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STATE OF GEORGIA
CITY OF COLLEGE PARK

ORDINANCE NO. 2011-04

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF COLLEGE PARK, GEORGIA, CHAPTER 4 ANIMALS AND FOWL; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of College Park, Georgia is the Mayor and Council thereof; and

WHEREAS, the City desires to provide a convenient and efficient means of regulating, controlling, and protecting animals located within the City; and

WHEREAS, the amendments contained herein would benefit the health, safety, morals and welfare of the citizens of the City of College Park.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of College Park, Georgia, and by the authority thereof:

Section 1. That Chapter 4 of the City Code is hereby amended by deleting the existing Section 4-3 and adding a new Section 4-3 to read as follows:

Sec. 4-3. Cruelty to animals.

(a) It shall be unlawful for any person to overload, poison, cruelly treat, maim, tease, bruise, deprive of necessary substance or medical attention, improperly

28 *use, deprive of shade and shelter, or in any manner whatsoever torture, kill,*
29 *or abuse any animal.*

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

32 *(c) It shall be unlawful to transport any dog in an open bed truck, except when*
33 *safely confined in a portable kennel, or when safely restrained by a harness to*
34 *prevent the animal from escaping out of the vehicle or having the ability to*
35 *extend over the end of the vehicle while it is in motion.*

36 *(d) No animal shall be transported in the trunk of any vehicle or under a tonneau*
37 *or hard cover of a pickup truck.*

38 *(e) Law enforcement officers may use any reasonable force necessary to remove*
39 *an animal locked in a closed vehicle when the ambient temperature is above*
40 *seventy-five (75) degrees Fahrenheit outside the vehicle.*

41 *(f) No animal may be given away as a prize, auctioned, raffled, or sold on any*
42 *public street within the city limits.*

43 *(g) All breeders operating within the city must obtain all required permits from,*
44 *and abide by all regulations made or issued by, the United States Department*
45 *of Agriculture and the Georgia Department of Agriculture. Such permits shall*
46 *be presented to city officials upon demand.*

47 **Section 2.** That Chapter 4 of the City Code is hereby amended by deleting the
48 existing Section 4-9 and adding a new Section 4-9 to read as follows:

49 **Sec. 4-9. Confinement of animals; impounding, disposal, redemption.**

50 (a) Confinement required. It shall be unlawful for the owner, custodian,
51 harborer, or any person having custody of any animals, including but not
52 limited to a dog, cat, pig, bird, rodent, or reptile (hereinafter a "pet") within
53 the city to fail to confine said pet at all times by one of the following means:

54 (1) A leash of not more than six (6) feet in length and in the care of a
55 competent person;

56 (2) Inside an area completely enclosed by a fence sufficient to keep the pet
57 contained therein;

58 (3) Inside a carrier appropriate for the particular pet; or

59 (4) Inside a housing or completely enclosed structure.

60 (b) Tethering. (1) It shall be unlawful for the owner, custodian, or harborer of
61 any pet to restrain, or anchor, a pet by means of a tether to any fixed or
62 inanimate object.

63 (2) Notwithstanding subsection (1) above, a dog may be temporarily
64 restrained by means of a tether while the dog is attended by its owner,
65 custodian, or harborer who is physically present with the dog.

66 (3) Any tether used to temporarily confine a dog, pursuant to subsection
67 (2) above, while attended by its owner, custodian, or harborer, must be
68 properly attached to a properly fitted collar, or harness. Tethers shall not
69 be wrapped directly around the dogs neck; nor shall tethers be excessively
70 heavy or weighted so as to inhibit the dogs movement.

71 (4) No vicious, dangerous, or potentially dangerous dog shall be chained,
72 tethered, or otherwise tied while unattended by its owner, custodian, or

73 *harborer to any inanimate object outside of its proper enclosure, as*
74 *provided for in this chapter.*

75 *(c) Electronic Confinement. (1) Electronic confinement systems shall be*
76 *acceptable enclosures when, and if, the equipment is properly maintained, and it*
77 *is in continuous working order, and the pet to be contained wears the appropriate*
78 *electronic collar within the system perimeter. A sign, or signs, shall be posted*
79 *advising that an electronic confinement system is in use on properties using such*
80 *a system.*

81 *(2) Electronic confinement systems cannot be used as either a primary or*
82 *secondary enclosure, as required by this section, for the following pets:*

- 83 *(A) guard dogs;*
- 84 *(B) animals that have been deemed or declared to be*
85 *dangerous by a court of competent jurisdiction, or pursuant*
86 *to the operation of the laws of the State of Georgia;*
- 87 *(C) vicious, dangerous, or potentially dangerous dogs, as*
88 *provided for in this chapter.*

89 *(d) Impounding. All pets not confined as required by this section, or otherwise in*
90 *violation of any of the provision of this chapter, shall be impounded by a duly*
91 *authorized officer or agent of the City. The owner, custodian, or harborer of a*
92 *pet impounded pursuant to this chapter shall be charged and brought before the*
93 *city court, and if found guilty of violating this chapter, fined not less than thirty-*
94 *five dollars (\$35.00), for the first violation of this chapter. Subsequent violations*

95 of this chapter by the same person shall be considered by the city court, and
96 progressively higher fines may be levied as circumstances warrant.

97 (e) Redemption, disposal. (1) Whenever the name and address of any person
98 appears on the collar of, or the information is found on an imbedded
99 identification microchip in, an impounded pet, such person shall be notified of
100 such seizure in writing by a postcard, addressed to such person, and deposited in
101 the United States Mail with appropriate postage.

102 (2) Any pet seized and impounded by the city under any of the provisions
103 of this section shall be detained for a period of forty-eight (48) hours, or
104 in the case of animals identified in subsection (1), three (3) days from the
105 mailing of notification, and if not claimed, or redeemed, by the owner, or
106 the person harboring said pet within such period, shall be disposed of in
107 such manner as the officers or agents having custody of said pet may
108 designate.

109 (3) The animal control officer shall, from time to time, set a fee schedule
110 detailing the redemption fee(s) that must be paid before such pet(s) are
111 returned to its owner. The redemption fee for vicious, dangerous, or
112 potentially dangerous dogs, as established and identified pursuant to the
113 terms of this chapter, shall be double the fee set in the fee schedule
114 provided for herein. No pet shall be returned to the owner, or the person
115 harboring said pet, until proof of rabies inoculation has been submitted to
116 the city's duly authorized officer or agent, or the owner has paid the
117 inoculation fee and caused the pet to be inoculated.

118 (f) *The City, its officers, employees, or agents, shall not be responsible for any*
119 *accidents, diseases, injuries, or death of any animal that may occur while said*
120 *animal is being impounded, or boarded, by the City, at an animal control facility*
121 *either owned by or approved by the City.*

122 **Section 3.** That Chapter 4 of the City Code is hereby amended by deleting the
123 existing Section 4-10 (d) and adding a new Section 4-10 (d) to read as follows:

124 **Sec. 4-10. Vicious animals**

125 (d) *A vicious animal, dangerous, or potentially dangerous dog shall not be upon*
126 *any street, public place, or outside its enclosure on the owner's property unless*
127 *said animal is securely restrained by a leash in the charge of a competent person,*
128 *or is humanely muzzled, when appropriate, as determined by the animal control*
129 *officer defined in this chapter.*

130 **Section 4.** That Chapter 4 of the City Code is hereby amended by adding a new
131 Section 4-13 to read as follows:

132 **Sec. 4-13. Kennel Registration**

133 (a) *For this section, a kennel shall be a premises where there are kept,*
134 *maintained, or harbored, for a period of fourteen (14) days or longer, four (4)*
135 *or more dogs, each dog being over the age of four (4) months.*

136 (b) *The owner or person in possession of a premise where a kennel is located*
137 *shall be required to apply to the College Park Inspections Department for a*
138 *kennel permit.*

139 (c) *A kennel permit will be issued upon presentation of proof that the premises*
140 *and dogs kept at the kennel meet the requirements set out in this Chapter and*

141 upon payment of the annual fee, set in a fee schedule adopted from time to
142 time by the Mayor and Council.

143 (d) Kennel permits will be valid for one (1) year from the date of issuance;
144 provided that the permit is not revoked during the year for violations of this
145 article. Applications to renew a kennel permit must be made at least fourteen
146 (14) days prior to the expiration of the existing permit.

147 (e) The animal control officers shall issue individual license tags for each dog
148 located in a kennel; additional fees for each such tag shall not be charged
149 beyond the annual kennel permit fee.

150 (f) If the owner or operator of a kennel presents a College Park occupation tax
151 certificate for the current year to the inspections department, the annual
152 kennel permit fee shall be waived.

153 **Section 5.** That Chapter 4 of the City Code is hereby amended by deleting the
154 existing Section 4-21 and adding a new Section 4-21 to read as follows:

155 **Sec. 4-21. Construction**

156 (a) This article is enacted pursuant to O.C.G.A. § 4-8-20 et seq. Except as
157 otherwise provided in this section, all terms shall be defined and construed in
158 accordance with O.C.G.A. § 4-8-20 et seq.

159 (b) Potentially dangerous dog means any dog that without provocation bites a
160 human being on public or private property at any time after March 31, 1989,
161 or any dog which is classified by the dog control officer substantially or in
162 whole as being of one of the following breeds: Pitbull, American Pitbull

163 Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier,
164 Rottweiler, Doberman, German Shepherd.

165 (c) Proper enclosure means an enclosure for keeping a dangerous dog or
166 potentially dangerous dog while on the owner's property securely confined
167 indoors or any securely enclosed and locked pen, fence, or structure suitable
168 to prevent the entry of young children and designed to prevent dogs from
169 escaping. Any such pen or structure shall have secure sides and a secure top,
170 and if the dog is enclosed within a fence, all sides of the fence shall be of a
171 height of no less than six (6) feet, but in any event of a sufficient height to
172 prevent a dog's escape over the fence. Additionally, such fence shall have the
173 bottom of the fence constructed or secured in such manner as to prevent the
174 dog's escaping under the fence by burying an additional two (2) feet of
175 fencing underground, or by placing a concrete slab under the perimeter of the
176 enclosure. Any such enclosure shall also provide the dog with protection for
177 the elements. No such enclosure shall be located in the front or side yard of a
178 residence.

179 (d) A warning sign or signs, such as "Beware of Dog", shall be conspicuously
180 posted denoting a vicious, dangerous, or potentially dangerous dog on the
181 premises. These signs shall be exempt from building permit requirements.

182 **Section 6.** That Chapter 4 of the City Code is hereby amended by deleting the
183 existing Section 4-22 and adding a new Section 4-22 to read as follows:

184 **Sec. 4-22. Appointment of a dog control officer and animal control board**

185 (a) The mayor and council shall designate a dog control officer who shall
186 perform the duties and exercise the powers assigned to that position by the
187 Dangerous Dog Act.

188 (b) The board of appeals shall serve as the animal control board. Members shall
189 receive such compensation as is established by the mayor and council. The
190 animal control board will conduct hearings as provided for by O.C.G.A. section
191 4-8-24 and section 4-24 of this Code.

192 (c) The dog control officer is authorized to go upon any premises within the city
193 limits to seize, for impounding, any dog or other animal which the officer is in
194 immediate pursuit, provided that the dog control officer shall not enter an
195 occupied building without the permission of the owner or occupant of such
196 building.

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

202 **Section 7.** That Chapter 4 of the City Code is hereby amended by a new Section
203 4-25 to read as follows:

204 **Sec. 4-25**

205 (a) The owner of a dangerous dog or a potentially dangerous dog must secure a
206 certificate of registration in accordance with the provisions of O.C.G.A. § 4-

207 8-25, and obtain from the City, and place upon the dog a special identification
208 tag.

209 (b) The dog control officer shall, from time to time, set a fee schedule detailing
210 the annual fee for the certificate of registration.

211 (c) Owners, custodians, or harborers of dogs classified by the dog control
212 officers as Pitbull, American Pitbull Terrier, American Staffordshire Terrier,
213 Staffordshire Bull Terrier, Rottweiler, Doberman, and German Shepherd,
214 must notify the dog control officer and secure a certificate of registration, City
215 issued identification tag, and pay registration fees with the City Inspection
216 Department within seven (7) days of moving the dog(s) into the City. City
217 issued identification tags must be placed upon the dog at all times.

218 (d) Nonpayment of the registration fee shall be an offense and shall be punishable
219 under section 1-8 of this Code.

220 (e) The dog control officer shall maintain a copy of all state and local laws
221 applicable to dangerous dogs and potentially dangerous dogs which shall be
222 available for inspection by the public during regular business hours. The dog
223 control officer shall not be authorized to interpret these laws nor to give
224 advice to owners.

225 (f) Owners, custodians, or harborers of dogs classified by the dog control
226 officers as Pitbull, American Pitbull Terrier, American Staffordshire Terrier,
227 Staffordshire Bull Terrier, Rottweiler, Doberman, and German Shepherd must
228 update the dog control officer if the animal is moved to another premises for a
229 period of more than seven (7) days.

230 (g) Prior to the issuance of the certificate of registration required herein, owners,
231 custodians, or harborers of dogs classified by the dog control officers as a
232 dangerous dog, potentially dangerous dog, Pitbull, American Pitbull Terrier,
233 American Staffordshire Terrier, Staffordshire Bull Terrier, Rottweiler,
234 Doberman, and German Shepherd must present evidence to the dog control
235 officer that the dog has been implanted with an identification microchip.

236 (h) Prior to the issuance of the certificate of registration required herein, owners,
237 custodians, or harborers of dogs classified by the dog control officers as a
238 dangerous dog, potentially dangerous dog, Pitbull, American Pitbull Terrier,
239 American Staffordshire Terrier, Staffordshire Bull Terrier, Rottweiler, Doberman,
240 and German Shepherd must present evidence to the dog control officer that such
241 owner, custodian, or harborer has obtained either:

242 (1) a policy of insurance in the amount of at least one hundred thousand
243 dollars (\$100,000.00) issued by an insurer authorized to transact business in
244 this state insuring the owner, custodian, or harborer of the dog against
245 liability for any personal injuries inflicted by the dog; or

246 (2) a surety bond in the amount of at least one hundred thousand dollars
247 (\$100,000.00) issued by a surety company authorized to transact business in
248 this state payable to any person or persons injured by the dangerous dog.

249 **Section 8.** The preamble of this Ordinance shall be considered to be and is
250 hereby incorporated by reference as if fully set out herein.

251 **Section 9.** This Ordinance shall be codified in a manner consistent with the laws
252 of the State of Georgia and the City of College Park.

253 **Section 10.** (a) It is hereby declared to be the intention of the Mayor and Council
254 that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
255 upon their enactment, believed by the Mayor and Council to be fully valid, enforceable
256 and constitutional.

257 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
258 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
259 phrase of this Ordinance is severable from every other section, paragraph, sentence,
260 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
261 Mayor and Council that, to the greatest extent allowed by law, no section, paragraph,
262 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
263 section, paragraph, sentence, clause or phrase of this Ordinance.

264 (c) In the event that any phrase, clause, sentence, paragraph or section of this
265 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
266 otherwise unenforceable by the valid judgment or decree of any court of competent
267 jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
268 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
269 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,
270 clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent
271 allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
272 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

273 **Section 11.** All ordinances and parts of ordinances in conflict herewith are hereby
274 expressly repealed.

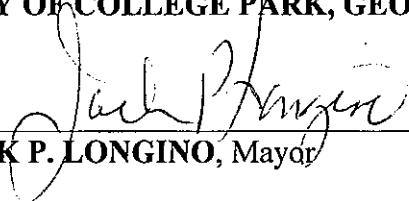
275 **Section 12.** Penalties in effect for violations of Chapter 1 of the Code of
276 Ordinances, City of College Park, Georgia at the time of the effective date of this
277 Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in
278 full force and effect.

279 **Section 13.** The effective date of this Ordinance shall be the date of adoption
280 unless otherwise stated herein.

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282 **ORDAINED** this 4th day of April, 2011.

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CITY OF COLLEGE PARK, GEORGIA


JACK P. LONGINO, Mayor

291 **ATTEST:**

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295 **LAKEITHA REEVES, City Clerk**

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298 **APPROVED AS TO FORM:**

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CITY ATTORNEY