

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON

Ord2019-007

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5
6 AN ORDINANCE CREATING TITLE 17, ANIMAL CONTROL, OF THE CITY OF
7 SOUTH FULTON, GEORGIA, CODE OF ORDINANCES; TO ENHANCE THE
8 REGULATION OF THE MAINTENANCE OF ANIMALS AND LIVESTOCK AND FOR
9 OTHER LAWFUL PURPOSES.

10 (Sponsored by Councilperson Gumbs)

11
12 WHEREAS, the City of South Fulton ("City") is a municipal corporation duly
13 organized and existing under the laws of the State of Georgia;

14
15 WHEREAS, the duly elected governing authority of the City, is the Mayor and
16 Council thereof ("City Council");

17 WHEREAS, Title 1, Section 1.12(b)(2) of the City Charter authorizes the City "to
18 regulate and license or to prohibit the keeping or running at large of animals and fowl
19 and to provide for the impoundment of same if in violation of any ordinance or lawful
20 order."

21 WHEREAS, the regulation of the keeping or running at large of animals and fowl
22 helps to protect residents, visitors and animals; and

23 WHEREAS, this Ordinance is in the best interests of the health and general
24 welfare of the City, its residents and general public.

25 THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as
26 follows:

27
28 Section 1. The City of South Fulton Code of Ordinances, Title 17, Animal
29 Control, is hereby established to read as follows:

30 TITLE 17 – ANIMAL CONTROL

31 ARTICLE I. - GENERAL

32 State Law reference— Animals generally, O.C.G.A. § 4-1-1 et seq.

Sec. 17-1001. - Definitions.

The following words and phrases within this title shall have the meanings ascribed to them in this section, except where the context clearly indicates a meaning otherwise:

Animal control shelter means the facilities operated for the confining of dogs, cats, or other animals impounded under the provisions of this title.

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

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

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

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

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

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

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

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

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

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

Exotic animal means any animal of any kind which is not indigenous to the state, but not included in the definition of a domestic animal, the term "exotic animal" means and includes any hybrid animal which is part exotic animal.

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

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

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

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

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

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

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

Vaccination/license tag means a metal tag bearing a number which is issued to the animal owner after showing proof of vaccination for the animal and paying, when required, the license fee. By virtue of the intergovernmental agreement, this tag is issued on behalf of the city by the city manager, and/or an entity contracting with the

City to provide such animal control services on the City's behalf and is provided by the state department of human resources.

Veterinarian means any person who holds a license to practice the profession of veterinary medicine in the state; the veterinary license number shall be the same as that recorded by the state board of veterinary examiners.

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

Wildlife/fowl means any animal/fowl of any kind which is indigenous to the state, but not included in the definition of a domestic animal/fowl, and the term "wildlife/fowl" means and includes any hybrid animal/fowl which is part wild animal/fowl.

Sec. 17-1002. - Penalty.

Any person violating any of the provisions of this chapter shall be punished as allowed by City Charter and other applicable laws.

Sec. 17-1003. - Vaccination, license tag required.

(a) All persons owning or handling any animal shall comply with all vaccinations, licensing, registration and/or tag requirements of Fulton County, Georgia.

(b) In order to maintain a centrally located record of all vaccinated dogs, cats, or other animals kept, maintained, or harbored in the territorial boundaries of the city, the owner, custodian, or harbinger of such dog, cat, or other animal is required to apply to the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, for a vaccination/license tag.

(c) 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 title, provided that the owner, custodian, or harbinger of any dog or cat in the city designated in this section also makes payment of a license fee to be set by the city manager. The vaccination/license tag will be available to the public throughout the year and is issued on behalf of the city by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf. The tag shall be valid for the same period as the time specified by the vaccination.

(d) 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 person a valid hunting license. In the latter case, the owner, custodian, or harbinger shall have the tag or vaccination certificate in his possession where it may be shown on demand by any duly constituted authority.

(e) Should the vaccination/license tag become lost, misplaced, or stolen, it shall be the duty of the owner, custodian, or harbinger of the dog or cat to obtain a replacement tag at a cost set by the city manager.

(f) 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. 17-1004. – Unlawful Housing of Domestic Animals and Livestock.

(a) It shall be unlawful for any person to keep any domestic animal or livestock, except under the following conditions:

(1) Any housing or enclosure used by any domestic animal or livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf.

(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 include licensed veterinary hospitals, commercial kennels, grooming parlors and public or commercial horse facilities:

Animal	Distance (in feet)
Horse, mules, asses, cows, sheep or goats	100
Hogs	900
Cats, dogs (three or more)	100

Rabbits, guinea pigs, hamsters	100
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	100

(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 include licensed veterinary hospitals, commercial kennels, grooming parlors and public and commercial horse facilities:

Animal	Area per Animal (in square feet)
Horse, mules, asses, cows, sheep or goats	150
Hogs	150
Cats, 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 include licensed veterinary hospitals, commercial kennels, grooming parlors, and public and commercial horse facilities:

Animal	Maximum Number
Horse, 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. 17-1005. - Abandonment.

No person shall abandon any animal on any property, public or private, or keep an animal under unsanitary conditions.

Sec. 17-1006. - Running at large.

(a) *Generally.* Within the city's territorial boundaries, the running at large of dogs, domestic animals, livestock, owned wildlife, or exotic animals is prohibited, with the exception of cats. Owners of wildlife or exotic animals must have the necessary state and federal permits on their person and comply with all state, local and federal regulations and laws when transporting their animals.

(b) *Dogs.*

(1) It shall be unlawful for the owner, custodian or harbinger of any dog to allow or permit such dog to leave the premises of the owner or other person having custody of the dog, unless such dog is securely under leash; said leash being not more than six-feet long, and under the control of a competent person. Dogs must be confined to the premises of the owner or other person having custody of the dog and shall be restrained by means of a fence or wall or other enclosure or restrained individually by a leash or chain. Excluded are those dogs participating in or training for obedience trials, field trials, dog shows, tracking work, or law enforcement. Also, the requirements of this subsection shall not apply in any area zoned for agriculture where the owner or person having custody of the dog is at the time in question using the dog for hunting purposes and has on his 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 therein wears the appropriate electronic collar when within the system perimeters.

(3) In cases where an animal 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.

(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 and exotic animals.* Domestic animals, livestock, owned wildlife, and exotic animals shall be securely confined to the premises of the owner or other person having custody of such by means as required by this title, and/or as required by state or federal regulations, with the exception of cats.

Sec. 17-1007. - 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.

(b) Pen-raised skunks, other than black and white skunks, may be purchased and kept as pets after securing a permit from the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf. No pet store shall allow the purchase of pen-raised skunks without being first presented with the permit issued by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf.

Sec. 17-1008. - Wildlife or exotic animal.

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

Sec. 17-1009. - 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. 17-1010. - 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 the city, provided said animal is promptly surrendered to the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, 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:

(1) Dogs or cats without a current rabies vaccination.

(2) Dogs or cats without a current city 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) Warm-blooded animals that have bitten a human or another warm-blooded animal and warm-blooded animals which have been bitten by another warm-blooded animal suspected of having rabies.

(5) Warm-blooded animals suspected of having rabies.

(6) Unconfined, warm-blooded animals in quarantine areas.

(7) Animals whose safety, health, or life is in immediate danger.

(8) Animals whose ownership is unknown.

(9) Dogs, domestic animals, livestock, owned wildlife, or exotic animals roaming at large, with the exception of cats.

(10) Vicious animals or dangerous or potentially dangerous dogs not lawfully confined or restrained.

(11) Commercial guard/security dogs not lawfully confined or restrained.

(12) Dogs in heat not lawfully confined.

(c) No animal shall be exempt from the provisions of this title by virtue of a vaccination, tag, or certificate.

(d) The city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, 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 city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, 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 city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, in the performance of their duties, or for any person to remove any animal from the animal control vehicle or animal control shelter without the permission of the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf.

(f) When the owner of the dog or other animal impounded under the provisions of this title, can be readily identified and located, the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, 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 Service.

(g) A dangerous dog shall be immediately impounded by any animal control officer, or by a law enforcement officer if:

(1) The owner of the dangerous dog does not secure the liability insurance or surety bond required by this title;

(2) The dangerous dog is not validly registered as required by this title;

(3) The dangerous dog is not maintained in a proper enclosure;

(h) A potentially dangerous dog shall be immediately impounded by any animal control officer, or by a law enforcement officer if:

(1) It is not validly registered as required by this title;

(2) It is not maintained in a proper enclosure.

(3) It is outside a proper enclosure in violation of this title.

(i) Any dangerous dog or potentially dangerous dog impounded under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this section, and upon payment of reasonable impoundment costs. In the event the owner has not complied with the provisions of this section within 20 days of the date the dog was impounded, said dog shall be destroyed in an expeditious and humane manner.

Sec. 17-1011. - Disposition of impounded animals.

(a) Every animal impounded under the provisions of this title which is found upon arrival at the animal control shelter to be diseased, gravely injured or life threatened and whose ownership is unknown or is relinquished in writing, shall, at the discretion of the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, be immediately destroyed if not accepted by an organization approved by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, and provided such organization signs a receipt for the animal. In the event an owner cannot be contacted and the severity of the injury or disease of the animal dictates that euthanasia is a humane course of action, the animal will be destroyed and the owner, if known, notified as soon as possible.

(b) If, in the opinion of the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, 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 title shall be held a minimum of three days from the day of impoundment or such longer period of time as deemed reasonable by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf. Animals under observation for rabies symptoms shall remain in the animal control shelter for such period of time as the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, may deem necessary to protect the public health.

(d) Impounded animals not claimed within three days of the day of impoundment or at the end of the quarantine period may be disposed of, euthanized, in a humane manner as approved by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf. No animal impounded under the provisions of this title 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 chapter.

(2) A license fee for any unlicensed dog or cat in an area covered by this chapter.

(3) An impoundment fee.

(4) A daily boarding fee.

(f) The city 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.

(h) The city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, 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.

ARTICLE 2. - RABIES CONTROL

Sec. 17-2001. - Vaccination required.

(a) The owner, custodian, or harbinger of each dog or cat over four months of age, kept, maintained, or harbored in any area of the city is required to maintain a current rabies vaccination on such dog or cat.

(b) It shall be the duty of all persons owning or having custody of any dog or cat over four months of age brought into the city from outside the city to have such dog or cat vaccinated within 14 days from the date of entry, provided that when the owner or person having custody of the dog or cat produces evidence satisfactory to the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, that such dog or cat has a current vaccination, as prescribed by this title, such dog or cat will not be required to be vaccinated again until the expiration date of the current vaccination.

(c) Only a licensed veterinarian shall be entitled in connection with his practice, on the request of any owner of a dog, cat, or other animal, to vaccinate such dog, cat, or other animal against rabies, with a vaccine as set forth in this title, provided that at the time of vaccination he furnishes two copies of the vaccination certificate to the owner, forwards one copy to the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, and maintains one copy for his files.

Sec. 17-2003. - Rabies cases to be reported.

It shall be the duty of any person knowing of a rabid animal, or of any animal showing symptoms of rabies, to immediately report such animal to the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf and give as much pertinent information as possible. Any bite by an animal shall be reported to the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf. The city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, in order to maintain an effective epidemiological surveillance and control program, shall

maintain a record of its rabies related activities, including investigation and confirmation of rabies in animals in the manner and frequency stipulated by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf.

Sec. 17-2004. - 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 city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, for a period of ten days from the date of the bite to be observed for symptoms of rabies.

(b) In the event a warm-blooded animal other than a dog or cat has bitten a human or other warm-blooded animal, or in the event a warm-blooded animal has been bitten by another warm-blooded animal, the recommendations contained in the rabies control manual compiled by the state department of human resources shall be followed.

(c) All expenses incurred for boarding an animal for the quarantine period as well as other applicable fees shall be paid by the owner or custodian of the biting animal.

(d) It shall be unlawful for any person, custodian, or harbinger to fail to surrender a dog, cat, or other animal which has bitten a human, upon the sworn statement of the person bitten. Such animal will be placed under quarantine or submitted for laboratory examination at the discretion of the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf. The provisions of this title 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 warm-blooded animal, or where its existence is suspected, the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, may designate a geographical area within which quarantine of all owned warm-blooded animals shall be maintained. Such animals shall be immediately confined to the premises designated and, in a manner, approved by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, whether or not such animals have been vaccinated against rabies.

(f) No warm-blooded animal shall be brought into or removed from a quarantined area or premises without written approval of the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf.

(g) Quarantine ordered by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, 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 city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, 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 city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, and shall not be removed, except by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf. Such signs shall not be defaced.

(i) The owner, custodian, or harbinger of each animal subject to a quarantine invoked by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, under the terms of this title shall be notified of the quarantine, the particular animals subject thereto, and shall be given such other information as the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, deems necessary.

(j) Every animal showing clinical signs of rabies, as determined by the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, shall be immediately destroyed; and the heads of all animals suspected of having had rabies at the time of death shall be submitted to the epidemiology office, department of human resources, for examination by the department of human resources laboratory.

ARTICLE 3. - DOGS AND CATS

Sec. 17-3001. - Special permits.

(a) Each premises where there are four or more dogs over the age of four months kept, maintained or harbored for a period of 14 days or longer, shall be deemed to constitute a kennel. The owner or person in possession of the premises where the kennel is located shall be required to apply to the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, for a special permit and any other permits as may be required by any city law, ordinance, or regulation.

(b) A special permit will be issued upon payment of an annual fee set by the city manager and proof that the premises and dogs covered by the special permit meet the requirements set out in this title.

(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 title. Application to renew a special permit must be made at least 14 days prior to the expiration of the existing permit.

(d) Individual license tags will be issued for each dog located in such a kennel, and a separate tag fee over and above the annual special permit fee will not be required.

(e) All commercial kennels which are subject to a business license fee shall be exempt from the annual special permit fee.

Sec. 17-3002. - Commercial guard/security dogs.

(a) It shall be the duty of all persons who keep, use, or maintain any guard/security dog to have signs conspicuously posted on the premises where the guard/security dog is located to warn of the presence of the dog. This warning shall consist of a warning sign placed at each entrance and exit to the premises and in a position to be legible from the sidewalk or ground level adjacent to the sign, eye level. If the premises are 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 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 this title. The dog also must have the current vaccination tag affixed to a collar worn by the dog at all times as required by this title.

(c) It shall be the duty of any person that sells, leases, or rents any guard/security dog to be used within the city to notify the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, of the location and number of guard/security dogs in use, kept, or maintained at a particular location. The city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf, shall maintain a record of the location, number of guard/security dogs, current rabies vaccination and licensure of all guard/security dogs utilized within the city. The person that sells, leases, or rents a guard/security dog to be used in the city shall furnish the following information to the city manager, and/or an entity contracting with the City to provide such animal control services on the City's behalf:

(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.

(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, 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. 17-3003. - 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 city when she is left unattended, to confine such dog securely so as to prevent contact with another dog, except for planned breeding.

ARTICLE 4. - VICIOUS ANIMALS AND DANGEROUS DOGS

1 **Sec. 17-4001. - Precautions to be taken by owners.**

2 (a) It shall be the duty of every owner of any vicious animal or anyone having any
3 such animal in his possession or custody, to ensure that the vicious animal or
4 dangerous or potentially dangerous dog is kept under restraint, as prescribed in this title
5 and that reasonable care and precautions are taken to prevent the vicious animal or
6 dangerous or potentially dangerous dog from leaving, while unattended, the real
7 property limits of its owner, custodian, or harbinger, and it is securely and humanely
8 enclosed within a house, building, fence, locked pen, or other enclosure out of which it
9 cannot climb, dig, jump, or otherwise escape on its own volition. Such enclosure must
10 be securely locked at any time the animal is left unattended so that children are
11 prevented from entry and to prevent the vicious animal or dangerous or potentially
12 dangerous dog from escaping.

13 (b) For owners of a vicious animal whose animal lives out-of-doors, a portion of their
14 property shall be fenced with a perimeter or area fence. Within this perimeter fence, the

15 vicious animal or dangerous or potentially dangerous dog must be humanely confined
16 inside a locked pen or kennel of adequate size. The pen or kennel may not share
17 common fencing with the area or perimeter fence. The kennel or pen must have secure
18 sides, a secure top attached to all sides, the sides must be securely set into the ground
19 or onto a concrete pad, or securely attached to a wire bottom. The gate to the kennel
20 must be locked when the animal is unattended. This enclosure shall provide protection
21 from the elements.

22 (c) A vicious animal shall not be upon any street or public place, except when
23 securely restrained by leash not more than six feet in length and humanely muzzled
24 when appropriate, as determined by the city manager, and/or an entity contracting with
25 the City to provide such animal control services on the City's behalf, and in the charge
26 of a competent person. Leashes used for dangerous or potentially dangerous dogs shall
27 be not more than six feet in length.

28 (d) Whenever outside of its enclosure, as provided for in this section, but on the
29 owner's property, a vicious animal must be attended by the owner or custodian and
30 restrained by a secure collar, muzzled when appropriate, as determined by the city
31 manager, and/or an entity contracting with the City to provide such animal control
32 services on the City's behalf, and on a leash of sufficient strength to prevent escape
33 provided:

34 (1) A dangerous dog that is outside of a proper enclosure shall be muzzled and
35 restrained by a substantial chain or leash and shall be under the physical restraint of a
36 responsible person. The muzzle shall be made in a manner that will not cause injury to
37 the dog or interfere with its vision or respiration but will prevent it from biting any person.

38 (2) A potentially dangerous dog to that is outside a proper enclosure shall be
39 restrained by a substantial chain or leash and is under the restraint of a responsible
40 person.

41 (e) No vicious animal or dangerous or potentially dangerous dog shall be chained,
42 tethered, or otherwise tied while unattended by the owner or custodian to any inanimate
43 object such as a tree, post, or building, outside of its primary enclosure.

44 (f) A warning sign (i.e., beware of dog) shall be conspicuously posted denoting a
45 vicious animal on the premises. These signs are exempt from building permit
46 requirements.

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50 **Section 2.** It is hereby declared to be the intention of the Mayor and Council that: (a)
51 All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
52 upon their enactment, believed by the City Council to be fully valid, enforceable and
53 constitutional.

54 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
55 clause or phrase of this Ordinance is severable from every other section, paragraph,
56 sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause
57 or phrase of this Ordinance is mutually dependent upon any other section, paragraph,
58 sentence, clause or phrase of this Ordinance.

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

66 **Section 3.** All Ordinances and parts of Ordinances in conflict herewith are hereby
67 expressly repealed.

68 **Section 4.** The city attorney and city clerk are authorized to make non-substantive
69 editing and renumbering revisions to this Ordinance for proofing, codification, and
70 supplementation purposes. The final version of all Ordinances shall be filed with the
71 clerk.

72 **Section 5.** The effective date of this Ordinance shall be on the date as set forth
73 under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state
74 and/or federal law.

75
76 **Section 6. *Instruction to City Clerk.*** Unless vetoed, the City Clerk is hereby
77 directed to forward a copy of this Ordinance to the City Solicitor, Public Defender and
78 head of the Code Enforcement Department.
79

80 THIS ORDINANCE adopted this 9th day of July **2019**.

81

82 **CITY OF SOUTH FULTON, GEORGIA.**

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84
85 **"SECOND READING"**

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92 WILLIAM "BILL" EDWARDS, MAYOR

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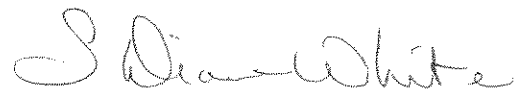
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98 **ATTEST:**

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102 S. DIANE WHITE, CITY CLERK

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110 **APPROVED AS TO FORM:**

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114 EMILIA C. WALKER, CITY ATTORNEY

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119 The foregoing **ORDINANCE No. 2019-007**, adopted on July 9, 2019 was offered by
120 Councilmember Gumbs, who moved its approval. The motion was seconded by
121 Councilmember Gilyard, and being put to a vote, the result was as follows:

122

123

124 **“SECOND READING”**

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126

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128 William “Bill” Edwards, Mayor

129 Mark Baker, Mayor Pro Tem

130 Catherine Foster Rowell

131 Carmalitha Lizandra Gumbs

132 Helen Zenobia Willis

133 Gertrude Naeema Gilyard

134 Rosie Jackson

135 khalid kamau

136

	AYE	NAY
William “Bill” Edwards, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Baker, Mayor Pro Tem	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Catherine Foster Rowell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carmalitha Lizandra Gumbs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Zenobia Willis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gertrude Naeema Gilyard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosie Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
khalid kamau	<input checked="" type="checkbox"/>	<input type="checkbox"/>