

## AN ORDINANCE BY

## PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE III OF THE CITY OF ATLANTA CODE OF ORDINANCES TO MORE CLEARLY IDENTIFY THE ANIMAL CONTROL PROVISIONS APPLICABLE TO THE PORTION OF THE CITY WITHIN DEKALB COUNTY; TO AMEND CHAPTER 18 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO SPECIFICALLY CODIFY THE ANIMAL CONTROL PROVISIONS APPLICABLE IN THE PORTION OF THE CITY WITHIN FULTON COUNTY BY CREATING A NEW ARTICLE IV; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the public safety and welfare of citizens of the City of Atlanta and its visitors; and

**WHEREAS**, the Constitution of the State of Georgia gives counties and municipalities or any combination thereof the power to provide animal control services. Ga. Const. Art. IX, Sec. II, Para III(a)(3); and

**WHEREAS**, in accordance with the Georgia Constitution's grant of the power to provide animal control services to municipalities, the Charter of the City of Atlanta provides that the city shall have the power:

To regulate and license, or prohibit, the keeping or running at large of animals and fowl and to provide for the impoundment of same in violation of any ordinance or lawful orders; also to provide for their disposition, by sale, gift, or humane destruction, when not redeemed as provided by ordinance; to provide for the location, use, and cleanliness of private stables; to forbid the erection of such stables when they are likely to be injurious to the health of citizens; and to provide punishment for violation of ordinances enacted hereunder;

*City of Atlanta Charter Sec. 1-102(c)(35); and*

**WHEREAS**, in accordance with the authority granted by the Constitution, and by Section 1-102(c)(35) of the City's Charter, the City enacted Animal Control Ordinances at Chapter 18 of the City of Atlanta Code of Ordinances, which include a provision setting forth that "[t]he mayor may negotiate and execute contracts with the boards of public health of Fulton and DeKalb Counties to effectuate the enforcement of [Chapter 18] within their respective counties;" and

**WHEREAS**, currently, Chapter 18 contains separate animal control provisions applicable to the portions of the City within DeKalb and Fulton Counties; and

**WHEREAS**, the animal control provisions applicable to the portions of the City within DeKalb County are specifically codified in the City of Atlanta Code of Ordinances at Section 18-61; and

**WHEREAS**, the animal control provisions applicable to the portions of the City within Fulton County are not codified in the City of Atlanta Code of Ordinances, but are instead adopted by reference to the Fulton County Code of Ordinances in Section 18-62; and

**WHEREAS**, because the animal control provisions applicable to the portion of the City within Fulton County are not specifically codified in the City of Atlanta Code of Ordinances, citizens, enforcement agents, and law enforcement officers are not able to locate all animal control ordinances applicable in the City of Atlanta in the City of Atlanta Code of Ordinances; and

**WHEREAS**, in order to provide greater notice to citizens of the animal control ordinances applicable in the City of Atlanta and to ease the enforcement thereof, it is the desire of the City of Atlanta to specifically codify the animal control provisions applicable in the portion of the City within Fulton County; and

**WHEREAS**, it is also the desire of the City of Atlanta that the respective animal control ordinances applicable in DeKalb and Fulton Counties be more clearly identified.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That Chapter 18, Article III of the City of Atlanta Code of Ordinances be amended to more clearly identify the animal control provisions applicable to the portion of the City within DeKalb County such that it shall read as follows:

**ARTICLE III. – PROVISIONS APPLICABLE TO PORTION OF CITY WITHIN DEKALB COUNTY**

**Sec. 18-61. – Applicability.**

This article shall apply to that portion of the city within DeKalb County.

**Sec. 18-62. – Duty of owner to keep dog under control.**

It shall be unlawful for the owner of any dog or for any person having a dog in such person's possession and control to permit the dog to be out of control and unattended off the premises of the owner in that part of the city within DeKalb County or upon the property of another person without permission of the owner or person in possession thereof.

**Sec. 18-63. – Definition of dog under control.**

A dog is under control if the dog is controlled by a leash, is at heel or is beside a competent person and obedient to that person's commands or is within a vehicle being driven or parked on the streets or is within the property limits of the dog's owner.

**Sec. 18-64. – Disposition of impounded dogs.**

- (a) The designated enforcement agency of the city shall notify immediately by registered or certified mail the owner of each dog impounded if the owner is known or can be reasonably ascertained. The owner may, within seven days after the mailing of the notice, reclaim the dog by the payment of an impoundment fee of \$7.50 plus a boarding fee of \$3.00 for each day the dog was impounded, the annual permit fee if not paid and the cost of rabies inoculation if the dog was not wearing a current rabies inoculation tag.

- (b) The designated enforcement agency may offer for adoption to any person any dog unredeemed or unclaimed by the owner after seven days upon payment of the required license fee, cost of rabies inoculation and impoundment fee of \$7.50.
- (c) If a dog is not claimed by the owner within the time prescribed or adopted within ten days after impoundment, the designated enforcement agency shall dispose of it in a manner as humane and painless as possible or may donate it to any public or private institution for disposition.

**Sec. 18-65. – Duty of owner of dog to secure annual permit.**

The owner or possessor of each dog who shall own or shall possess the dog on January 1 of each year shall, within 30 days thereafter and not later than when the dog shall be six months of age, and the owner and possessor of each dog which shall be acquired or possessed after January 1 of each year shall, within 30 days thereafter or by the time the dog is six months of age, obtain from the designated enforcement agency an owner's permit and pay an annual owner's permit fee of \$3.00 per dog, with the maximum charge per family of \$10.00, regardless of the number of dogs six months old or over.

**Sec. 18-66. – Enforcement agency designated.**

As an enforcement agency of the city for that portion of the city lying within DeKalb County, there is designated for the primary responsibility of the enforcement of this article the animal control unit for DeKalb County and, when called upon by this unit, the officers and employees of the DeKalb County health department or DeKalb County police department. These agencies, their officers and employees are clothed with the power of the city for the purpose of the enforcement of this article.

**Sec. 18-67. – Procedure.**

Upon information known to or complaint lodged with any officer or member of the animal control unit, the DeKalb County police department or the DeKalb County health department that any owner or possessor of a dog is in violation of this article, a summons shall be issued by an officer of the animal control unit requiring the owner or possessor of the dog to appear before the judge of the municipal court of the city on a day and time certain, to stand trial for violation of this article. If this violation has not been witnessed by an officer or other employee of the city or county, a subpoena shall be issued to the person making the complaint to be and appear on the day and time set to testify on behalf of the city. If the owner or possessor of any dog is not known and the dog is upon the streets, alleys, sidewalks, school grounds, public places and premises of another prohibited by this article, upon complaint made to or information known to the animal control unit, the unit shall immediately take possession of the dog and impound it according to rules and regulations provided by law or by ordinance of this city for the detention, control and disposition of dogs impounded pursuant to any applicable law or ordinance.

**Sec. 18-68. – Disposition of funds.**

The owner's permit fee, impoundment fee and cost of rabies inoculation referred to in this article shall be paid to the designated enforcement agency and retained by the agency.

**Sec. 18-69. – Statistical data.**

The enforcement agency will, upon request of the city, furnish periodic reports of the number of dogs impounded, as well as other statistical data as may be requested with respect to the control of dogs and prevention of rabies.

**Secs. 18-70. – 18-99. – Reserved.**

**SECTION 2:** That Chapter 18 of the City of Atlanta Code of Ordinances be amended to specifically codify the animal control provisions applicable in the portion of the City within Fulton County by creating a new Article IV which shall read as follows:

**ARTICLE IV. – PROVISIONS APPLICABLE TO PORTION OF CITY WITHIN FULTON COUNTY**

**DIVISION 1. – APPLICABILITY AND ENFORCEMENT**

**Sec. 18-100 – Applicability.**

This article shall apply to that portion of the city within Fulton County.

**Sec. 18-101 – Violations.**

Violations of this article are punishable as provided herein.

**Sec. 18-102 – Enforcement.**

Any deputy sheriff of Fulton County, as provided for in any agreement existing between the city and Fulton County, shall be clothed with the power of the city for the purpose of the enforcement of this section, including, without limitation, the power to arrest, the issuance and service of summons and the service of all processes and orders of the municipal court of the city.

**Secs. 18-103. – 18-114. – Reserved.**

**DIVISION 2. – GENERALLY**

**Sec. 18-115. - 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 control officer* means "dog control officer" and shall refer to an individual employed by the health department or its designee to perform and execute the provisions of this article, and his office shall have the power to issue citations in violation of this article, and as deputized by the Fulton County Sheriff.

*Animal control shelter* means the facilities operated by the health department or its designee for the confining of dogs, cats, or other animals impounded under the provisions of this article.

*Cat* means cat, or any domesticated feline, of either sex, whether vaccinated against rabies or not.

*Commercial guard/security dog* means any dog that is purchased, leased, or rented and that is trained to guard, protect, patrol, or defend any commercial property, public or private, upon and within which it is located.

*Current vaccination/license tag* means a vaccination/license tag bearing a number which shows the license is valid for a one- or three-year period. The licensing period runs concurrently with the vaccination period.

*Custodian* means any person which has been entrusted with the responsibility and care of a dog, cat, or other animal by its owner.

*Dangerous dog* means any dog that according to the records of any appropriate authority:

- (1) Inflicts a severe injury on a human without provocation on public or private property; or
- (2) Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

Exception: A dog is not considered potentially dangerous or dangerous if it bites a human:

- (1) When being used by a law enforcement officer.
- (2) When its owner is being attacked.
- (3) Who is a willful trespasser on the property of the owner or who is committing another tort or crime.
- (4) Who has tormented or abused it or who in the past has been observed or reported to have tormented or abused it.

*Dog* means dog, or any domesticated canine, of either sex, whether vaccinated against rabies or not.

*Domestic animal/fowl* means any animal/fowl domesticated by humans so as to live and breed in a tame condition for the advantage of humans. Pen raised skunks are categorized as those skunks acceptable by the State of Georgia and may be kept in Georgia as pets.

Exception means an animal is not considered vicious if it attacks, bites, or menaces:

- (1) When being used by a law enforcement officer.
- (2) Anyone attacking the owner.
- (3) Unlawful trespassers on the property of the owner.
- (4) Any person or animal that has tormented or abused it.
- (5) If it is defending its young or other animal.

*Exotic animal* means any animal of any kind which is not indigenous to the State of Georgia, but not included in the definition of a domestic animal, but shall include any hybrid animal which is part exotic animal.

*Harboring* means any person which has provided sustenance and/or shelter to a dog, cat, or other animal for a period of more than seven days.

*Health department* means the Commissioner of Health of Fulton County, or his authorized representatives, which shall include officers or employees of the Atlanta Humane Society so long as such corporation is under contract with Fulton County and other cities of Fulton County.

*Livestock* means horses, mules, cows, sheep, goats, hogs, and all other animals used or suitable for either food or labor.

*Nuisance* means whatever is dangerous or detrimental to human life or health and whatever renders or tends to render the soil, air, water, or food impure or unwholesome, or unreasonably offends or impairs the senses of smell, sight, and hearing.

*Person* means person, firm, corporation, society, or association.

*Potentially dangerous dog* means any dog that, without provocation, bites a human on public or private property at any time.

*Records* means records of any state, county, or municipal law enforcement agency; records of any county board of health; records of any federal, state, or local court; or records of an animal control officer.

*Tether* means any chain, rope, leash, tie out, or wire designed to restrain an animal which is attached to an animal or to an animal's collar or halter and is also attached to a stationary object.

*Vaccinate* means intramuscular injection, by a veterinarian, of a specified dose of anti-rabies vaccine to an animal, such vaccine having the U.S. government license number of approval stamped on the label of the vaccine container and having been approved by the state department of human resources. Vaccine used for vaccination of dogs, cats, or other animals against rabies shall be refrigerated and kept under proper conditions and shall show no signs of spoilage or otherwise be unfit for producing immunity against rabies.

*Vaccination certificate* means a certificate provided by the Georgia Department of Human Resources and issued at the time of vaccination of the dog, cat, or other animal and bearing thereon the signature of the vaccinator; the name, color, breed, age, and sex of the dog, cat, or other animal; the name and address of the owner; the date of expiration of the vaccination; and the spay or neuter status, if known.

*Vaccination/license tag* means a metal tag bearing a number which is issued to the animal owner after showing proof of vaccination for the animal and paying, when required, the license fee. This tag is issued on behalf of Fulton County by the health department or its designee and is provided by the Georgia Department of Human Resources.

*Veterinarian* means any person who holds a license to practice the profession of veterinary medicine in the State of Georgia; the veterinary license number shall be the same as that recorded by the Georgia Board of Veterinary Examiners.

*Vicious animal* means any animal which, because of temperament, conditioning, or training, has a known propensity, tendency, or disposition to attack, bite, or injure humans or other animals without provocation; or an animal which has on one or more occasion caused physical injury to humans or other animals without provocation, whether on public or private property.

*Wildlife/fowl* means any animal/fowl of any kind which is indigenous to the State of Georgia, but not included in the definition of a domestic animal/fowl, and shall include any hybrid animal/fowl which is part wild animal/fowl.

**Sec. 18-116. - Penalties for violation of article.**

- (a) Any person who violates the provisions of this article shall be guilty of a misdemeanor and subject to a fine of up to \$500.00 and/or imprisonment in jail for a period not to exceed 60 days, or both. Each and every violation of the provisions of this article constitutes a separate offense.
- (b) Any person who violates the provisions of this article as it pertains to a potentially dangerous dog will be fined not less than \$150.00 for a second conviction, and not less than \$300.00 for a third conviction.
- (c) Any person who violates the provisions of this article as it pertains to a dangerous dog shall be guilty of a misdemeanor of a high and aggravated nature and will be fined not less than \$500.00 for a second conviction, and not less than \$750.00 for a third conviction.

**Sec. 18-117. - Severability.**

If any section, subsection, sentence, clause, or provision of this article shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this article.

**Sec. 18-118. - Courts.**

The Fulton County Magistrate Courts or the courts wherein the county has a contractual agreement for providing animal control services shall hear cases and assess fines for violations of this article.

**Sec. 18-119. - Enforcement of article.**

The Fulton County Health Department or its designee may enforce this article by means of impoundment and court citations.

**Sec. 18-120. - Dog/cat license required.**

- (a) It shall be the duty of each owner, custodian, or harbinger of any dog or cat over four months of age kept, maintained, or harbored within the unincorporated area of Fulton County, or within any municipality in Fulton County, who has or may

enter into an agreement with Fulton County for animal control services, to obtain a dog/cat license for such dog or cat.

- (b) It shall be the duty of all persons owning or having custody of any dog or cat over four months of age brought into the areas of Fulton County designated in subsection (a) of this section to obtain a dog or cat license for such dog or cat within 14 days from the date of entry.

**Sec. 18-121. - Vaccination/license tag required.**

- (a) In order to maintain a centrally located record of all vaccinated dogs, cats, or other animals kept, maintained, or harbored in any area of Fulton County, including those within the corporate city limits of any municipality in Fulton County, the owner, custodian, or harbinger of such dog, cat, or other animal is required to apply to the Fulton County Animal Control for a vaccination/license tag.
- (b) A vaccination/license tag shall be issued upon presentation of a certificate showing that the dog, cat, or other animal for which the tag is issued has been vaccinated against rabies as prescribed by this article, provided that the owner, custodian, or harbinger of any dog or cat in the areas of Fulton County designated in Section 18-120 (a) also make payment of a license fee to be set by the county manager. The vaccination/license tag will be available to the public throughout the year and is issued on behalf of Fulton County by the health department or its designee. The tag shall be valid for the same period as the time specified by the vaccination.
- (c) It shall be the duty of the owner, custodian, or harbinger of any dog in the areas designated in subsection (a) of this section to affix such vaccination/license tag to a collar worn by the dog at all times, except that the wearing of a vaccination/license tag is not required for show dogs where the wearing of such tag could damage the coat, and except when dogs are boarded in kennels or veterinary clinics, or in an area zoned for agricultural purposes where the owner or custodian of the dog in question is using the dog for hunting purposes, and has on his/her person a valid hunting license. In the latter case, the owner, custodian, or harbinger shall have the tag or vaccination certificate in his/her possession where it may be shown on demand by any duly constituted authority.
- (d) Should the vaccination/license tag become lost, misplaced, or stolen, it shall be the duty of the owner, custodian, or harbinger of the dog or cat to obtain a replacement tag at a cost set by the county manager.
- (e) It shall be unlawful for any person to attach a vaccination/license tag to the collar of any animal for which it was not issued, or to remove a vaccination/license tag from any animal without the consent of the owner or custodian.

**Sec. 18-122. - Special permits.**

- (a) Each premises where there are four or more dogs over the age of four months kept, maintained or harbored for a period of 14 days or longer, shall be deemed to constitute a kennel. The owner or person in possession of the premises where the



kennel is located shall be required to apply to the Fulton County Animal Control for a special permit.

- (b) A special permit will be issued upon payment of an annual fee set by the county manager and proof that the premises and dogs covered by the special permit meet the requirements set out in this article.
- (c) The special permit will be valid for one year from the date of issue, provided it is not revoked during the year for violations of this article. Application to renew a special permit must be made at least 14 days prior to the expiration of the existing permit.
- (d) Individual license tags will be issued for each dog located in such a kennel, and a separate tag fee over and above the annual special permit fee will not be required.
- (e) All commercial kennels which are subject to a business license fee shall be exempt from the annual special permit fee.

**Sec. 18-123. - Cruelty to animals.**

- (a) It shall be unlawful for any person to overload, poison, cruelly treat, maim, tease, bruise, deprive of necessary sustenance or medical attention, improperly use, deprive of shade and shelter, or in any manner whatsoever, torture, kill, or abuse any animal.
- (b) No person shall abandon any animal on any property, public or private, or keep an animal under unsanitary conditions.
- (c) It shall be unlawful to transport any dog in an open bed truck except when safely confined in a portable kennel or safely restrained by a harness or tether.

**Sec. 18-124. - Running at large.**

- (a) *Generally.* The running at large of dogs, domestic animals, livestock, owned wildlife, exotic animals, dangerous, or potentially dangerous dogs is prohibited, with the exception of cats. Owners of wildlife or exotic animals must have the necessary state and/or federal permits on their person when transporting their animals.
- (b)
  - (1) *Dogs.* It shall be unlawful for the owner, custodian or harbinger of any dog to allow or permit such dog to leave the premises of the owner or other person having custody of the dog unless such dog is securely under leash; said leash being not more than six-feet long, and under the control of a competent person. Dogs must be confined to the premises of the owner or other person having custody of the dog and shall be restrained by means of a fence or wall or other enclosure, or restrained individually by a leash or chain. Excluded are those dogs participating in or training for obedience trials, field trials, dog shows, tracking work, or law enforcement. Also, the requirements of this subsection shall not apply in any area zoned for agriculture where the owner or person having custody

of the dog is at the time in question using the dog for hunting purposes, and has on his/her person a valid hunting license and proof of vaccination.

- (2) An electronic confinement system shall be considered an acceptable enclosure when the equipment is properly maintained and in continuous working order, and the animal to be contained within wears the appropriate electronic collar when within the system perimeters.
  - (3) In cases where an animal has been deemed dangerous by the court, or has been trained to be a guard dog, an electronic animal confinement system may not be used as either the primary or secondary enclosure.
  - (4) Individuals who contain an animal by means of an electronic animal confinement system and are found to be in violation of this section or have been deemed as restraining a dangerous animal shall thereafter restrain the animal by means of a fence, wall or other enclosure, or such animal shall be restrained individually by a leash or chain.
  - (5) It shall be unlawful for the owner, custodian, or harbinger of any dog to restrain or anchor such animal by means of a tether. Notwithstanding the prior sentence, a dog may be temporarily restrained by means of a tether while the dog is attended by its owner, custodian, or harbinger.
  - (6) Any tether used to temporarily confine a dog while attended by its owner, custodian, or harbinger as provided in subsection (5), above, must be attached to a properly fitted collar or harness and shall not be wrapped directly around the dog's neck. Such tethers shall not be excessively heavy or weighted so as to inhibit the dog's movement.
- (c) *Restraint of domestic animals, livestock, owned wildlife and exotic animals.* It shall be unlawful for the owner, custodian, or harbinger of any domestic animal, livestock, wildlife, or exotic animal, to allow or permit such animal to leave the premises of the owner or other person having custody of such unless securely under leash, in a carrying case, or restrained by some other means and under the control of a competent person, with the exception of cats.
- (d) *Confinement of domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs.* Domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs shall be securely confined to the premises of the owner or other person having custody of such by means set forth under the provisions of this article, or approved by the health department or its designee and/or as required by state or federal regulations, with the exception of cats.

**Sec. 18-125. - Commercial guard/security dogs.**

- (a) It shall be the duty of all persons who keep, use, or maintain any guard/security dog to have signs conspicuously posted on the premises where the guard/security dog is located to warn of the presence of the dog. This warning shall consist of a warning sign placed at each entrance and exit to the premises and in a position to

be legible from the sidewalk or ground level adjacent to the sign (eye level). If the premises is not enclosed by a wall or fence, a sign shall be placed at every entrance and exit to each structure on the premises in which a guard/security dog is located. Each sign shall measure at least ten inches by 14 inches and shall contain block lettering stating "warning, guard dog on duty." In addition, for dogs rented or leased, the sign shall set forth the name, address, and phone number of the responsible person or persons, to be notified during any hour of the day or night.

- (b) It shall be the duty of any person who keeps, uses, or maintains a guard/security dog to ensure the dog is vaccinated against rabies and licensed as required by Sec. 18-121 (b). The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by Sec. 18-121 (c).
- (c) It shall be the duty of any person that sells, leases, and/or rents any guard/security dog to be used within Fulton County to notify the Fulton County Animal Control, of the location and number of guard/security dogs in use, kept, or maintained at a particular location. The animal control office shall maintain a record of the location, number of guard/security dogs, and current rabies vaccination and licensure of all guard/security dogs utilized within Fulton County. The person that sells, leases, and/or rents a guard/security dog to be used in Fulton County shall furnish the following information to the Fulton County Animal Control Office:
  - (1) Name, address, and telephone number of the location where a guard dog is located.
  - (2) Name, breed, sex, and current license tag information of each guard dog at any location in Fulton County.
- (d) It shall be unlawful to transport any guard/security dog in an open bed truck, and the vehicle transporting guard dogs shall be identified as to the business owner. It shall be unlawful to transport any guard dog in Fulton County except under the following conditions:
  - (1) Each dog shall be placed in separate holding bins.
  - (2) Each holding bin shall be enclosed and measure 48 inches long by 18 inches wide by 30 inches high.
  - (3) Each holding bin will be adequately ventilated.
- (e) No guard/security dog shall be chained, tethered, or otherwise tied to any inanimate objects such as a tree, post, or building, outside of its own enclosure.
- (f) A guard/security dog shall be confined by the owner/custodian/harbinger within a building or secure enclosure out of which it cannot climb, dig, jump, or otherwise escape of its own volition.

**Sec. 18-126. - Confinement of female dogs in heat.**

It shall be the duty of any owner, custodian, or harbinger of any female dog in heat within the areas designated in Sec. 18-120 (a), when she is left unattended, to securely confine such dog so as to prevent contact with another dog except for planned breeding.

**Sec. 18-127. - Skunks and foxes.**

- (a) All skunks, except pen raised skunks, and all foxes from whatever geographic region including Alaska and Canada are forbidden to be purchased, sold, owned, possessed, or harbored. Pen raised skunks and foxes in possession as of July 1, 1987, are grandfathered.
- (b) Pen raised skunks, other than black and white skunks, may be purchased and kept as pets after securing a permit from the Fulton County Animal Control. The Fulton County Animal Control is responsible for ensuring that purchasers of pen raised skunks are made knowledgeable of the proper care, handling, and confinement. No pet store shall allow the purchase of pen raised skunks without being first presented with the permit issued by the Fulton County Animal Control.

**Sec. 18-128. - Wildlife or exotic animal.**

Each owner, custodian, or harbinger of any wildlife or exotic animal must obtain all necessary state and/or federal permits and/or meet all state and/or federal requirements for keeping such an animal.

**Sec. 18-129. - Nuisances.**

- (a) Any vicious animal shall be deemed a nuisance. A vicious dog will be exempt as a nuisance upon classification as a dangerous or potentially dangerous dog as prescribed in Sec. 18-171.
- (b) It shall be unlawful for any person to keep any domestic animal or livestock except under the following conditions:
  - (1) Any housing or enclosure used by any domestic animal or livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the health officer or his designee.
  - (2) A domestic animal or livestock shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors and public or commercial horse facilities):

Animal	Distance (in feet)
Horses, mules, asses, cows, sheep or goats	150

Hogs	900
Dogs (three or more)	25
Rabbits, guinea pigs, hamsters	25
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	25

- (3) Except in an area zoned for agriculture, each domestic animal or livestock shall be provided with the following average minimum floor or ground area in the enclosure or housing in which it is kept. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors and public and commercial horse facilities):

Animal	Area per Animal (in square feet)
Horses, mules, asses, cows, sheep, or goats	150
Hogs	150
Dogs	100
Rabbits, guinea pigs, hamsters	4
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	4

- (4) Except in the areas zoned for agriculture, the maximum number of domestic animals or livestock that may be kept on any single premises shall not exceed the following. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors, and public and commercial horse facilities):

Animal	Maximum Number
Horses, mules, asses, cows	5
Sheep, goats	10
Hogs	10
Dogs, cats	10
Rabbits, guinea pigs, hamsters	75
Chickens, turkeys, geese, ducks, pigeons or similar fowl	75

**Sec. 18-130. - Animals as prizes.**

It shall be unlawful to offer as a prize or gift any animal in any contest, raffle, or lottery, or as an enticement for fundraising or for entry into any place of business.

**Secs. 18-131—18-149. - Reserved.**

### **DIVISION 3. - RABIES CONTROL**

#### **Sec. 18-150. - Vaccination required.**

- (a) The owner, custodian, or harbinger of each dog or cat over four months of age, kept, maintained, or harbored in any area of Fulton County, including any dog or cat within the corporate city limits of any municipality in Fulton County, is required to maintain a current rabies vaccination on such dog or cat.
- (b) It shall be the duty of all persons owning or having custody of any dog or cat over four months of age brought into Fulton County from outside the county to have such dog or cat vaccinated within 14 days from the date of entry, provided that when the owner or person having custody of the dog or cat produces evidence satisfactory to the health department through its designee that such dog or cat has a current vaccination, as prescribed by this article, such dog or cat will not be required to be vaccinated again until the expiration date of the current vaccination.
- (c) Only a licensed veterinarian shall be entitled in connection with his/her practice, on the request of any owner of a dog, cat, or other animal, to vaccinate such dog, cat, or other animal against rabies, with a vaccine as set forth in the definition of vaccinate in section 18-115, provided that at the time of vaccination he furnishes two copies of the vaccination certificate to the owner, forwards one copy to the Fulton County Animal Control, and maintains one copy for his/her files.

#### **Sec. 18-151. - Rabies cases to be reported.**

It shall be the duty of any person knowing of a rabid animal, or of any animal showing symptoms of rabies, to immediately report such animal to the health department or its designee and give as much pertinent information as possible. Any bite by an animal shall be reported to the health department or its designee. The animal control office, in order to maintain an effective epidemiological surveillance and control program, shall maintain a record of its rabies related activities, including investigation and confirmation of rabies in animals in the manner and frequency stipulated by the health department.

#### **Sec. 18-152. - Quarantine.**

- (a) In the event a dog or cat has bitten a human, such animal shall be immediately confined at the animal control shelter, veterinary hospital, or other such premises deemed acceptable by the health department or its designee for a period of ten days from the date of the bite to be observed for symptoms of rabies.
- (b) In the event a warmblooded animal other than a dog or cat has bitten a human or other warmblooded animal, or in the event a warmblooded animal has been bitten by another warmblooded animal, the recommendations contained in the Rabies Control Manual compiled by the Georgia Department of Human Resources shall be followed.
- (c) All expenses incurred for boarding an animal for the quarantine period as well as other applicable fees shall be paid by the owner or custodian of the biting animal.

- (d) It shall be unlawful for any person, custodian, or harbinger to fail to surrender a dog, cat, or other animal which has bitten a human, upon the sworn statement of the person bitten. Such animal will be placed under quarantine or submitted for laboratory examination at the discretion of the health department or its designee. The provisions of this division shall apply, regardless of whether or not such animal has a current rabies vaccination and tag.
- (e) When rabies has been found to exist in any warmblooded animal, or where its existence is suspected, the health department or its designee may designate a geographical area within which quarantine of all owned warmblooded animals shall be maintained. Such animals shall be immediately confined to the premises designated and in a manner approved by the health department or its designee, whether or not such animals have been vaccinated against rabies.
- (f) No warmblooded animal shall be brought into or removed from a quarantined area or premises without written approval of the health department or its designee.
- (g) Quarantine ordered by the health department or its designee shall be maintained for such period as deemed necessary to protect the public health.
- (h) Quarantined areas or premises where rabid animals or animals suspected of having rabies remain at large, may be posted by the health department or its designee with signs which read as follows: "Rabies suspected" or "rabies—keep away from animals." Such signs shall be conspicuously displayed in a place designated by the health department or its designee and shall not be removed except by the health department or its designee. Such signs shall not be defaced.
- (i) The owner, custodian, or harbinger of each animal subject to a quarantine invoked by the health department or its designee under the terms of this article shall be notified of the quarantine, the particular animals subject thereto, and shall be given such other information as the health department or its designee deems necessary.
- (j) Every animal showing clinical signs of rabies, as determined by the health department or its designee, shall be immediately destroyed; and/or the heads of all animals suspected of having had rabies at the time of death shall be submitted to the Epidemiology Office, Department of Human Resources, for examination by the Department of Human Resources Laboratory.

**Secs. 18-153—18-169. - Reserved.**

#### **DIVISION 4. - VICIOUS ANIMALS AND DANGEROUS OR POTENTIALLY DANGEROUS DOGS**

**Sec. 18-170. - Precautions to be taken by owners.**

- (a) No person owning or having custody or control of any dog or other animal known by such person to be vicious, dangerous, or potentially dangerous shall permit it to run at large, or permit it to run loose on or within the premises of such person

in such a manner as to endanger the life or limb of any person lawfully entering such premises.

- (b) It shall be the duty of every owner of any vicious animal or dangerous or potentially dangerous dog, or anyone having any such animal in his/her possession or custody, to ensure that the vicious animal or dangerous or potentially dangerous dog is kept under restraint, as prescribed in subsections (d), (e), and (f) of this section and that reasonable care and precautions are taken to prevent the vicious animal or dangerous or potentially dangerous dog from leaving, while unattended, the real property limits of its owner, custodian, or harbinger, and it is securely and humanely enclosed within a house, building, fence, locked pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition. Such enclosure must be securely locked at any time the animal is left unattended so that children are prevented from entry and to prevent the vicious animal or dangerous or potentially dangerous dog from escaping.
- (c) For owners of a vicious animal or dangerous or potentially dangerous dog whose animal lives out-of-doors, a portion of their property should be fenced with a perimeter or area fence. Within this perimeter fence, the vicious animal or dangerous or potentially dangerous dog must be humanely confined inside a locked pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides, a secure top attached to all sides, the sides must be securely set into the ground or onto a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked when the animal is unattended. This enclosure shall provide protection from the elements.
- (d) A vicious animal or dangerous or potentially dangerous dog shall not be upon any street or public place except when securely restrained by leash not more than six feet in length and humanely muzzled when appropriate, as determined by the animal control officer, and in the charge of a competent person.
- (e) Whenever outside of its enclosure, as provided for in subsections (b) and (c) of this section, but on the owner's property, a vicious animal or dangerous or potentially dangerous dog must be attended by the owner or custodian and restrained by a secure collar, muzzled when appropriate, as determined by the animal control officer, and on a leash of sufficient strength to prevent escape.
- (f) No vicious animal or dangerous or potentially dangerous dog shall be chained, tethered, or otherwise tied while unattended by the owner or custodian to any inanimate object such as a tree, post, or building, outside of its primary enclosure.
- (g) A warning sign (i.e., beware of dog) shall be conspicuously posted denoting a vicious animal or dangerous or potentially dangerous dog on the premises. These signs are exempt from building permit requirements.
- (h) Failure to keep any vicious animal or dangerous or potentially dangerous dog confined or under restraint as provided for in this section shall be unlawful and shall be punishable as hereinafter provided.



**Sec. 18-171. - Notice to dangerous or potentially dangerous dog owners.**

- (a) When an animal control officer classifies a dog as a dangerous or potentially dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the animal control officer shall notify the dog's owner. The notice shall meet the following requirements:
  - (1) The notice shall be in writing and mailed by certified mail to the owner's last known address;
  - (2) The notice shall include a summary of the animal control officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog;
  - (3) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has the right to request a hearing on the animal control officer's determination that the dog is a dangerous or potentially dangerous dog;
  - (4) The notice shall state that the hearing, if requested, shall be before the animal control hearing board;
  - (5) The notice shall state that if a hearing is not requested, the animal control officer's determination that the dog is a dangerous or potentially dangerous dog will become effective for all purposes on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and
  - (6) The notice shall include a form to request a hearing before the animal control hearing board and shall provide specific instructions on mailing or delivering such request to the board.
- (b) When the animal control hearing board receives a request for a hearing, as provided in this section, it shall schedule such hearing within 30 days after receiving the request. The hearing board, will notify the dog owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the dog owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and, in addition thereto, the hearing board shall receive such other evidence and hear such other testimony as the hearing board may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal control officer's classification of the dog.
- (c) Within ten days after the date of the hearing, the animal control hearing board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous or potentially dangerous dog, the notice shall specify the date upon which that determination is effective.
- (d) A certificate of registration to the effect that the dog owner has a dangerous or potentially dangerous dog shall also be issued by the animal control officer, and is

contingent upon the dog owner presenting to the animal control officer evidence of:

- (1) An enclosure as prescribed in section 18-170 (b), (c) for confinement of a potentially dangerous or dangerous dog;
  - (2) The proper posting of the premises as prescribed in section 18-170 (g); and
  - (3) An insurance policy or surety bond in the amount of \$15,000.00, insuring the owner against liability for any personal injuries inflicted by a dangerous dog. This shall apply to dogs classified as dangerous, only.
- (e) An annual fee of \$100.00 will be charged in addition to regular dog licensing fees, to register dangerous and potentially dangerous dogs. This registration fee is subject to change as dictated by the county board of commissioners. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, an animal control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this division.
- (f) Issuance of a certificate of registration or the renewal of a certificate of registration by the animal control officer does not warrant or guarantee that the requirements specified in section 18-170 of this article are maintained by the owner of a dangerous or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration, or following the date of any renewal of such certificate.
- (g) The owner of a dangerous or potentially dangerous dog shall notify the animal control officer within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or been sold, stolen or donated. If the dog is sold or donated, the owner shall also provide the name, address and telephone number of the new owner. If sold or donated to another resident of Fulton County, the new owner has ten days after taking possession of the dog to register the dog with Fulton County Animal Control. If the owner moves with the dog from one jurisdiction to another within the State of Georgia, the owner shall register the dangerous or potentially dangerous dog in the new jurisdiction within ten days after becoming a resident.
- (h) The owner of a dangerous or potentially dangerous dog who is a new resident of the State of Georgia shall register the dog as required in this article within 30 days after becoming a resident.

**Sec. 18-172. - Formation of hearing board.**

- (a) The Fulton County Board of Commissioners shall create a board known as the animal control hearing board, to hold hearings provided for in section 18-171 of this article. The board so designated is authorized, and shall have jurisdiction to conduct hearings, and determine matters provided for in section 18-171. No

member of the animal control hearing board may participate in a hearing on any matter in which a member previously participated in the classification of the dog at issue.

- (b) The hearing board shall consist of seven members appointed by the board of commissioners. The initial term of members shall be as follows:
  - (1) Two members to serve for one year;
  - (2) Two members to serve for two years; and
  - (3) Three members to serve for three years.

Thereafter, all members shall be appointed for terms of three years and until their successors are appointed.

**Secs. 18-173—18-189. - Reserved.**

## **DIVISION 5. - IMPOUNDMENT AND REDEMPTION**

**Sec. 18-190. - Impoundment of dogs, domestic animals, livestock, owned wildlife, and exotic animals.**

- (a) Any citizen may pick up and impound any animal running at large in Fulton County, provided said animal is promptly surrendered to the Fulton County Animal Control to allow the person having the right of possession an opportunity to reclaim their animal.
- (b) Dogs, domestic animals, livestock, owned wildlife, and exotic animals within any of the following classes may be captured and impounded from the areas noted in subsection 18-120 (a) (with the exception of subsections (b)(1), (b)(3), (b)(4), (b)(5), and (b)(6) of this section which shall also apply to any area of Fulton County not under contract for animal control services).
  - (1) Dogs or cats without a current rabies vaccination.
  - (2) Dogs or cats without a current Fulton County license.
  - (3) Dogs not wearing a current vaccination/license tag. This shall include dogs wearing a tag that was not issued for said dog.
  - (4) Warmblooded animals which have bitten a human or another warmblooded animal and warmblooded animals which have been bitten by another warmblooded animal suspected of having rabies.
  - (5) Warmblooded animals suspected of having rabies.
  - (6) Unconfined warmblooded animals in quarantine areas.
  - (7) Animals whose safety, health, or life is in immediate danger.

- (8) Animals whose ownership is unknown.
- (9) Dogs, domestic animals, livestock, owned wildlife, or exotic animals roaming at large, with the exception of cats.
- (10) Vicious animals or dangerous or potentially dangerous dogs not properly confined or restrained as defined in Sec. 18-170.
- (11) Commercial guard/security dogs not properly confined or restrained as defined in Sec. 18-125.
- (12) Dogs in heat not properly confined as defined in section 18-126.
- (c) No animal shall be exempt from the provisions of this article by virtue of a vaccination, tag, or certificate.
- (d) Any animal control officer empowered to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding a dog or other animal which the officer is in immediate pursuit of with the exception of any occupied building into which the dog or other animal may enter. In the latter case, if the occupant or owner of the premises gives permission to the animal control officer to enter the premises, the officer may remove said dog or other animal.
- (e) It shall be unlawful for any person to, in any manner, interfere with, hinder, resist, obstruct, or molest the animal control officer in the performance of his/her duties, or for any person to remove any animal from the animal control vehicle or animal control shelter without the permission of the animal control officer.
- (f) When the owner of the dog or other animal impounded under the provisions of this article, can be readily identified and located, the health department or its designee shall notify the owner of the impoundment. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the owner's residence, when possible, or a postcard sent to the owner's residence through the U.S. Postal System.
- (g) A dangerous dog shall be immediately impounded by any animal control officer, or by a law enforcement officer if:
  - (1) The owner of the dangerous dog does not secure the liability insurance or surety bond required by Sec. 18-171 (c);
  - (2) The dangerous dog is not validly registered as required by Sec. 18-171(c); or
  - (3) The dangerous dog is not maintained in a proper enclosure as specified in Sec. 18-170(b) or (c).

Any dangerous dog impounded under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this section, and upon payment of reasonable impoundment costs. In the event the owner has not complied with the provisions of

this section within 20 days of the date the dog was impounded, said dog shall be destroyed in an expeditious and humane manner.

**Sec. 18-191. - Disposition of impounded animals.**

- (a) Every animal impounded under the provisions of this article which is found upon arrival at the animal control shelter to be diseased or injured, and whose ownership is unknown or is relinquished in writing, shall, at the discretion of the health department or its designee, be immediately destroyed if not accepted by an organization approved by the health department or its designee, and provided such organization signs a receipt for the animal. In the event an owner cannot be contacted and the severity of the injury or disease of the animal dictates that euthanasia is a humane course of action, the animal will be destroyed and the owner, if known, notified as soon as possible.
- (b) If, in the opinion of the health department or its designee, the release of an impounded animal will impair the safety of the public, such animal will be held pending a court order disposition.
- (c) Any animal impounded under the provisions of this article shall be held a minimum of three days from the day of impoundment or such longer period of time as deemed reasonable by the director of animal control. Animals under observation for rabies symptoms shall remain in the animal control shelter for such period of time as the health department or its designee may deem necessary to protect the public health. Exception: Livestock shall be held a minimum of 14 days.
- (d) Impounded animals not claimed within three days of the day of impoundment or at the end of the quarantine period shall be disposed of (euthanized) in a humane manner as approved by the health department or its designee. No animal impounded under the provisions of this article shall be released to any person or organization for the purpose of live animal experimentation.
- (e) Before the release of any impounded animal, the owner shall pay the following:
  - (1) A vaccination fee on any unvaccinated animal when a vaccination is required by this article.
  - (2) A license fee for any unlicensed dog or cat in an area covered by this article.
  - (3) An impoundment fee.
  - (4) A daily boarding fee.
- (f) The county manager shall establish reasonable vaccination, license, impoundment, and boarding fees. In some instances the amount of impoundment and boarding fees will be on a cost-incurred basis.
- (g) Proceeds from license, impoundment, and boarding fees shall be applied to the annual operating budget of the Fulton County Animal Control for animal and rabies control, enforcement activity, and operation of the animal facility.

- (h) The health department or its designee shall exercise every reasonable care to prevent injury, illness, death, escape, or pilfering of any animal with which it deals but shall not be responsible for any such occurrence.

**Sec. 18-192. - Adoption of impounded animals.**

- (a) The Fulton County Animal Control as a designee of the Fulton County Health Department shall cooperate with the Atlanta Humane Society and any other approved organization by offering for adoption or placement cats and/or dogs not claimed by the person having the right of possession or any cat and/or dog that may be designated as a stray.
- (b) Organizations with a continuing interest in adopting animals from the animal control shelter must register with the Fulton County Animal Control on the forms provided and be designated as an approved adoption organization.
- (c) All animals housed at the animal control shelter shall be under the authority of the animal control director or his/her designee. No animal will be released for adoption or placement prior to the holding period required by section 18-191(c) and with the written approval of the animal control director or his/her designee.
- (d) The animal control director may confer ownership (permit adoption) of any animal which has become the property of the animal control shelter to an approved organization, subject to conditions prescribed by the animal control director including, but not limited to, the following:
  - (1) Payment of any vaccination, licensing, or veterinary costs shall be the responsibility of the receiving organization;
  - (2) Evidence satisfactory to the animal control director that the animal has been, or will be, examined by a veterinarian and vaccinations against rabies and other diseases administered; and
  - (3) Evidence satisfactory to the animal control director that the animal has been, or will be, neutered or spayed.
- (e) The Atlanta Humane Society will have the right of first refusal on adoptable animals at the animal control shelter. Other approved organizations interested in the adoption of a cat and/or dog may call the animal control shelter on Monday and Thursday morning to question the availability of adoptable animals. The animal control director may also contact an approved organization if an animal is available for adoption. No animal shall be held more than 24 hours past the time of notification.
- (f) The Fulton County Health Department or its designee shall be held harmless and free from liability for any animal adopted to or placed with an approved adoption organization.

**Secs. 18-193—18-210. - Reserved.**

**SECTION 3:** That this Ordinance shall take effect immediately upon approval.

**SECTION 4:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

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TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Originating Department: Office of the Mayor

Committee(s) of Purview: Public Safety and Legal Administration

Anticipated Committee Meeting Date(s): Cycle 10 / May 29, 2012; June 12, 2012

Anticipated Full Council Date: June 18, 2011

Legislative Counsel's Signature:  404-330-6494  
Amber A. Robinson

Commissioner Signature: 

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE III OF THE CITY OF ATLANTA CODE OF ORDINANCES TO MORE CLEARLY IDENTIFY THE ANIMAL CONTROL PROVISIONS APPLICABLE TO THE PORTION OF THE CITY WITHIN DEKALB COUNTY; TO AMEND CHAPTER 18 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO SPECIFICALLY CODIFY THE ANIMAL CONTROL PROVISIONS APPLICABLE IN THE PORTION OF THE CITY WITHIN FULTON COUNTY BY CREATING A NEW ARTICLE IV; AND FOR OTHER PURPOSES.

Mayor's Staff Only  
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Received by CPO: \_\_\_\_\_ Received by LC from CPO: 

Received by Mayor's Office: \_\_\_\_\_ Reviewed by: 

Submitted to Council: \_\_\_\_\_