

ORDINANCE NO. OR15-378

AN ORDINANCE AMENDING THE STOCKBRIDGE MUNICIPAL CODE WITH RESPECT TO THE ALLOWANCE OF DOGS IN CERTAIN PARK AREAS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WITNESSETH:

THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

SECTION 1. That Section 7.08.010 A of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"A. Generally. The following regulations shall govern activities ("specified activities") in the parks and recreational areas, exclusive of streets, roads, and public rights of way, owned or maintained by the city:

- 1. No alcoholic beverages except during and at events officially sponsored by the city;*
 - 2. No pets except as permitted in Title 7, Chapter 7.09 and Chapter 7.10 of this Code;*
 - 3. No vehicles;*
 - 4. No motor bikes;*
 - 5. No bicycles or tricycles;*
 - 6. No skateboards;*
 - 7. No go carts;*
 - 8. No scooters;*
 - 9. No loitering in parked cars;*
 - 10. No fundraising;*
 - 11. No soliciting;*
 - 12. No battery, electrical, or gas-powered flying objects;*
 - 13. Park closed between nine-thirty (9:30) p.m. to daybreak; violators will be prosecuted;*
 - 14. Vandals of city property will be prosecuted; see city code Section 11.04.020;*
 - 15. Please keep park clean;*
 - 16. Warning: area monitored by undercover security.*
- These regulations shall not apply to individuals who receive a permit or license permitting a specified activity pursuant to other provisions of the city code."*

SECTION 2. That Section 7.08.010 of the Stockbridge Municipal Code is hereby amended by adding the following new subsection D:

"D. All dog waste must be promptly removed by dog owners and properly disposed of in designated receptacles."

SECTION 3. That Title 7 of the Stockbridge Municipal Code is hereby amended by adding the following new Chapter 7.10:

"Chapter 7.10 – DOGS ON PARK TRAILS

7.10.000 - Establishment and purpose.

This chapter is being adopted for the purpose of allowing the on-leash exercise of dogs on certain trails, provided that any dog on such trails must be on a leash and under the control of an owner who is competent and knowledgeable relating to the behavior of each such dog owned.

7.10.010 - Definitions.

The following definitions shall apply to the terms used in this chapter:

"Dog owner" is defined as any person or 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 "dog owner" includes the parents or person in loco parentis with custody of the said minor.

"Trail" is the Reeves Creek Trail.

7.10.020 – Authorization of dogs on trail.

Subject to the conditions and requirements of this Chapter, dog owners are permitted to exercise dogs on the trail.

7.10.030 - Responsibilities of trail users.

(a) Owners must possess documentation that their dog(s)' vaccinations are current. Current vaccination tags must be displayed on each dog's collar at all times while on the trail.

(b) All dogs using the trail shall be free of contagious or infectious diseases, be parasite free both externally and internally, and have no visible wounds or injuries.

(c) No more than three (3) dogs per owner are allowed on the trail at any one time.

(d) Dogs shall not be left unattended on the trail.

(e) All dogs must be on a leash and wear a collar at all times while in the trail, however, spike, choke, and gentle-leader style electronic collars are not permitted within the trail.

(f) Owners must fill in any holes created on the trail by their dog(s).

(g) Owners must remove their dog(s) when they become engaged in excessive barking or are exhibiting signs of aggressive behavior.

(h) All dog waste must be promptly removed by dog owners and properly disposed of in designated receptacles.

(i) Owners must also abide by all rules posted by the city at any park. Owners are charged with the responsibility of familiarizing themselves with all posted city park rules.

7.10.040 - Prohibitions.

To ensure the safety of all citizens, in addition to any other restrictions for city parks, the following are not permitted on the trail in connection with the exercise of dogs on the trail:

(a) Animals other than dogs;

(b) Female dogs while in heat; or

(c) Dogs having a previous history of aggressive behavior towards other animals or humans.

7.10.050 - Liability.

(a) Owners are responsible for and liable for all injuries and damages caused by their dogs.

(b) Use of the trail shall constitute implied consent of a dog owner to all conditions of this ordinance and shall constitute a waiver of liability to the city. As such, users of the trail agree and undertake to protect, indemnify, defend, and hold harmless the city for any injury or damage caused by or to their dog(s) during any time that said dog is on the trail.

7.10.060 - Enforcement.

(a) Any person found to be in violation of this Chapter and/or rules posted for a trail by the city is subject to removal from the facility and may be prohibited from future use of the trail, and may also have his or her dog impounded.

(b) Any person who violates any provision of this Chapter or the rules posted for the trail by the city may be subject to a fine as permitted under the City Charter."

SECTION 4. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 5. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 6. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 7. Codification and Severability.

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the

greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 8. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 9. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Stockbridge as provided in the City Charter.

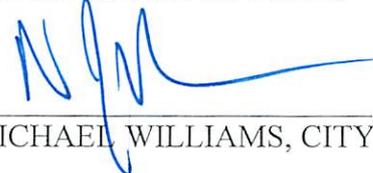
SO ORDAINED this 12th day of October, 2015.


TIM THOMPSON, Mayor

ATTEST:


(SEAL)
VANESSA HOLIDAY, CITY CLERK

APPROVED AS TO FORM:


MICHAEL WILLIAMS, CITY ATTORNEY

Date Presented to Mayor: 10-14-2015

Date Received from Mayor: 10-16-2015