

1 AN ORDINANCE TO AMEND AND ADD TO ARTICLE VI, CHAPTER 34, OF THE  
2 FULTON COUNTY CODE OF ORDINANCES, ENTITLED RABIES AND ANIMAL  
3 CONTROL, BY AMENDING THE DEFINITIONS AND THE PENALTIES FOR  
4 VIOLATIONS OF THE ARTICLE ORDINANCE AND ADDING RESTRICTIONS ON  
5 THE SALE OF ANIMALS THROUGH PET SHOPS IN FULTON COUNTY AND  
6 REQUIRING PET SHOPS TO MAINTAIN RECORDS AND DISCLOSURES; AND FOR  
7 OTHER PURPOSES.

8  
9 WHEREAS, Fulton County and the Board of Commissioners have an interest in  
10 maintaining public safety and the welfare of the citizens of the County and visitors; and

11 WHEREAS, the unregulated sale of domestic pets, including dogs and cats, is a  
12 nationwide problem which undermines public safety and the welfare of the citizens of the  
13 County and visitors; and

14 WHEREAS, the Humane Society of the United States estimates that there are ten  
15 thousand (10,000) puppy mills producing more than one million (1,000,000) puppies a year in  
16 the country; and

17 WHEREAS, according to the Humane Society of the United States, puppy and kitten  
18 mills are inhumane commercial breeding facilities which disregard the animals' health – both  
19 physical and emotional – in order to maximize profits; and

20 WHEREAS, according to the Humane Society of the United States, these mills produce  
21 animals for sale oftentimes at retail in pet stores; and

22 WHEREAS, current Federal and State regulations do not adequately address the sale of  
23 puppy and kitten mill dogs and cats in pet shops; and

24 WHEREAS, it is in the interest of Fulton County to promote and ensure humane  
25 approaches and standards for both animal disposition and ownership through the encouragement  
26 of the adoption of rescue dogs and cats; and

1           WHEREAS, Fulton County wishes to promote the humane treatment of dogs and cats,  
2 reduce the potential for dangerous animals, and encourage the adoption of rescue dogs and cats;  
3 and

4           **NOW, THEREFORE, BE IT ORDAINED** that the Board of Commissioners hereby  
5 amends Chapter 34, Article VI of the Fulton County Code of Ordinances to amend section 34 –  
6 196 – Definitions and 34-197 – Penalties for Violations of the Article and to add sections 34 –  
7 213 – Restrictions on The Sale of Animals, and 34 – 214 – Recordkeeping and Disclosures, to  
8 address these important and growing concerns. These amended sections and new sections shall  
9 read as follows:

10 **Sec. 34-196. – Definitions.**

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

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

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

5        *Adequate shelter* means a protective covering for an animal that is of adequate size and  
6 provides adequate protection to maintain the animal in a state of good health, and that prevents  
7 pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a  
8 completely enclosed structure with four sides with a door opening, a constructed floor, and a  
9 roof. It should also be clean, dry, and compatible with current weather conditions, in addition to  
10 age, size, species, and condition of the animal. The structure should be of sufficient size to allow  
11 the animal to stand, turn around, lie down, and go in and out of the structure comfortably. To be  
12 adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided  
13 to maintain comfortable temperatures within the structure during times when the ambient,  
14 outside temperature is below freezing. In addition, the structure shall include a heavy plastic or  
15 rubber flap to cover the door and/or window openings during the months of November through  
16 March. From April through October, the structure shall either be shaded or moved out of direct  
17 sunlight. If the shelter is made of wood, it shall be raised at least two inches off the ground to  
18 prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-  
19 tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not  
20 provide sufficient protection from the elements.

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

1        *Animal care facility* means any animal control center or animal shelter, maintained by or  
2        under contract with any state, county or municipality, whose mission and practice is the rescue  
3        and placement of animals in permanent homes or rescue organizations.

4        *Animal control officer* means an individual employed by the county or its designee to  
5        perform and execute the provisions of this article, and whose office shall have the power to issue  
6        citations in violation of this article, and as deputized by the Fulton County Sheriff.

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

9        *Animal rescue organization* means any not for profit organization which has tax exempt  
10       status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and  
11       practice is, in whole or in part, the rescue and placement of animals in permanent homes.

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

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

18       *Classified animal pen* means a padlocked pen, as that term is defined in this article, made  
19       entirely of industrial gauge fencing with a door or gate equipped with a working lock. The

1 classified animal pen must contain adequate shelter, as that term is defined in this chapter, but  
2 must also contain a minimum 100-square foot area outside the adequate shelter.

3 *Commercial guard/security dog* means any dog that is purchased, leased, or rented and that  
4 is trained to guard, protect, patrol, or defend any commercial property, public or private, upon  
5 and within which it is located. A dog shall not be considered a guard or security dog if it has  
6 been classified as a dangerous or vicious dog.

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

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

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

19 *Dangerous dog* means any dog that:

1 (1) Causes a substantial puncture of a person's skin by teeth without causing serious  
2 injury; provided, however, that a nip, scratch, or abrasion caused by a dog shall not be  
3 sufficient to classify a dog as dangerous under this subparagraph;

4 (2) Aggressively attacks in a manner that causes a person to reasonably believe that the  
5 dog posed an imminent threat of serious injury to such person or another person  
6 although no such injury occurs; provided, however, that the acts of barking, growling,  
7 or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under  
8 this subparagraph; or

9 (3) While off the owner's property, kills or seriously injures a pet animal.

10 (4) No dog shall be classified as a dangerous dog or vicious dog for actions that occur  
11 while the dog is being used by a law enforcement or military officer to carry out the law  
12 enforcement or military officer's official duties. No dog shall be classified as a  
13 dangerous dog or a vicious dog if the person injured by such dog was a person who, at  
14 the time, was tormenting or abusing the dog or who in the past has been observed or  
15 reported to have tormented or abused the dog, was committing a willful trespass, or was  
16 committing or attempting to commit a crime.

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

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

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

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

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

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

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

13        (1) Failing to provide reasonable care or seek veterinary care for an injury or illness that  
14 seriously endangers the life or health of an animal; or

15        (2) Leaving an animal outside and exposed to excessive heat or cold without providing  
16 the animal with adequate shelter or protection from the heat or cold, or exposing an  
17 animal to unsanitary conditions.

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

1        *Owner* means any natural person or any legal entity, including, but not limited to, a  
2 corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody  
3 or control of an animal. In the case of an animal owned by a minor, the term “owner” includes  
4 the parents or person in loco parentis with custody of the minor.

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

6        *Pet Shop* means a retail establishment where dogs and cats are sold, exchanged, bartered or  
7 offered for sale as pet animals to the general public at retail. Such definition shall not include an  
8 animal care facility or animal rescue organization, as defined.

9        *Private Breeder* means any person who breeds animals that they own for the purpose of  
10 hunting, tracking, and exhibiting in dog or cat shows, performance events or field and obedience  
11 trials. Private Breeders shall not be considered pet shops if they sell less than 25 animals per  
12 year.

13        *Public nuisance animal* means an animal that:

- 14        (1) Is repeatedly found at large, except cats; or
- 15        (2) Damages the property of anyone other than the owner; or
- 16        (3) Because of temperament, conditioning, or training, has a propensity, tendency, or  
17 disposition to attack, bite, or injure humans or other animals without provocation; or
- 18        (4) On one or more occasion, has caused physical injury to humans or other animals  
19 without provocation, whether on public or private property; or

1 (5) Chases or acts so as to menace pedestrians or other persons using public ways.

2 *Qualified adoption facilitator, rescue group and animal shelter* means an organization  
3 offering animals for adoption so long as the organization is licensed as a shelter by the State of  
4 Georgia, or, if not incorporated in Georgia, is a non-profit organization under Section 501(c)(3)  
5 of the Internal Revenue Code; and has the express mission/business function of facilitating the  
6 sterilization and adoption of homeless and unwanted animals. A copy of the state license or the  
7 Internal Revenue Service letter of non-profit designation shall be provided to the county upon  
8 request.

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

12 *Serious injury* means any physical injury that creates a substantial risk of death; results in  
13 death, broken or dislocated bones, lacerations requiring multiple sutures, significant puncture  
14 wounds, or disfiguring avulsions; requires plastic surgery or admissions to a hospital; or results  
15 in protracted impairment of health, including transmission of an infection or contagious disease,  
16 or impairment of the function of any bodily organ.

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

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

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

6        *Vaccination certificate* means a certificate issued at the time of vaccination of the dog, cat,  
7 or other animal and bearing thereon the signature of the vaccinator; the name, color, breed, age,  
8 and sex of the dog, cat, or other animal; the name and address of the owner; the date of  
9 expiration of the vaccination; and the spay or neuter status, if known.

10       *Vaccination/license tag* means a metal tag bearing a number which is issued to the animal  
11 owner after showing proof of vaccination for the animal and paying, when required, the license  
12 fee. This tag is issued by Fulton County or its designee.

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

16       *Vicious dog* means any dog that:

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

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

4        **Sec. 34 – 197. – Penalties for violation of article.**

5        (a) Any person who does anything prohibited or fails to do anything required by this article,  
6 upon conviction of the violation in a court of competent jurisdiction, shall be subject to fine,  
7 imprisonment, or any combination thereof, in accordance with section 1-8 of this Code.  
8 Each act or omission in violation of this article shall constitute a separate offense. Where  
9 any offense or violation continues from day to day, each day’s continuance thereof shall be  
10 deemed a separate offense.

11        (b) For any violation of this article, the court may impose the following conditions in any  
12 combination thereof:

- 13        (1) Prohibit the offender from owning, possessing, or having on the offender’s premises in  
14 Fulton County any animal during the term of the sentence;
- 15        (2) Require that the animal be removed from Fulton County;
- 16        (3) Require that the animal be surrendered to the animal control shelter;
- 17        (4) Require that the animal be humanely euthanized;
- 18        (5) Require payment of restitution to the victim(s);

1 (6) Require payment of costs for impound, housing, veterinary care, and humane  
2 euthanasia.

3 (c) Any person who violates the provisions of this article as it pertains to a public nuisance  
4 animal shall be guilty of a misdemeanor and fined pursuant to section 1 – 8 of this Code, and  
5 in addition shall be fined not less than an additional \$250.00 for a second conviction, and  
6 not less than an additional \$500.00 for a third conviction.

7 (d) Any person who violates the provisions of this article as it pertains to a dangerous dog  
8 shall be guilty of a misdemeanor and fined pursuant to section 1 – 8 of this Code, and in  
9 addition shall be fined not less than an additional \$500.00 for a second conviction, and not  
10 less than an additional \$750.00 for a third conviction or subsequent conviction.

11 (e) If the owner of a dangerous or vicious dog fails to comply with section 34 – 281 or section  
12 34 – 284 of this article and his/her dog attacks or bites a human, or if the owner of a  
13 dangerous or vicious dog knowingly and willfully fails to comply with section 34 – 281 or  
14 section 34 – 284 of this article and his/her dog aggressively attacks and causes severe injury  
15 to or the death of a human, in addition to any penalties provided in this Code or state law,  
16 the animal control officer shall immediately confiscate the dog and place it in quarantine for  
17 a period of time as provided by the health department and thereafter the dog may be  
18 humanely destroyed.

19 (f) If any person or organization violates section 34 – 213 or 34 – 214 of this article, in addition  
20 to any penalties provided in this Code or state law, that person or organization shall be fined

1 up to \$500.00 for each dog or cat sold, exchanged, bartered, offered for sale, auctioned,  
2 delivered, or transferred in violation of this article.

3 **Sec. 34 – 213. – Restrictions on the Sale of Animals.**

4 (a) A pet shop may not sell, deliver, offer for sale, barter, auction, or otherwise dispose of dogs  
5 and cats, but may offer for adoption only those dogs and cats that the pet shop owner  
6 obtained from or displays in cooperation with:

7 (1) An animal care facility; or

8 (2) An animal rescue organization.

9 (b) A pet shop shall not offer for adoption a dog or cat that is younger than eight weeks old.

10 **Sec. 34 – 214. – Recordkeeping and Disclosures.**

11 (a) A pet shop shall maintain records sufficient to document the source of each dog or cat the  
12 pet shop acquires, for at least one year following the date of acquisition. Such records shall  
13 be made available immediately upon request by any official or officer empowered to enforce  
14 this article.

15 (b) A pet shop that offers space for the adoption of dogs or cats shall post, in a conspicuous  
16 location on the cage or enclosure of each such animal, a sign listing the name of the animal  
17 care facility or animal rescue organization from which the pet shop acquired each dog or cat.

18 **BE IT FURTHER ORDAINED**, that this Ordinance shall be effective immediately  
19 upon the date of its adoption by the Board of Commissioners.

1 BE IT FURTHER ORDAINED, that all ordinances and parts of ordinances in conflict  
2 with this Ordinance are hereby repealed to the extent of the conflict.

3 SO PASSED AND ADOPTED, this \_\_\_\_ day of \_\_\_\_\_, 2018.

4  
5 FULTON COUNTY BOARD OF  
6 COMMISSIONERS

7  
8 SPONSORED BY:

9  
10  
11 \_\_\_\_\_  
12 Robert L. Pitts, Chairman  
13

14  
15 ATTEST:

16 APPROVED AS TO FORM:

17  
18 \_\_\_\_\_  
19 Jesse A. Harris, Clerk to the  
20 Commission

21 \_\_\_\_\_  
22 Patrise Perkins-Hooker  
County Attorney