

AN ORDINANCE BY COUNCILMEMBERS KEISHA LANCE BOTTOMS, CLETA WINSLOW, IVORY LEE YOUNG JR., AND JOYCE SHEPERD AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND CHAPTER 18, ARTICLE IV, OF THE CITY OF ATLANTA CODE OF ORDINANCES APPLICABLE TO FULTON COUNTY TO PROVIDE MORE EFFECTIVE CONTROL AND REGULATION OF ANIMALS INCLUDING VICIOUS AND DANGEROUS DOGS THROUGH THE ADOPTION OF UPDATED PROVISIONS, PREVIOUSLY ADOPTED AND CURRENTLY ENFORCED BY FULTON COUNTY, TO THEREBY ENSURE THE CITY CODE IS CONSISTENT WITH STATE LAW; 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 has 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 includes a provisions setting forth that "[t]he mayor may negotiate and execute contract with the boards of public health of Fulton and DeKalb Counties to effectuate the enforcement of [Chapter 18] within their respective counties"; and

WHEREAS, the City of Atlanta and Fulton County have agreed, via an Intergovernmental Agreement (IGA), that Fulton County shall be authorized to address the need to control animal-borne diseases, investigate cruelty and other complaints involving animals, and to respond to citizens' requests for animal control services twenty-four hours per day within the corporate limits of the City within Fulton County; and



WHEREAS, in accordance with this IGA, Fulton County provides animal control services to the City of Atlanta through a contract with an approved animal control services vendor under the direction and control of the County; and

WHEREAS, pursuant to the IGA, Fulton County may only enforce the animal control ordinances contained in Chapter 18, Article IV of the City of Atlanta Code of Ordinances, during its provision of animal control services to the City of Atlanta; and

WHEREAS, in 2012, via Ordinance 12-O-0784, the Atlanta City Council amended the City of Atlanta Code of Ordinances to specifically codify the animal control provisions applicable in the portion of the City of Atlanta within Fulton County at Chapter 18, Article IV, rather than to adopt the same by reference to the Fulton County Code of Ordinances; and

WHEREAS, in 2014, the City of Atlanta and Fulton County entered into the current IGA for the provision of animal control services; and

WHEREAS, during its 2014 session, the Georgia General Assembly passed HB 685 which amended the state law relating to dogs, so as to revise provisions relating to dogs and provisions relating to dangerous and vicious dogs, to allow for more stringent local regulation, to provide public safety and administrative procedures for the identification of dangerous and vicious dogs, to require registration for the possession of certain dogs and to require certain safety and indemnity measures as a condition of owning a dog classified as vicious or dangerous, to provide procedural requirements, to provide for euthanasia of dogs in certain instances, to provide for criminal offenses and punishment, and to provide for reclassification of previously classified dogs; and

WHEREAS, as a result thereof, in 2016 Fulton County amended its rabies and animal control ordinances to ensure that they were compliant with state law and to adopt more stringent regulations in accordance with the authority granted to it by the State of Georgia in HB 685; and

WHEREAS, Fulton County has reported that since the passage of the amendments to its rabies and animal control ordinances it has experienced an ability to more effectively control and regulate animals including vicious and dangerous dogs;

WHEREAS, thusfar, in 2017 there was an increase in attacks by vicious and dangerous dogs in the City of Atlanta, including an incident where one child was killed and two others were injured in an attack involving three dogs and an incident where a 70 year old man was attacked by two dogs; and

WHEREAS, it is the desire of the City of Atlanta to adopt Fulton County's new animal control provisions to ensure the City code provisions applicable to animal control within Fulton County are



compliant with state law and to provide for more effective control and regulation animals including vicious and dangerous dogs within the City of Atlanta.

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

SECTION 1: That Chapter 18, Article IV, Division 2 of the City of Atlanta Code of Ordinances be amended such that its current language is replaced in its entirety by the following:

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:

Abandonment means the intentional or complete forsaking of any animal by its owner, without making reasonable arrangements for the adequate care and custody of the animal to be assumed by another person or the failure to return and resume responsibility of an animal at the designated time as arranged with the custodian. Abandonment also means releasing or leaving an animal on any property, public or private, with the intention of deserting the animal. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter, for a period in excess of 36 hours, regardless of where such animal may be found or kept.

Adequate food means sufficient quantity of noncontaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age, and health of the animal, or at the direction of a licensed veterinarian, which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food.

Adequate shelter means a protective covering for an animal that is of adequate size and provides adequate protection to maintain the animal in a state of good health, and that prevents pain, suffering, or 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. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below freezing. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of November through March. From April through October, the structure shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Adequate water means clear, potable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice, and contaminated water.

Animal control officer means "dog control officer" and shall refer to an individual employed by the county or its designee to perform and execute the provisions of this article, and whose 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 county 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.

Classified animal means any animal that has been classified as either a dangerous or vicious dog or animal pursuant to this article or comparably classified by the State of Georgia, or by any court, hearing officer, or authorized government agency of any other state, county or municipality.

Classified animal pen means a padlocked pen, as that term is defined in this article, made entirely of industrial gauge fencing with a door or gate equipped with a working lock. The classified animal pen must contain adequate shelter, as that term is defined in this chapter, but must also contain a minimum 100-square foot area outside the adequate shelter.

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. A dog shall not be considered a guard or security dog if it has been classified as a dangerous or vicious dog.

Cruelty means causing death or unjustifiable pain or suffering to any animal by an act, omission, or neglect. Cruelty also includes transporting an unrestrained animal in an open-air vehicle or in the trunk of any vehicle, or leaving an animal unattended in a closed vehicle without proper ventilation or temperature control where the animal may suffer from physical harm from dangerous temperatures. Cruelty also means allowing or causing any animal to train for or engage in an animal fight operated for sport, entertainment or gaming purposes. Routine medical procedures by a licensed veterinarian shall not be regarded as cruelty.

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:

- (1) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion caused by a dog 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 or seriously injures a pet animal.
- (4) No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was tormenting or abusing the dog or who in the past has been observed or reported to have tormented or abused the dog, was committing a willful trespass, or was committing or attempting to commit a crime.



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.

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.

Livestock means all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals.

Necessary sustenance means the provision of adequate food, water and shelter.

Neglect means endangering an animal's health by failing to provide or arrange to provide the animal with adequate food and water if the animal is dependent upon a person for the provision of food or drink, or the act of restraining an animal in a manner that endangers the animal's life or health. Other acts considered to be neglect include, but are not limited to:

- (1) Failing to provide reasonable care or seek veterinary care for an injury or illness that seriously endangers the life or health of an animal; or
- (2) Leaving an animal outside and exposed to excessive heat or cold without providing the animal with adequate shelter or protection from the heat or cold, or exposing an animal to unsanitary conditions.

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.

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 an animal. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.

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

Public nuisance animal means an animal that:

- (1) Is repeatedly found at large, except cats; or
- (2) Damages the property of anyone other than the owner; or
- (3) Because of temperament, conditioning, or training, has a propensity, tendency, or disposition to attack, bite, or injure humans or other animals without provocation; or
- (4) On one or more occasion, has caused physical injury to humans or other animals without provocation, whether on public or private property; or
- (5) Chases or acts so as to menace pedestrians or other persons using public ways.

Qualified adoption facilitator, rescue group and animal shelter means an organization offering animals for adoption so long as the organization is licensed as a shelter by the State of Georgia, or, if not



incorporated in Georgia, is a non-profit organization under Section 501(c)(3) of the Internal Revenue Code; and has the express mission/business function of facilitating the sterilization and adoption of homeless and unwanted animals. A copy of the state license or the Internal Revenue Service letter of non-profit designation shall be provided to the county upon request.

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.

Serious injury means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, significant puncture wounds, or disfiguring avulsions; requires plastic surgery or admissions 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.

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.

Unsanitary conditions means an animal living space, shelter, or exercise area contaminated by health hazards, irritants, pollutants, items, excessive animal excrement, or conditions that endanger or pose a risk to an animal's health.

Vaccinate means immunization against rabies if a vaccination certificate documents that the animal received a primary rabies vaccine, approved by the United States Department of Agriculture, from a licensed veterinarian at least 28 days previously and that booster vaccinations have been administered on an annual or triennial schedule, in accordance with the Georgia Rabies Manual or as described on the individual vaccine label.

Vaccination certificate means a certificate 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 by Fulton County or its designee.

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 dog means any dog that:

- (1) Inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack; or
- (2) Has been previously classified as a dangerous dog and has attacked or bitten a human or pet animal subsequent to the dangerous dog classification.



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 does anything prohibited or fails to do anything required by this article, upon conviction of the violation in a court of competent jurisdiction, shall be subject to fine, imprisonment, or any combination thereof, in accordance with section 1-8 of this Code. Each act or omission in violation of this article shall constitute a separate offense. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.
- (b) For any violation of this article, the court may impose the following conditions in any combination thereof:
 - (1) Prohibit the offender from owning, possessing, or having on the offender's premises in the City of Atlanta any animal during the term of the sentence;
 - (2) Require that the animal be removed from the City of Atlanta;
 - (3) Require that the animal be surrendered to the animal control shelter;
 - (4) Require that the animal be humanely euthanized;
 - (5) Require payment of restitution to the victim(s);
 - (6) Require payment of costs for impound, housing, veterinary care, and humane euthanasia.
- (c) Any person who violates the provisions of this article as it pertains to a public nuisance animal shall be guilty of violating the City of Atlanta Code and shall be fined not less than \$250.00 for a second conviction, and not less than \$500.00 for a third conviction.
- (d) Any person who violates the provisions of this article as it pertains to a dangerous dog shall be guilty of violating the City of Atlanta Code and will be fined not less than \$500.00 for a second conviction, and not less than \$750.00 for a third conviction or subsequent conviction.
- (e) If the owner of a dangerous or vicious dog fails to comply with section 18-170 or section 18-173 of this article and his/her dog attacks or bites a human, or if the owner of a dangerous or vicious dog knowingly and willfully fails to comply with section 18-170 or section 18-173 of this article and his/her dog aggressively attacks and causes severe injury to or the death of a human, in addition to any penalties provided in this Code or state law, the animal control officer shall immediately confiscate the dog and place it in quarantine for a period of time as provided by the health department and thereafter the dog may be humanely destroyed.

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.



Fulton County or its designee shall 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 harborer 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 harborer of such dog, cat, or other animal is required to apply to the Fulton County Animal Control shelter 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 harborer 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 by Fulton County 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 harborer 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 harborer 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 harborer of the dog or cat to obtain a replacement tag.
- (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 require a special permit. The owner or person in possession of the premises where the dogs are located shall be required to apply to the Fulton County Animal Control shelter for a special permit.



- (b) A special permit will be issued upon payment of \$150.00 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) All commercial kennels which are subject to a business license fee shall be exempt from the annual special permit fee.
- (e) All commercial kennels must be licensed by the Georgia Commissioner of Agriculture pursuant to O.C.G.A. § 4-11-3.

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, abuse, or commit any act of cruelty towards any animal.
 - (b) It shall be unlawful for any owner to neglect an animal.
- (c) No person shall knowingly abandon, or aid in the abandonment of any animal on any property, public or private.
- (d) 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 to prevent the animal from escaping out of the vehicle or having the ability to extend over the end of the vehicle while it is in motion.
- (e) An animal control officer or law enforcement officer may use any force necessary to remove any animal locked in a closed vehicle if the animal exhibits distress, including but not limited to, excessive panting or drooling, seizures, state of unconsciousness, or hyperactivity. If the vehicle is damaged during such removal, the animal control officer or law enforcement officer shall not be liable for any damage to the vehicle.
- (f) An animal control officer or law enforcement officer who is responding to the notification of abandoned animal may enter the property by reasonable means under the circumstances to remove or render aid to the abandoned animal.
- (g) Any person who has been convicted of cruelty, neglect, or abandonment of an animal as provided in this article, or state law, and has been required to or has voluntarily relinquished ownership of such animal shall not be allowed to own a pet in their household in the City of Atlanta for a minimum of one year from the date of conviction. A nolo contendere plea is considered a conviction for the purpose of this subsection.
- (h) This section shall not be construed to limit in any way the authority or duty of any law enforcement officer, animal control officer, or veterinarian.

Sec. 18-124. - Running at large.

- (a) *Generally.* Within the unincorporated area of Fulton County or within any municipality in Fulton County which has or may enter into an agreement with Fulton County for animal control services, the running at large of dogs, domestic animals, livestock, owned wildlife, exotic animals, public nuisance animal, dangerous, or vicious dogs, or dogs trained or in training as guard 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 under the control of a competent person. 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 a public nuisance animal two or more times, has been classified as a dangerous or vicious dog, or is in training 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, public nuisance animals, and dangerous or vicious dogs.* Domestic animals, livestock, owned wildlife, exotic animals, public nuisance animals, classified dogs, and guard 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 Fulton County 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 train, 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 section 34-202(b). The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by section 34-202(c).
- (c) It shall be the duty of any person that sells, leases, and/or rents any guard/security dog to be used within the City of Atlanta 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 the City of Atlanta. The person that sells, leases, and/or rents a guard/security dog to be used in the City of Atlanta 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 the City of Atlanta.
- (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 the City of Atlanta 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 section 34-201(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 harborer 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 public nuisance animal may be impounded and the owner or possessor charged for a violation of this article.
- (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 Fulton County or its 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.

Sec. 18-131. - Cruelty to elephants.

- (a) As used in this section, the term "bullhook" shall mean a device or instrument containing a spike, hook, or any combination thereof. A bullhook is also known as an ankus, ankusha, elephant goad, or elephant hook.
- (b) It shall be unlawful for any person to use a bullhook on an elephant within any area described in section 34-201(a) of this chapter.
- (c) It shall be unlawful for any person to use on an elephant any device or instrument that inflicts pain on, or causes or is likely to cause injury to, an elephant, except as necessary to administer legitimate medical treatment or in response to an immediate threat to public safety.

SECTION 2: That Chapter 18, Article IV, Division 3 of the City of Atlanta Code of Ordinances Section 18-152 (Quarantine) be amended as follows (with permanent additions in underline font and permanent deletions in strikethrough font):

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~~ Public Health 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~~ Public Health Laboratory.

SECTION 3: That Chapter 18, Article IV, Division 4 of the City of Atlanta Code of Ordinances be amended such that its current language is replaced in its entirety by the following:

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

- (a) No person owning or having custody or control of any public nuisance animal, dangerous dog or vicious dog 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 public nuisance animal, dangerous dog or vicious dog, or anyone having any such animal in his/her possession or custody, to ensure that the public nuisance animal, dangerous dog or vicious 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 public nuisance



animal, dangerous dog or vicious 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 public nuisance animal, dangerous dog or vicious dog from escaping.

- (c) For owners of a public nuisance animal, dangerous dog or vicious 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 public nuisance animal, dangerous dog or vicious 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 public nuisance animal, dangerous dog or vicious 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 public nuisance animal, dangerous dog or vicious 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 public nuisance animal, dangerous dog or vicious 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.
- (g) A warning sign (i.e., beware of dog) shall be conspicuously posted denoting a public nuisance animal, dangerous dog or vicious dog on the premises. These signs are exempt from building permit requirements.
- (h) Failure to keep any public nuisance animal, dangerous dog or vicious 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 vicious dog owners.

- (a) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall make such investigation necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.
- (b) When a dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing from the animal control hearing board on the dog control officer's determination within seven days after the date shown on the notice; provided, however, that if an animal control hearing board has not been established for the jurisdiction, the owner shall be informed of the right to request a hearing from the probate court for such jurisdiction where the dog was found or confiscated 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 dog control officer's determination shall become effective for all purposes under this article. If an



owner cannot be located within ten days of a dog 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 dog control officer.

- (c) When a hearing is requested by a dog owner in accordance with subsection (b) of this Code section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the animal control hearing board or probate court for good cause shown. At least ten days prior to the hearing, the animal control hearing board or probate court conducting the hearing 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 animal control hearing board or probate court conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination.
- (d) Within ten days after the hearing, the animal control hearing board or probate court which conducted the hearing 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 O.C.G.A. § 4-8-26, the notice shall specify the date by which the euthanasia shall occur.
- (e) Judicial review of the animal control hearing board's final decision may be had in accordance with O.C.G.A. § 15-9-30.9. Judicial review of a 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.
- (f) If the animal control hearing board classifies the animal as dangerous or vicious, and no appeal is filed, the owner shall be required to obtain from the animal control officer an annual certificate of registration in compliance with the requirements of this article. No vicious or dangerous animal shall be released to its owners until such certificate is issued by the animal control officer.
- (g) If the owner fails to obtain the certificate of registration within 30 days of the issuance of the order classifying the animal as dangerous or vicious, the animal may be euthanized no earlier than 35 days after the issuance of the order so classifying the animal. The animal shall not be euthanized if the owner appeals the animal control board's classification order. During the pendency of the appeal and any further appeals, the animal shall not be euthanized, provided that in the event the classification order is upheld at the conclusion of all appeals, the animal may be euthanized no earlier than 35 days after the final order upholding the classification if the owner does not obtain the required certificate of registration within 30 days after the date of the final order of court upholding the classification order. During the pendency of any such appeal by the owner, the animal shall not be released to its owner until the appeal is concluded and the certificate of registration is issued to the owner, if applicable. In such event, the animal will be housed at a licensed veterinarian's office or a licensed commercial kennel and the cost of such detention shall be borne by the owner of the animal. In the event the county appeals the court's order, the animal shall not be released to its owner until the appeal is concluded and the certificate of registration is issued to the owner, if applicable. In the event of an appeal by the county, the animal will be housed in the animal control shelter and the cost of such detention shall be borne by the county.

Sec. 18-172. - Certificate of registration.



- (a) The owner of a classified animal must be 18 years old or older; annually obtain a certificate of registration for the animal from the county; and, pay an annual registration fee of \$100.00 in addition to the regular license fee. This registration fee is subject to change as dictated by the county board of commissioners. At the time of renewal, the animal control officer shall verify that the owner is continuing to comply with all applicable provisions of this article. The requirements of this section apply to any classified animal living in the City of Atlanta.
- (b) Certificates of registration are nontransferable and no more than one certificate of registration shall be issued per domicile. The certificate of registration shall be issued to the owner upon receipt of all of the following:
- (1) Written evidence that the animal is permanently identified by insertion of a microchip by a licensed veterinarian. Said chip must be registered with the chip parent company and Fulton County Animal Control within 30 days of an order classifying the animal as dangerous or vicious or within such later time as specified by a court of competent jurisdiction or within 30 days of the conclusion of any appeal of a court's order that upholds the classification of an animal as dangerous or vicious;
 - (2) A copy of a current policy of insurance in the minimum amount of \$50,000.00 issued by an insurer authorized to transact business in the State of Georgia, insuring the owner of a dangerous animal, and \$75,000.00 insuring the owner of a vicious animal, against liability for any personal injuries or property damage inflicted by the dangerous animal or vicious animal; or a copy of a current surety bond in the foregoing respective amounts issued by a surety company authorized to transact business in the State of Georgia, payable for property damage or personal injury caused by the dangerous or vicious animal;
 - (3) Written or photographic proof that the animal will be confined in a classified animal pen; and
 - (4) Written evidence that the animal has been sterilized by a licensed veterinarian.
- (c) The owner of a classified animal shall notify Fulton County Animal Control within 24 hours if the animal dies. If the animal dies, the body must be available for microchip scanning to provide positive identification of the dangerous animal or vicious animal. A vicious animal shall not be transferred, sold or donated to any other person unless it is relinquished to a governmental facility or a veterinarian to be euthanized. If a dangerous animal is sold or given to another person, the current owner listed on the most current certificate of registration must provide Fulton County Animal Control with the name, address, and telephone number of the new owner within 30 days of the sale or transfer of such animal. New owners of dangerous animals are subject to all requirements of this article upon transfer of such animal and such new owner must register the animal in his or her name within 30 days of the sale or transfer of the animal to such new owner.
- (d) The owner of a classified animal must notify Fulton County Animal Control in writing within 15 days after changing his/her address. Such written notice shall provide the owner's new address and telephone number. The owner shall promptly obtain a new certificate of registration reflecting the new address if such address is located within the county.
- (e) The owner of any classified animal shall notify Fulton County Animal Control in writing within 30 days after moving a classified animal into the county. Such written notice shall provide the address and telephone number of the owner and the owner shall obtain a certificate of registration for the animal within 30 days after moving into the county.



(f) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article. No person shall be the owner of more than one vicious animal. No certificate of registration for a vicious animal 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;
- (4) From the time of conviction until two years after completion of his or her sentence. The restrictions imposed by this section also apply to any person residing with such convicted person.

Sec. 18-173. - Confinement of dangerous or vicious animals.

- (a) Classified animals shall be confined in a classified animal pen.
- (b) The owner of a classified animal must post signs on all means of ingress and egress to the premises where the animal resides. Such signs shall read in letters at least three-quarters of an inch high: "Dangerous/Vicious Animal on Property." Such signs shall be no smaller than eight and one-half by 11 inches.
- (c) Whenever outside its classified animal pen, but on the owner's property, a classified animal shall be attended by the owner, muzzled by any means sufficient to prevent the biting of persons or animals, and restrained by a secure collar and leash of sufficient strength to prevent escape. Such leash shall not exceed six feet in length.
- (d) No classified animal shall be permitted off the property of its owner unless accompanied by the owner, muzzled by any means sufficient to prevent the biting of persons or animals, and restrained by a secure collar and leash of sufficient strength to prevent escape. Such leash shall not exceed six feet in length. In the alternative, the classified animal when off the owner's property may be contained in a closed and locked cage or crate.
- (e) The owner of a classified animal shall make the animal and the area of confinement available for periodic, unannounced inspections by the animal control officer to ensure compliance with the confinement requirements of this chapter.
- (f) Under no circumstances shall Fulton County or its designee or any employee thereof be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of failure to enforce the provisions of this article.

Secs. 18-174-18-189. - Reserved.

SECTION 4: That this Ordinance shall take effect immediately upon its approval.

SECTION 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.



SECTION 6: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 18, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.