

**EXHIBIT A**

**Division 1 of Chapter 34 is replaced entirely by the following:**

ARTICLE VI. RABIES AND ANIMAL CONTROL

DIVISION 1. - GENERALLY

Sec. 34-196. - 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.

*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.

*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 one hundred square foot area outside the adequate shelter.

*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.

*Harborer* 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.

*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.

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

*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.

(91-RC-441, § A, 8-21-91; Res. No. 09-0243, 3-4-09)

**Cross reference—** Definitions generally, § 1-2.

Sec. 34-197. - 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 Fulton County any animal during the term of the sentence;
  - (2) Require that the animal be removed from Fulton County;
  - (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 a misdemeanor and shall be fined not less than \$250.00 for a second conviction, and not less than \$500 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 a misdemeanor 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 34-281 or section 34-284 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 34-281 or section 34-284 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.

(91-RC-441, § V, 8-21-91)

**State law reference**— Punishment for misdemeanors generally, O.C.G.A. § 17-10-3; maximum punishments which may be imposed for violations of county ordinances, O.C.G.A. § 36-1-20(b).

**Sec. 34-198. - 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.

(91-RC-441, § Z, 8-21-91)

**Sec. 34-199. - 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.

(91-RC-441, § X, 8-21-91)

**Sec. 34-200. - Enforcement of article.**

Fulton County or its designee shall enforce this article by means of impoundment and court citations.

(91-RC-441, § W, 8-21-91)

**Sec. 34-201. - 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.

(91-RC-441, § C, 8-21-91)

**Sec. 34-202. - 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 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 harbinger of any dog or cat in the areas of Fulton County designated in section 34-201(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 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.
- (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.

(91-RC-441, § D, 8-21-91)

**State law reference—** Rabies inoculation tags, O.C.G.A. § 31-19-6.

Sec. 34-203. - 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 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.

(91-RC-441, § E, 8-21-91)

Sec. 34-204. - 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 Fulton County 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.

(91-RC-441, § H, 8-21-91)

**State law reference**— Dogfighting, O.C.G.A. § 16-12-37; cruelty to animals, O.C.G.A. § 16-12-4.

Sec. 34-20S. - 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.

(91-RC-441, § I, 8-21-91; Res. No. 01-0738, 6-20-01; Res. No. 09-0243, 3-4-09)

Sec. 34-206. - 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 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.
- (91-RC-441, § M, 8-21-91)

Sec. 34-207. - 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.

(91-RC-441, § N, 8-21-91)

**State law reference—** Permitting dogs in heat to run at large, O.C.G.A. § 4-8-6.

(91-RC-441, § P, 8-21-91)

Sec. 34-209. - 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.

(91-RC-441, § Q, 8-21-91)

Sec. 34-210. - 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

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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

(91-RC-441, § T, 8-21-91)

**Sec. 34-211. - 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.

(91-RC-441, § U, 8-21-91)

**Sec. 34-212. - 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.

(Res. No. 11-0491, 6-1-11)

**Division 2 of Chapter 34 is amended as follows:**

**By amending subpart b of section 34-248 as follows:**

- (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 Public Health shall be followed.

**By amending subpart j of section 34-248 as follows:**

- (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 Public Health, for examination by the Georgia Public Health Laboratory.

**Division 3 of Chapter 34 is replaced entirely as follows:**

**DIVISION 3. - PUBLIC NUISANCE ANIMALS AND DANGEROUS OR VICIOUS DOGS**

**Sec. 34-281. - Precautions to be taken by owners.**

- (a) No person owning or having custody or control of any a 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. 34-282. - 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 thirty (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. 34-283. – Certificate of registration.

- (a) The owner of a classified animal must be eighteen (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 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 Fulton County.
- (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 thirty (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 thirty (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 fifty thousand dollars (\$50,000.00) issued by an insurer authorized to transact business in the State of Georgia, insuring the owner of a dangerous animal, and seventy-five thousand dollars (\$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 twenty-four (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

thirty (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 thirty (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 fifteen (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 thirty (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. 34-284. - 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 (3/4") high: "Dangerous / Vicious Animal on Property." Such signs shall be no smaller than eight and five-tenths (8.5) by eleven (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 (6) 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 (6) 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.

**DIVISION 4. - IMPOUNDMENT AND REDEMPTION**

*Sec. 34-316. - 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 34-201(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) Public nuisance animals or dangerous or vicious dogs not properly confined or restrained as defined in sections 34-281 and 34-284.*

*(11) Commercial guard/security dogs not properly confined or restrained as defined in section 34-206.*

*(12) Dogs in heat not properly confined as defined in section 34-207.*



(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 or vicious dog shall be immediately impounded by any animal control officer or by a law enforcement officer if:*

(1) *The owner of the dangerous dog or vicious dog does not secure the liability insurance or surety bond required by section 34-283;*

(2) *The dangerous dog or vicious dog is not validly registered as required by section 34-283; or*

(3) *The dangerous dog or vicious dog is not maintained in a proper enclosure as specified in section 34-284.*

*Any dangerous dog or vicious dog impounded under the provisions of this section may 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 may be destroyed in an expeditious and humane manner.*

*(91-RC-441, § O, 8-21-91)*

*Sec. 34-317. - Disposition of impounded animals.*

(a) *Any 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, may, at the discretion of Fulton County Government or its designee, be immediately euthanized if not accepted by a qualified adoption facilitator, rescue group or animal shelter, 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 may be euthanized and the owner, if known, notified as soon as possible.*

*(b) If, in the opinion of Fulton County Government 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. Except as provided in paragraph (a) of this section, no impounded animal may be euthanized until five days from the date of impoundment. Animals under observation for rabies symptoms shall remain in the animal control shelter for such period of time as the Fulton County Government or its designee may deem necessary to protect the public health.*

*(d) Impounded animals not claimed within five days of the day of impoundment or at the end of the quarantine period may be euthanized in a humane manner as approved by Fulton County Government 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) *Fulton County Government 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.*

*(91-RC-441, § R, 8-21-91)*

*Sec. 34-318. - Adoption of impounded animals.*

(a) *The Fulton County Animal Control as a designee of the Fulton County Government shall offer 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) *Animals not placed for adoption through the Fulton County Animal Control program may be made available to qualified adoption facilitators, rescue groups and animal shelters on a first come first served basis. Upon request, qualified adoption facilitators, rescue groups and animal shelters must provide proof of Georgia state licensing, or proof of non-profit status under section 501(c)(3) of the Internal Revenue Code if incorporated outside the state of Georgia, prior to receiving each such individual animal. Qualified adoption facilitators, rescue groups and animal shelters may be required to reimburse the county for any medical care/testing done on the animal by the county or its agents.*

(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 34-317(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 a qualified adoption facilitator, rescue group or animal shelter, 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 may 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) Fulton County Government or its designee shall be held harmless and free from liability for any animal adopted or placed with a qualified adoption facilitator, rescue group or animal shelter.*

*(91-RC-441, § S, 8-21-91)*

Sec. 34-319 – Animal control hearing board

(a) The Fulton County Board of Commissioners hereby creates a board known as the animal control hearing board, to hold hearings provided for in article. The board so designated is authorized and shall have jurisdiction to conduct hearings and determine matters provided for in this code. 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) In addition to having jurisdiction to conduct the aforementioned hearings, the animal control hearing board shall have the authority to:

- (1) Study animal related issues, including but not limited to identifying ways to reduce animal overpopulation, encourage animal adoptions, improve public relations, and improve animal safety and comfort, and make recommendations to the board of commissioners regarding those issues;
  - (2) Review and make recommendations to the board of commissioners regarding ordinances relating to the control and welfare of animals in Fulton County;
  - (3) Submit reports to the board of commissioners at the direction of the board of commissioners;
  - (4) Facilitate regular quarterly meetings between and among Fulton County citizens, animal advocacy groups and organizations;
  - (5) Secure grant funding in cooperation with Fulton County Animal Control, animal advocacy groups and government agencies; and
  - (6) Perform other duties as prescribed by the board of commissioners.
- (c) 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. 34-320—34-360. - Reserved.