog may be held at the owner's expense through the final adjudication of said civil action.

- (c) *Notice.* When the animal control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the animal control officer's determination and shall state that the owner has a right to request a hearing before the probate court on the animal control officer's determination within seven days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the animal control officer's determination shall become effective for all purposes under this article. If an owner cannot be located within ten days of an animal control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the animal control officer.
- (d) *Hearing.* When a hearing is requested by a dog owner in accordance with subsection (c) of this section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the probate court for good cause shown. At least ten days prior to the hearing, the probate court shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the probate court conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the animal control officer's determination. The animal control officer may, in his discretion, impound said dog in the county shelter pending the outcome of said probate court proceedings.
- (e) *Notice of determination by probate court.* Within ten days after the hearing, the probate court shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to subsection (h) of this section, the notice shall specify the date by which the euthanasia shall occur.
- (f) *Judicial review.* Judicial review of the probate court's final decision shall be in accordance with O.C.G.A. § 5-3-2 and costs shall be paid as provided in O.C.G.A. § 5-3-22.
- (g) The probate court, either upon a hearing requested by the owner of a dog regarding a classification determination made by the animal control officer or upon a hearing requested by an animal control officer, may order the euthanasia of a dog upon finding, after notice and hearing, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:
 - (1) The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or
 - (2) Any local government authority has filed with the court a civil action requesting euthanasia of the dog.

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- (h) Where the probate court finds, after notice and opportunity for a hearing as provided by this article, a dog to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this subsection;
 - (i) Where the probate court, after notice and hearing as provided by this article, (1) upholds a determination that a dog is vicious or dangerous and (2) determines, based on the facts and circumstances of the case, that the requirements set forth in this article for possessing such a classified dog are insufficient to protect the public from said dog, the probate court may, in its discretion, order said dog to be euthanized.
 - (j) Where the probate court, upon application of the animal control officer and after notice and hearing as provided by this article, determines, based upon the facts and circumstances of the case, that the requirements set forth in this article for owning or possessing a classified dog are insufficient to protect the public from a dog determined to be dangerous or vicious, the probate court may, in its discretion, order said dog to be euthanized.

Sec. 9-107. Requirements for possessing a classified dog.

- (a) It shall be unlawful for an owner to have or possess within the city a classified dog without a certificate of registration issued in accordance with the provisions of this article. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.
- (b) Except as otherwise provided in this article, a certificate of registration for a dangerous dog shall be issued only if the animal control officer determines that the following requirements have been met:
 - (1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property;
 - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
 - (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
 - (4) The dog has been sterilized.
- (c) Except as otherwise provided in this article, a certificate of registration for a vicious dog shall be issued only if the animal control officer determines that the following requirements have been met:
 - (1) The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed double-walled pen, fence, or structure suitable to prevent the vicious dog from leaving such property;
 - (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;

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- (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog;
 - (4) The dog has been sterilized; and
 - (5) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog.
- (d) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
 - (e) No person shall be the owner of more than one vicious dog.
 - (f) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:
 - (1) A serious violent felony as defined in O.C.G.A. § 17-10-6.1;
 - (2) The felony of dog fighting as provided for in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or
 - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. §§ 16-13-31 and 16-13-31.1 from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.
 - (g) An annual fee, which may be set from time to time in an amount deemed reasonable by the board of commissioners, in addition to any regular dog licensing fees, shall be paid to register classified dogs as required by this article. Certificates of registration shall be renewed on an annual basis, and payment of the annual registration fee shall be paid at the time the certificate of registration is issued. At the time of renewal of a certificate of registration for a classified dog, an animal control officer shall require proof from the owner or make such investigation as may be necessary to verify that the dog is continuing to comply with all provisions of this chapter. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.
 - (h) The owner of a classified dog shall notify the animal control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the animal control officer within 24 hours if the dog has died or has been euthanized.
 - (i) A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished for euthanasia to a governmental facility or veterinarian.
 - (j) The owner of a classified dog shall notify the animal control officer if the owner moves out of the county no later than ten days after such move. The owner of a classified dog who moves to the county from another jurisdiction within the State of Georgia shall register the classified dog in the county within ten days of becoming a resident and notify the animal control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into this state shall register the dog as required within 30 days of becoming a resident.

Sec. 9-108. Unlawful acts by owner of a classified dog.

- (a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be outside an enclosure designed to securely confine the dangerous dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property unless:
 - (1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;
 - (2) The dog is contained in a closed and locked cage or crate; or
 - (3) The dog is working or training as a hunting dog, herding dog, or predator control dog.
- (b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:
 - (1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed double-walled pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:
 - a. The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
 - b. The dog is contained in a closed and locked cage or crate.
 - (2) Unattended with minors.

Sec. 9-109. Confiscation of classified dogs for noncompliance.

- (a) A dangerous dog or vicious dog shall be immediately confiscated by any animal control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.
- (b) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by an animal control officer or the probate court. All fines and all charges for services performed by a law enforcement or animal control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.
- (c) In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was confiscated, such dog shall be released to an animal shelter, as such term is defined in O.C.G.A. § 4-14-2 or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

Sec. 9-110. Violations; penalties.

- (a) The owner of a classified dog who violates the applicable provisions of this article may be prosecuted under O.C.G.A. § 4-8-29(c) and, upon conviction thereof, shall be guilty of a misdemeanor of high and aggravated nature.
- (b) An owner with a previous conviction for a violation of this article whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article may be prosecuted for a felony under O.C.G.A. § 4-8-29(d) and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than \$5,000.00 nor more than \$10,000.00, or both. In addition, the classified dog shall be euthanized at the cost of the owner.
- (c) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.”

SECTION 2. Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. Pursuant to the Section 2.25 of the City Charter, authority is hereby delegated to the City Clerk to cause this Ordinance to be numbered and codified in the City Code of Walnut Grove, Georgia, in such a way as to place this Ordinance in the Code in an organized and orderly sequence to maximize the organization of the Code. The City Clerk is authorized to designate to the City Attorney or to such other Mayor and Council approved contractors to assist in the effort to codify this provision provided the decision of the City Clerk is final as to the placement of this Ordinance within the City Code of Walnut Grove, Georgia. The goal of this authorization is to codify and number this Ordinance in the Code in such a way as to be clear and orderly.

SECTION 4. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Walnut Grove, Georgia.

SECTION 5. It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.

SO ORDAINED this ____ day of March 2023.

Mark Moore, Mayor

ATTEST:

Dawn Lummus, City Clerk

APPROVED AS TO FORM:

Anthony O. L. Powell, City Attorney
Powell & Edwards, P.C.

Adopted by the City Council at a regular called meeting on _____.

_____ Council members voting in favor

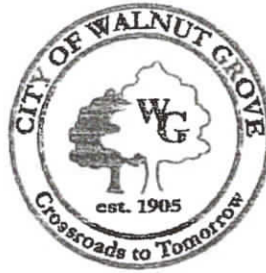
_____ Council members voting against

_____ Council members abstaining

REQUIRED REZONING INFORMATION

- 1. PETITION REQUESTING REZONING**
- 2. COPY OF PLAT OF PROPERTY**
- 3. COPY OF DEED TO PROPERTY WITH
LEGAL DESCRIPTION**
- 4. QUESTIONNAIRE**

PHONE (770) 787-0046



FAX (770) 787-8340

REQUEST FOR ZONING CHANGE

I, Matt Rutledge request that my property located at Walnut Grove Parkway, Walnut Grove, Georgia, which is now zoned AG, be rezoned to C-2 with Conditional Use for Outdoor Storage and Concurrent Variances for buffer reductions per Exhibit B.
Number of acres requesting to be rezoned: 11.929 Acres.
Parcel # WG010026 & WG010027
Lot # _____

I understand that a sign informing of the request shall be posted in a conspicuous place on the property proposed to be rezoned.

I have read and understand the attached regulations of the rezoning procedure and have paid the \$100 permit fee.

Matt Rutledge
Applicant
Matt Rutledge

Mayor

Applicant
12-15-2022
Date

Date

CITY OF WALNUT GROVE

IMPACT QUESTIONNAIRE

Please answer the following questions and sign below:

1. How will the proposed Land Development District change permit a use that is suitable in view of the use and development of adjacent property?

The applicant proposes to develop C-2 office buildings to support the uses listed in the Zoning Ordinance. The design implements zoning buffers adjacent to the R-1 zoned homes fronting Highway 81 and the adjacent church. These uses will be in harmony with the future mixed retail / residential uses at Walnut Grove Parkway

2. How will the proposed Land Development District change adversely affect the existing use or usability of adjacent or nearby property?

The revised design does not include an entrance at Highway 81 and provides all required buffers adjacent to the R-1 zoned homes. There should be no impact with the existing church and the C-2 development would be in harmony with the future mixed use development at Walnut Grove Parkway.

3. Explain whether the property to be affected by a proposed Land Development District change has a reasonable economic use as currently designated.

The current zoning is Agriculture. This is not a viable use because there's more demand for commercial office space which is higher in value and worth more for potential development.

4. Discuss whether the proposed Land Development District change will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

For now the entrance is located at one area on Walnut Grove Parkway. However, the future mixed use plan potentially will contain a connector road and internal driveways and the C-2 office buildings will be accessed from multiple locations. The future mixed use design was put on hold via a moratorium and is on hold for now.

5. Explain whether there is a relative gain to the public by retaining the present Land Development District designation as compared to the hardship imposed upon the property owner.

The property would remain undeveloped as currently zoned. Agricultural use would not be viable in the near future with developments occurring along Walnut Grove Parkway. The current proposal will support small businesses and retail space in demand in this area. The proposed development could be the first step in the implementation of the City Towncenter just one parcel adjacent.

CITY OF WALNUT GROVE
IMPACT QUESTIONNAIRE (Page 2)

6. Discuss whether there are other existing or changing conditions affecting the use and development of the property which give support for approval of the proposed Land Development District change.

It's understood that the City of Walnut Grove envisions the Walnut Grove Parkway area to be developed with a mixture of uses attracting the public for gatherings and commerce. The proposed development will be an incubator for small businesses and will be support to the future developments along the Walnut Grove Parkway parcels.

7. Please answer the following questions. If the answer to any of the questions is "Yes", you may be required to provide further information under O.C.G.A. §36-67A-2&3.
- a. Are you, or anyone else with a property interest in the subject property, a member of the City Council? No
 - b. Does an official of such public bodies have any financial interest in any business entity which has a property interest in the subject property? No
 - c. Does a member of the family of such officials have an interest in the subject property as described in "a" and "b" above? No
 - d. Within two (2) years immediately preceding this application, have you made campaign contributions or given gifts to such public officials aggregating \$250.00 or more? No

Signature

Date

CITY OF WALNUT GROVE

IMPACT QUESTIONNAIRE

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The applicant proposes to develop C-2 office buildings to support the uses listed in the Zoning Ordinance. The design implements full 75' zoning buffers adjacent to the R-1 zoned homes fronting Highway 81. These uses will be in harmony with the future mixed retail / residential uses at Walnut Grove Parkway

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Robert M. Johnson
Signature

12-15-2022
Date