

STATE OF GEORGIA

ORDINANCE NO. 2006-02-09

COUNTY OF FULTON

AN ORDINANCE TO ADOPT CHAPTER 5, ANIMAL CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF SANDY SPRINGS, GA PROVIDING FOR THE LICENSING AND CONTROL OF ANIMALS; AND ENFORCEMENT AND PENALTIES RELATED THERETO

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on February 7, 2006 at 7:00 p.m. as follows:

SECTION 1. That the Mayor and City Council intend to provide for the licensing and control of animals within the City of Sandy Springs, Georgia; and,

SECTION 2. That in order to protect the health, safety, welfare, and morals of the citizens of the City of Sandy Springs, the Mayor and City Council have established policies to provide for such protection; and,

SECTION 3. That this Ordinance shall become effective upon its adoption; and,

SECTION 4. That the City of Sandy Springs has entered into an intergovernmental agreement with Fulton County for the purpose of providing administration, enforcement, and oversight of this Ordinance; and,

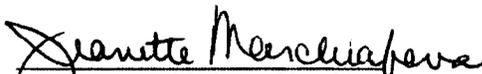
SECTION 5. That two public reading of the title of this Ordinance and a hearing related thereto shall be held before the Mayor and City Council at City Hall, 7840 Roswell Road, Suite 540, Sandy Springs, Georgia 30350, at 7 o'clock p.m., on the 17th day of January, 2006 and 7th day of February, 2006.

ORDAINED this the 7th day of February, 2006.

Approved:


Eva Galambos, Mayor

Attest:


Jeanette Marchiafava, City Clerk

(Seal)



Chapter 5: Animal Control

Article 1: Generally

The City of Sandy Springs has entered into an intergovernmental agreement with Fulton County authorizing Fulton County to provide administration, enforcement and oversight of this Animal Control Ordinance.

Section 1: Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

Single Premise means A tract of land with the buildings thereon, a building or part of a building with its appurtenances (as grounds).

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

Vaccination certificate means a certificate provided by the Georgia Department of Human Resources and issued at the time of vaccination of the dog, cat, or other animal and bearing thereon the signature of the vaccinator; the name, color, breed, age, and sex of the dog, cat, or

other animal; the name and address of the owner; the date of expiration of the vaccination; and the spay or neuter status, if known.

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

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

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

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

Section 2: Penalties for violation of article.

(a) Any person who violates the provisions of this article shall be guilty of a misdemeanor and subject to a fine of up to \$500.00 and/or imprisonment in jail for a period not to exceed sixty (60) days six (6) months or both. Each and every violation of the provisions of this article constitutes a separate offense.

(b) Any person who violates the provisions of this article as it pertains to a potentially dangerous dog will be fined not less than \$150.00 for a second conviction, and not less than \$300.00 for a third conviction and/or imprisonment in jail for a period not to exceed six (6) months, or both.

(c) Any person who violates the provisions of this article as it pertains to a dangerous dog shall be guilty of a misdemeanor of a high and aggravated nature and will be fined not less than \$500.00 for a second conviction, and not less than \$750.00 for a third conviction and/or imprisonment in jail for a period not to exceed six (6) months or both.

(d) If the owner of a dangerous or potentially dangerous dog fails to comply with Article 3, Section 1 of this chapter and his/her dog attacks or bites a human, he/she shall be guilty of a felony and will be subject to a fine of not less than \$1,000.00 nor more than \$5,000.00 and/or imprisonment for not less than one year nor more than five years.

(e) If the owner of a dangerous or potentially dangerous dog knowingly and willfully fails to comply with Article 3, Section 1 of this chapter and his/her dog aggressively attacks and causes severe injury to or the death of a human, he/she shall be guilty of a felony. Conviction under these circumstances will subject the owner to a fine of not less than \$5,000.00, nor more than \$10,000.00 and/or imprisonment for not less than one (1) year, nor more than ten (10) years.

(f) In addition to subsections (d) and (e) of this section, 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 humanely destroyed.

State law references: 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).

Section 3: 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.

Section 4: Courts.

The City of Sandy Springs Municipal Court or the courts having general jurisdiction wherein the city has a contractual agreement for providing animal control services shall hear cases and assess fines for violations of this article.

Section 5: Enforcement of article.

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

Section 6: Dog/cat license required.

(a) It shall be the duty of each owner, custodian, or harbinger of any dog or cat over four (4) months of age kept, maintained, or harbored within the territorial boundaries of the City 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 territorial boundaries of the City to obtain a dog or cat license for such dog or cat within fourteen (14) days from the date of entry.

Section 7: 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 the territorial boundaries of the City, the owner, custodian, or harbinger of such dog, cat, or other animal is required to apply to the Fulton County Animal Control for a vaccination/license tag.

(b) A vaccination/license tag shall be issued upon presentation of a certificate showing that the dog, cat, or other animal for which the tag is issued has been vaccinated against rabies as prescribed by this article, provided that the owner, custodian, or harbinger of any dog or cat in the City designated in Section 6 of this Article also make 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 health department or its designee. The tag shall be valid for the same period as the time specified by the vaccination.

(c) It shall be the duty of the owner, custodian, or harbinger of any dog in the areas designated in subsection (a) of this section to affix such vaccination/license tag to a collar worn by the dog at all times, except that the wearing of a vaccination/license tag is not required for show dogs where

the wearing of such tag could damage the coat, and except when dogs are boarded in kennels or veterinary clinics, or in an area zoned for agricultural purposes where the owner or custodian of the dog in question is using the dog for hunting purposes, and has on his/her person a valid hunting license. In the latter case, the owner, custodian, or harbinger shall have the tag or vaccination certificate in his/her possession where it may be shown on demand by any duly constituted authority.

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

(e) It shall be unlawful for any person to attach a vaccination/license tag to the collar of any animal for which it was not issued, or to remove a vaccination/license tag from any animal without the consent of the owner or custodian.

Section 8: Special permits.

(a) Each premises where there are four (4) or more dogs over the age of four months kept, maintained or harbored for a period of fourteen (14) days or longer, shall be deemed to constitute a kennel. The owner or person in possession of the premises where the kennel is located shall be required to apply to the Fulton County Animal Control for a special permit. Other permits as may be required by the Sandy Springs Zoning Ordinance, Article 19.3.19 and 19.4.24 relating to kennels must also be obtained before the operation of a kennel.

(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 article.

(c) The special permit will be valid for one (1) 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 fourteen (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.

Section 9: Cruelty to animals.

(a) It shall be unlawful for any person to overload, poison, cruelly treat, maim, tease, bruise, deprive of necessary sustenance or medical attention, improperly use, deprive of shade and shelter, or in any manner whatsoever, torture, kill, or abuse any animal.

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

(c) It shall be unlawful to transport any dog in an open bed truck except when safely confined in a portable kennel or safely restrained by a harness or tether.

State law references: Dogfighting, O.C.G.A. § 16-12-37; cruelty to animals, O.C.G.A. § 16-12-4.

Section 10: Running at large.

(a) *Generally.* Within the territorial boundaries of the City, the running at large of dogs, domestic animals, livestock, owned wildlife, exotic animals, dangerous, or potentially dangerous dogs is prohibited, with the exception of cats. Owners of wildlife or exotic animals must have the necessary state and/or federal permits on their person when transporting their animals.

(b) *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/her person a valid hunting license and proof of vaccination.

(2) An electronic confinement system shall be considered an acceptable enclosure when the equipment is properly maintained and in continuous working order, and the animal to be contained within wears the appropriate electronic collar when within the system perimeters.

(3) In cases where an animal has been deemed dangerous by the court, or has been trained to be a guard dog, an electronic animal confinement system may not be used as either the primary or secondary enclosure.

(4) Individuals who contain an animal by means of an electronic animal confinement system and are found to be in violation of this section or have been deemed as restraining a dangerous animal shall thereafter restrain the animal by means of a fence, wall or other enclosure, or such animal shall be restrained individually by a leash or chain.

(c) *Restraint of domestic animals, livestock, owned wildlife and exotic animals.* It shall be unlawful for the owner, custodian, or harbinger of any domestic animal, livestock, wildlife, or exotic animal, to allow or permit such animal to leave the premises of the owner or other person having custody of such unless securely under leash, in a carrying case, or restrained by some other means and under the control of a competent person, with the exception of cats.

(d) *Confinement of domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs.* Domestic animals, livestock, owned wildlife, exotic animals, and dangerous or potentially dangerous dogs shall be securely confined to the premises of the owner or other person having custody of such by means set forth under the provisions of this article, or approved by the health department or its designee and/or as required by state or federal regulations, with the exception of cats.

Section 11: Commercial guard/security dogs.

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

to the premises and in a position to be legible from the sidewalk or ground level adjacent to the sign (eye level). If the premises is not enclosed by a wall or fence, a sign shall be placed at every entrance and exit to each structure on the premises in which a guard/security dog is located. Each sign shall measure at least ten inches by fourteen (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 7(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 7(c).

(c) It shall be the duty of any person that sells, leases, and/or rents any guard/security dog to be used within the City to notify the Fulton County Animal Control, of the location and number of guard/security dogs in use, kept, or maintained at a particular location. The animal control office shall maintain a record of the location, number of guard/security dogs, and current rabies vaccination and licensure of all guard/security dogs utilized within the City. The person that sells, leases, and/or rents a guard/security dog to be used in the City shall furnish the following information to the Fulton County Animal Control Office:

- (1) Name, address, and telephone number of the location where a guard dog is located.
- (2) Name, breed, sex, and current license tag information of each guard dog at any location in the City.

(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 forty-eight (48) inches long by eighteen (18) inches wide by thirty (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.

Section 12: 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 6(a), when she is left unattended, to securely confine such dog so as to prevent contact with another dog except for planned breeding.

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

Section 13: Skunks and foxes.

(a) All skunks, except pen raised skunks, and all foxes from whatever geographic region including Alaska and Canada are forbidden to be purchased, sold, owned, possessed, or harbored. Pen raised skunks and foxes in possession as of July 1, 1987, are grandfathered.

(b) Pen raised skunks, other than black and white skunks, may be purchased and kept as pets after securing a permit from the Fulton County Animal Control. The Fulton County Animal Control is responsible for ensuring that purchasers of pen raised skunks are made knowledgeable of the proper care, handling, and confinement. No pet store shall allow the purchase of pen raised skunks without being first presented with the permit issued by the Fulton County Animal Control.

Section 14: 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.

Section 15: Nuisances.

(a) Any vicious animal shall be deemed a nuisance. A vicious dog will be exempt as a nuisance upon classification as a dangerous or potentially dangerous dog as prescribed in Article 3, Section 2 of this chapter.

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

(1) Any housing or enclosure used by any domestic animal or livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the health department officer or his designee.

(2) A domestic animal or livestock shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner. (Exceptions: licensed veterinary hospitals, commercial kennels, grooming parlors and public or commercial horse facilities):

TABLE INSET:

Animal	Distance (in feet)
Horses, mules, asses, cows, sheep or goats	150
Hogs	900
Dogs (three or more)	25
Rabbits, guinea pigs, hamsters	25
Chickens, turkeys, geese, ducks, pigeons, or similar fowl	25

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

TABLE INSET:

Animal	Area per Animal
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	(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):

TABLE INSET:

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

Section 16: 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.

Article 2. **Rabies** **Control***

*State law references: Control of rabies, O.C.G.A. § 31-19-1 et seq.

Section 1: Vaccination required.

(a) The owner, custodian, or harbinger of each dog or cat over four (4) 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 (4) months of age brought into the City from outside the City to have such dog or cat vaccinated within fourteen (14) days from the date of entry, provided that when the owner or person having custody of the dog or cat produces evidence satisfactory to the health department through its designee that such dog or cat has a current vaccination, as prescribed by this article, such dog or cat will not be required to be vaccinated again until the expiration date of the current vaccination.

(c) Only a licensed veterinarian shall be entitled in connection with his/her practice, on the request of any owner of a dog, cat, or other animal, to vaccinate such dog, cat, or other animal against rabies, with a vaccine as set forth in the definition of vaccinate in Article 1, Section 1, provided that at the time of vaccination he furnishes two copies of the vaccination certificate to the owner, forwards one copy to the Fulton County Animal Control, and maintains one copy for his/her files.

State law references: Inoculation of dogs and cats against rabies, O.C.G.A. § 31-19-6.

Section 2: Rabies cases to be reported.

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

Section 3: Quarantine.

(a) In the event a dog or cat has bitten a human, such animal shall be immediately confined at the animal control shelter, veterinary hospital, or other such premises deemed acceptable by the health department or its designee for a period of ten (10) days from the date of the bite to be observed for symptoms of rabies.

(b) In the event a warmblooded animal other than a dog or cat has bitten a human or other warmblooded animal, or in the event a warmblooded animal has been bitten by another warmblooded animal, the recommendations contained in the Rabies Control Manual compiled by the Georgia Department of Human Resources shall be followed.

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

(d) It shall be unlawful for any person, custodian, or harbinger to fail to surrender a dog, cat, or other animal which has bitten a human, upon the sworn statement of the person bitten. Such animal will be placed under quarantine or submitted for laboratory examination at the discretion of the health department or its designee. The provisions of this division shall apply, regardless of whether or not such animal has a current rabies vaccination and tag.

(e) When rabies has been found to exist in any warmblooded animal, or where its existence is suspected, the health department or its designee may designate a geographical area within which quarantine of all owned warmblooded animals shall be maintained. Such animals shall be immediately confined to the premises designated and in a manner approved by the health department or its designee, whether or not such animals have been vaccinated against rabies.

(f) No warmblooded animal shall be brought into or removed from a quarantined area or premises without written approval of the health department or its designee.

(g) Quarantine ordered by the health department or its designee shall be maintained for such period as deemed necessary to protect the public health.

(h) Quarantined areas or premises where rabid animals or animals suspected of having rabies remain at large, may be posted by the health department or its designee with signs which read as follows: "Rabies suspected" or "rabies--keep away from animals." Such signs shall be conspicuously displayed in a place designated by the health department or its designee and shall not be removed except by the health department or its designee. Such signs shall not be defaced.

(i) The owner, custodian, or harbinger of each animal subject to a quarantine invoked by the health department or its designee under the terms of this article shall be notified of the quarantine, the particular animals subject thereto, and shall be given such other information as the health department or its designee deems necessary.

(j) Every animal showing clinical signs of rabies, as determined by the health department or its designee, shall be immediately destroyed; and/or the heads of all animals suspected of having had rabies at the time of death shall be submitted to the Epidemiology Office, Department of Human Resources, for examination by the Department of Human Resources Laboratory.

Article 3: Vicious animals and dangerous or potentially dangerous dogs

***State law references: Dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.**

Section 1: Precautions to be taken by owners.

(a) No person owning or having custody or control of any dog or other animal known by such person to be vicious, dangerous, or potentially dangerous shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.

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

(c) For owners of a vicious animal or dangerous or potentially dangerous dog whose animal lives out-of-doors, a portion of their property should be fenced with a perimeter or area fence. Within this perimeter fence, the vicious animal or dangerous or potentially dangerous dog must be humanely confined inside a locked pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides, a secure top attached to all sides, the sides must be securely set into the ground or onto a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked when the animal is unattended. This enclosure shall provide protection from the elements.

(d) A vicious animal or dangerous or potentially dangerous dog shall not be upon any street or public place except when securely restrained by leash not more than six (6) feet in length and

humanely muzzled when appropriate, as determined by the animal control officer, and in the charge of a competent person.

(e) Whenever outside of its enclosure, as provided for in subsections (b) and (c) of this section, but on the owner's property, a vicious animal or dangerous or potentially dangerous dog must be attended by the owner or custodian and restrained by a secure collar, muzzled when appropriate, as determined by the animal control officer, and on a leash of sufficient strength to prevent escape.

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

(g) A warning sign (i.e., beware of dog) shall be conspicuously posted denoting a vicious animal or dangerous or potentially dangerous dog on the premises. These signs are exempt from building permit requirements.

(h) Failure to keep any vicious animal or dangerous or potentially dangerous dog confined or under restraint as provided for in this section shall be unlawful and shall be punishable as hereinafter provided.

Section 2: Notice to dangerous or potentially dangerous dog owners.

(a) When an animal control officer classifies a dog as a dangerous or potentially dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the animal control officer shall notify the dog's owner. The notice shall meet the following requirements:

(1) The notice shall be in writing and mailed by certified mail to the owner's last known address;

(2) The notice shall include a summary of the animal control officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog;

(3) The notice shall be dated and shall state that the owner, within fifteen (15) days after the date shown on the notice, has the right to request a hearing on the animal control officer's determination that the dog is a dangerous or potentially dangerous dog;

(4) The notice shall state that the hearing, if requested, shall be before the animal control hearing board;

(5) The notice shall state that if a hearing is not requested, the animal control officer's determination that the dog is a dangerous or potentially dangerous dog will become effective for all purposes on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and

(6) The notice shall include a form to request a hearing before the animal control hearing board and shall provide specific instructions on mailing or delivering such request to the board.

(b) When the animal control hearing board receives a request for a hearing, as provided in this section, it shall schedule such hearing within thirty (30) days after receiving the request. The hearing board will notify the dog owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the dog owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and, in addition thereto, the hearing board shall receive such other evidence and hear such other testimony as the hearing board may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal control officer's classification of the dog.

(c) Within ten (10) days after the date of the hearing, the animal control hearing board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous or potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

(d) A certificate of registration to the effect that the dog owner has a dangerous or potentially dangerous dog shall also be issued by the animal control officer, and is contingent upon the dog owner presenting to the animal control officer evidence of:

(1) An enclosure as prescribed in Article 3, Section 1(b), (c) for confinement of a potentially dangerous or dangerous dog;

(2) The proper posting of the premises as prescribed in Article 3, Section 1(g); and

(3) An insurance policy or surety bond in the amount of \$15,000.00, insuring the owner against liability for any personal injuries inflicted by a dangerous dog. This shall apply to dogs classified as dangerous, only.

(e) An annual fee of \$100.00 will be charged in addition to regular dog licensing fees, to register dangerous and potentially dangerous dogs. This registration fee is subject to change as dictated by the Mayor and City Council. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, an animal control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this division.

(f) Issuance of a certificate of registration or the renewal of a certificate of registration by the animal control officer does not warrant or guarantee that the requirements specified in Article 3, Section 1 are maintained by the owner of a dangerous or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration, or following the date of any renewal of such certificate.

(g) The owner of a dangerous or potentially dangerous dog shall notify the animal control officer within twenty-four (24) hours if the dog is on the loose, is unconfined, has attacked a human, has died, or been sold, stolen or donated. If the dog is sold or donated, the owner shall also provide the name, address and telephone number of the new owner. If sold or donated to another resident of the City, the new owner has ten (10) days after taking possession of the dog to register the dog with the Fulton County Animal Control. If the owner moves with the dog from one jurisdiction to another within the State of Georgia, the owner shall register the dangerous or potentially dangerous dog in the new jurisdiction within ten (10) days after becoming a resident.

(h) The owner of a dangerous or potentially dangerous dog who is a new resident of the State of Georgia shall register the dog as required in this article within thirty (30) days after becoming a resident.

Article 4: Impoundment and redemption

Section 1: 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 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 Article 1, Section 6(a).

- (1) Dogs or cats without a current rabies vaccination.
- (2) Dogs or cats without a current City of Sandy Springs license.
- (3) Dogs not wearing a current vaccination/license tag. This shall include dogs wearing a tag that was not issued for said dog.
- (4) Warmblooded animals which have bitten a human or another warmblooded animal and warmblooded animals which have been bitten by another warmblooded animal suspected of having rabies.
- (5) Warmblooded animals suspected of having rabies.
- (6) Unconfined warmblooded animals in quarantine areas.
- (7) Animals whose safety, health, or life is in immediate danger.
- (8) Animals whose ownership is unknown.
- (9) Dogs, domestic animals, livestock, owned wildlife, or exotic animals roaming at large, with the exception of cats.
- (10) Vicious animals or dangerous or potentially dangerous dogs not properly confined or restrained as defined in Article 3, Section 1.
- (11) Commercial guard/security dogs not properly confined or restrained as defined in Article 1, Section 11.
- (12) Dogs in heat not properly confined as defined in Article 1, Section 12.

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

(d) Any animal control officer empowered to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding a dog or other animal which the officer is in immediate pursuit of with the exception of any occupied building into which the dog or other animal may enter. In the latter case, if the occupant or owner of the premises gives permission to the animal control officer to enter the premises, the officer may remove said dog or other animal.

(e) It shall be unlawful for any person to, in any manner, interfere with, hinder, resist, obstruct, or molest the animal control officer in the performance of his/her duties, or for any person to remove any animal from the animal control vehicle or animal control shelter without the permission of the animal control officer.

(f) When the owner of the dog or other animal impounded under the provisions of this article, can be readily identified and located, the health department or its designee shall notify the owner of the impoundment. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the owner's residence, when possible, or a postcard sent to the owner's residence through the U.S. Postal System.

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

- (1) The owner of the dangerous dog does not secure the liability insurance or surety bond required by Article 3, Section 2(c);
 - (2) The dangerous dog is not validly registered as required by Article 3, Section 2(c);
- or
- (3) The dangerous dog is not maintained in a proper enclosure as specified in Article 3, Section 1(b) or (c).

Any dangerous dog impounded under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this section, and upon payment of reasonable

impoundment costs. In the event the owner has not complied with the provisions of this section within twenty (20) days of the date the dog was impounded, said dog shall be destroyed in an expeditious and humane manner.

Section 2: Disposition of impounded animals.

(a) Every animal impounded under the provisions of this article which is found upon arrival at the animal control shelter to be diseased or injured, and whose ownership is unknown or is relinquished in writing, shall, at the discretion of the health department or its designee, be immediately destroyed if not accepted by an organization approved by the health department or its designee, and provided such organization signs a receipt for the animal. In the event an owner cannot be contacted and the severity of the injury or disease of the animal dictates that euthanasia is a humane course of action, the animal will be destroyed and the owner, if known, notified as soon as possible.

(b) If, in the opinion of the health department or its designee, the release of an impounded animal will impair the safety of the public, such animal will be held pending a court order disposition.

(c) Any animal impounded under the provisions of this article shall be held a minimum of three (3) days from the day of impoundment or such longer period of time as deemed reasonable by the director of animal control. Animals under observation for rabies symptoms shall remain in the animal control shelter for such period of time as the health department or its designee may deem necessary to protect the public health. Exception: Livestock shall be held a minimum of fourteen (14) days.

(d) Impounded animals not claimed within three (3) days of the day of impoundment or at the end of the quarantine period shall be disposed of (euthanized) in a humane manner as approved by the health department or its designee. No animal impounded under the provisions of this article shall be released to any person or organization for the purpose of live animal experimentation.

(e) Before the release of any impounded animal, the owner shall pay the following:

- (1) A vaccination fee on any unvaccinated animal when a vaccination is required by this article.
- (2) A license fee for any unlicensed dog or cat in an area covered by this article.
- (3) An impoundment fee.
- (4) A daily boarding fee.

(f) The 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.

(g) Proceeds from license, impoundment, and boarding fees shall be applied to the annual operating budget of the Fulton County Animal Control for animal and rabies control, enforcement activity, and operation of the animal facility.

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

Section 3: Adoption of impounded animals.

(a) The Fulton County Animal Control as a designee of the Fulton County Health Department shall cooperate with the Atlanta Humane Society and any other approved organization by offering for adoption or placement cats and/or dogs not claimed by the person having the right of possession or any cat and/or dog that may be designated as a stray.

(b) Organizations with a continuing interest in adopting animals from the animal control shelter must register with the Fulton County Animal Control on the forms provided and be designated as an approved adoption organization.

(c) All animals housed at the animal control shelter shall be under the authority of the animal control director or his/her designee. No animal will be released for adoption or placement prior to the holding period required by Article 4, Section 2(c) and with the written approval of the animal control director or his/her designee.

(d) The animal control director may confer ownership (permit adoption) of any animal which has become the property of the animal control shelter to an approved organization, subject to conditions prescribed by the animal control director including, but not limited to, the following:

(1) Payment of any vaccination, licensing, or veterinary costs shall be the responsibility of the receiving organization;

(2) Evidence satisfactory to the animal control director that the animal has been, or will be, examined by a veterinarian and vaccinations against rabies and other diseases administered; and

(3) Evidence satisfactory to the animal control director that the animal has been, or will be, neutered or spayed.

(e) The Atlanta Humane Society will have the right of first refusal on adoptable animals at the animal control shelter. Other approved organizations interested in the adoption of a cat and/or dog may call the animal control shelter on Monday and Thursday morning to question the availability of adoptable animals. The animal control director may also contact an approved organization if an animal is available for adoption. No animal shall be held more than twenty-four (24) hours past the time of notification.

(f) The Fulton County Health Department or its designee shall be held harmless and free from liability for any animal adopted to or placed with an approved adoption organization.