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MEMORANDUM

To: City of Dunwoody Mayor and City Council
From: Warren Hutmacher, City Manager
Date: January 24, 2011
Subject: **Animal Control Ordinance – Proposed Revisions**

BACKGROUND

Since the City of Dunwoody's incorporation in 2008, the city has been operating under the Dekalb County Code related to Animal Control with the understanding the specific duties will continue to fall upon Dekalb County's Animal Services and Enforcement Department to oversee the program within the City of Dunwoody's jurisdictional limits.

ANALYSIS

The City of Dunwoody incorporated the DeKalb County Animal Control Ordinance in Article I section 6.1. This particular ordinance section was crafted with a sunset provision set for November 30, 2010 by the Dunwoody City Council, in 2008. In preparation for this lapsing sunset period, staff has prepared the attached Animal Control Ordinance to ensure that the safety and well-being of its citizens is maintained. The ordinance amendments proposed by staff exhibit very few substantive changes from the previously adopted code the city has been operating under for the past two years.

As part of the recent Service Delivery Strategy negotiations with Dekalb County, it was decided to continue to utilize Dekalb County Animal Services and Enforcement Department for animal control services.

RECOMMENDATION

City staff respectfully recommends Mayor and City Council approve the amended language to Chapter 6 of the Dunwoody Code of Ordinances specific to Animal Control enforcement duties.

**AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY OF DUNWOODY CODE
BY ADOPTION OF ANIMAL CONTROL REGULATIONS**

WHEREAS, the City of Dunwoody is charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, since the incorporation of the City on December 1, 2010, the DeKalb County Animal Control ordinance has been the proper authority for regulation and enforcement of animal control with the incorporated boundaries of the City; and

WHEREAS, as the transition period is now over, the City Council desires to adopt its own animal control regulations and provide for enforcement of same by the City as well as DeKalb County animal control officers pursuant to the Service Delivery Strategy agreement with the County; and

WHEREAS, the City Council wishes to amend Chapter 6 of the City Code of Ordinances to institute same animal control regulations.

THEREFORE, the Mayor and City Council of the City of Dunwoody hereby ordains as follows:

Section 1: Chapter 6 ("Animals") of the Code of the City of Dunwoody is hereby amended by striking Article I ("In General") of Chapter 6 in its entirety and replaced with a new Article I, entitled "Animal Control" to read as follows:

ARTICLE I. ANIMAL CONTROL

Sec. 6-1. Short Title

This Article shall be known and may be cited as the "Animal Control Ordinance of the City of Dunwoody, Georgia."

Sec. 6-2. 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:

Abandoned animal means that any domesticated animal shall be considered abandoned, for the purposes of this Article, which shall have been placed upon public property or within a public building unattended or uncared for, or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered as abandoned, for the purposes of this Article, which shall have been upon or within the property of the owner or custodian of this animal for a period of time in excess of 36 hours unattended and without proper food and water.

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Abused animal means any animal which is mistreated, beaten, tormented or teased, or is deprived of water, food or shelter, or is kept under unsanitary conditions, or is abandoned, or is trained for fighting other animals.

Adequate care means exhibiting attention to the needs of an animal including but not limited to, the provision of food, water, shelter, sanitary, safe and healthy conditions, and adequate and timely veterinary medical attention necessary to maintain good health for the specific age, size, species, and breed of animal.

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

Adequate shelter means a protective covering for a domestic animal that provides adequate space and protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four (4) sides, a constructed floor, and a roof with a door opening. It should also be clean, dry and compatible with current weather conditions, in addition to age, size, species and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below freezing. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of November through March. From April through October, the structure shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two (2) inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Adequate water means clean, fresh, potable water sufficient to prevent dehydration and properly sustain health presented in a clean dish, free from contamination. Examples of inadequate water include, but are not limited to, snow, ice and rancid/contaminated water.

Animal at large means an animal not under restraint.

Animal control center means the facility designated by the DeKalb County Board of Commissioners for the detention of animals.

Animal control officer means any person designated by the DeKalb County Animal Control Director to perform the duties prescribed by this Article or imposed by local ordinance, and any police or Code Enforcement officer of the City.

Animal under restraint means any animal humanely secured by a leash or led or enclosed by way of fence or other enclosure or the animal is confined within a vehicle, parked or in motion.

Companion animal means a domesticated animal, a "pet", kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, hamsters, horses, mice,

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reptiles, domesticated wild animals, exotic animals and other animals associated with man's environment.

Cruelty means causing death or unjustifiable pain or suffering to any animal by an act, an omission, or neglect. Cruelty also includes transporting an animal in an unrestrained open-air vehicle or transporting an unrestrained animal in the trunk of any vehicle or leaving an animal unattended in a closed vehicle without proper ventilation or temperature control, where the outside air temperature is eighty (80) degrees Fahrenheit or above. Cruelty also means allowing or causing any animal to participate in training for or engaging in an animal fight operated for sport, entertainment or gaming purposes. Routine medical procedures by a licensed veterinarian shall not be regarded as cruelty.

Dangerous animal means any animal which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by an unprovoked assault or bite so as to cause serious bodily harm. An animal trained, owned or harbored for the purpose primarily or in part, of animal fighting. Exceptions: An animal shall not be deemed dangerous if:

- (1) It bites, attacks or menaces:
 - A. Anyone assaulting the owner;
 - B. A trespasser on the property of the owner; or
 - C. Any person or other animal which has tormented or abused it;
 - D. Where the animal is otherwise acting in defense of an attack from a person or other animal upon the owner or other person;
 - E. Where the animal is protecting or defending its young or another animal; or
 - F. Where a dog is being used by a law enforcement officer to carry out official law enforcement duties and injures someone.
- (2) It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person; or
- (3) It is protecting or defending its young or other animal.

Director means the DeKalb County Animal Control Director.

Domesticated animals means animals that are accustomed to live in or about the habitation of men including, but not limited to, cats, cows, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals. This definition only applies to those animals mentioned herein and is only applicable to this Article, and in no way affects the meaning or application of a definition of the described animal, as may be found in any other City ordinances.

Electronic Animal Confinement System shall mean a commercially produced, functioning and professionally installed electronic fence which utilizes an invisible electrically

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generated perimeter, in which the animal within the perimeter wears an electronic collar that produces an electric shock when the animal approaches or exceeds the perimeter.

Euthanasia means the legal act of putting an animal to death using humane methods, recommended by the American Veterinary Medical Association Panel on Euthanasia and approved by the Georgia Department of Agriculture, as defined by Georgia law in the Georgia Animal Protection Act, as may hereinafter be amended.

Fence means any structure of wire, wood, stone or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence must be sufficient to prevent the animal from being able to jump, dig, or escape from confinement.

Garbage means all refuse matter/effluent, either animal or vegetable by-product from a restaurant, kitchen, or meat/poultry processing establishment; spoiled/rancid food and refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that is normally discarded.

Guard dog means any dog which has been trained to attack persons independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of its owner and/or upon and within which he or she is located.

Hazardous animal means an animal that may be harmful to humans or other animals by virtue of its ability to produce poison or, due to its size and feeding habits, could prey on humans as a food source. Hazardous animal include, but are not limited to, pit vipers (genus Crotalidae), coral snakes (genus Micrurus), poisonous spiders, frogs, large reptiles, Nile monitors, caiman, alligators, crocodiles, and large constricting snakes greater than ten (10) feet in length.

Identification means any tag, tattoo, microchip, or other type of marking that can be used to locate an animal's owner.

Kenel means any establishment, other than an animal shelter, where animals are maintained for boarding, holding, training, or other similar purposes for a fee or compensation.

Open-air vehicle means the cargo area of any pick-up truck that is not covered by a permanent attached utility cover or any convertible vehicle with its top down.

Owner means any person owning, keeping, harboring or acting as custodian of a domesticated animal.

Potentially Dangerous Animal means any animal that, without provocation bites or attacks humans or any other animal on public or private property.

Proper enclosure means any structure or device used to restrict an animal to a limited amount of space such as a fenced area, electronic animal confinement system, building, house, pen, or other device or structure out of which an animal cannot climb, dig, jump, or otherwise escape.

Public nuisance means any animal which:

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- (1) Is found at large in violation of this Article;
- (2) Is unlicensed (unregistered) in violation of this Article;
- (3) Is trained, owned or harbored for the purpose, primarily or in part, of dog fighting.
- (4) Is dangerous, as defined, and is not restrained or confined, as provided for in this Article.
- (5) Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the City.
- (6) Is inimical to the public health, welfare or safety according to the rules and regulations promulgated by the DeKalb County Board of Health, which rules and regulations are incorporated herein and made a part hereof as if fully set out in this Article;

Severe injury means a physical injury that results in broken bones, significant puncture wounds, disfiguring lacerations requiring multiple sutures or cosmetic surgery or significant medical procedures or a physical injury that results in death.

Spay/neuter certificate means documentation that certifies that the animal listed therein has been sterilized as of the date of surgery.

Sterilized animal means an animal that has been surgically or chemically altered by a licensed veterinarian in order to render the animal incapable of reproduction.

Tethered means an animal attached to a stationary object by a chain, cable or similar device commonly used for the size and type of animal involved. An animal is not considered tethered when the animal is attached to a stationary object, as long as the owner or custodian is physically within reach of the animal. Any tethering device used to tether an animal must be at least ten (10) feet in length.

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

Sec. 6-3. Penalties for violation and repeat offenders.

Any person violating the terms of this Article or rules and regulations promulgated pursuant thereto shall be punished pursuant to Section 1-6 of the Code of the City of Dunwoody.

Sec. 6-4. Animal control center.

There is hereby recognized the DeKalb County animal control center, which is under the supervision of the Director and is staffed with such personnel as may, from time to time, be authorized in the County budget and appropriations.

Sec. 6-5. Running at large prohibited.

It shall be unlawful for the owner of any animal, or anyone having an animal in his or her custody, to allow it to run at large unattended on or about the streets and highways of the incorporated limits of the City; or on the property of another person, without permission of the owner of that property, or of the person in possession of that property, except dogs being hunted in accordance with state game and fish department laws, rules and regulations. Failure to comply with this Section shall be unlawful and shall be punishable as hereinafter provided.

Sec. 6-6. Duty of all animal owners to be responsible owners.

- (1) It shall be the duty of every owner of an animal to take all necessary steps and precautions to protect other people, property, and other animals from injury or damage resulting from such animal's behavior, including, but not limited to, chasing, biting, or otherwise jeopardizing the safety or welfare of the public, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
- (2) If the owner of an animal is a minor, the parent or guardian of such minor shall be responsible to ensure full compliance with the requirements of this chapter.
- (3) It shall be the duty of every owner of an animal to immediately remove excrement deposited by the animal on any street or right-of-way. The provisions of this subsection shall not apply to any animal aiding the handicapped (e.g., guide dog) or to an animal used for law enforcement related activities.
- (4) Domesticated or caged non-farm animals may not make any vocalizations for more than fifteen (15) minutes without interruption or more than thirty (30) minutes if the vocalization is intermittent. These time limits do not apply if the vocalizations are given as a warning to the presence of an intruder. Officers enforcing this subsection are not required to measure the vocalizations with the use of a sound level meter and are not required to be noise control officers as defined by this Code. Upon notification of a complaint concerning such vocalizations, the owner of such animal shall be given a written warning indicating that such animal is creating a disturbance, so long as the complainant provides the police chief with the address of the owner. If the disturbance is not resolved within two (2) days or a subsequent complaint is made for such animal by a different individual, who resides at a different location from the first complainant, a court summons shall be issued in accordance with the requirements of this Chapter.

Sec. 6-7. Duty to keep animal under restraint while on property.

- (1) It shall be the duty of every owner of an animal to ensure that the animal is kept under restraint, and that precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner.

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- (2) It shall be the duty of every owner of an animal to ensure that the animal is securely and humanely enclosed within a proper enclosure as a means of primary restraint. Such enclosure must be securely locked at any time the animal is left unattended. When outside the proper enclosure but on the owner's property, it shall be the duty of every owner of an animal to ensure that the animal is humanely secured by a leash or lead and under the control of a responsible and competent person; or off leash but under the direct control of a responsible and competent person who is physically present with the animal, provided that such animal is obedient to that person's command.
- (3) Any animal that is housed outside of its owner's house shall be housed in a proper enclosure that complies with the provisions of this Code. The owner shall also ensure that the proper enclosure contains at least one hundred (100) square feet of open space as that term is defined in Chapter 27 of this Code.
- (4) Tethering of an animal is prohibited.
- (5) As a secondary means of restraint to a proper enclosure, an animal may be attached to a running cable line or trolley system providing that:
 - A. A running cable line or trolley system is set inside a proper enclosure;
 - B. Only one (1) animal may be attached to each running cable line or trolley system;
 - C. No animal may be attached to a running cable line or trolley system for more than twelve (12) hours in a twenty-four-hour period;
 - D. No animal may be attached to a running cable line or trolley system between the hours of 10:00 p.m. and 6:00 a.m.;
 - E. Tethers and cables attaching the animal to the running cable line or trolley system must be made of a substance which cannot be chewed by the animal and shall not weigh more than five (5) percent of the body weight of the animal tethered;
 - F. A running cable line or trolley system must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal;
 - G. The running cable line or trolley system must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level;
 - H. The length of the tether from the running cable line or trolley system to the animal's collar should allow access to the maximum available

exercise area and allow the animal free access to food, water, and shelter;

- I. Be attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification; and with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal to a running cable line or trolley system; and
 - J. Be tethered at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that could result in injury of strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal access to the fence.
- (6) If an electronic animal confinement system is used to confine an animal, it shall:
- A. Provide a properly fitted and working signal device that will be worn by the animal to be enclosed.
 - B. Contain permanent and prominently displayed signs at twenty-five (25) feet intervals around the entire perimeter of the electronic animal confinement system. The signs shall be no smaller than six (6) inches square, and shall read: "Caution—Electronic Animal Confinement System."

Failure to keep any animal confined or under constraint as provided for in this Section shall be unlawful and shall be punishable as provided in this Article.

Sec. 6-8. Duty to keep animal under restraint while off property.

- (1) It shall be the duty of the owner of any animal or anyone having an animal in his or her possession to keep the animal under restraint and control at all times while the animal is off the real property of the owners, possessor or custodian.
- (2) For the purposes of this Section, an animal is deemed under control when:
 - A. It is securely confined within a vehicle, parked or in motion;
 - B. It is properly confined within a secure enclosure with the permission of the owner of the property where the enclosure is located; or
 - C. It is securely restrained by a leash or other device held by a competent person.
- (3) Failure to keep animal under restraint or control as provided for in this Section shall be unlawful and shall be punishable as provided in this Chapter.

Sec. 6-9. When collar and tag required; dog.

It shall be the duty of each dog owner, possessor or custodian thereof, to provide a collar for his or her dog to which the DeKalb County owner's permit and the rabies inoculation tag shall be attached. The collar, together with the permit and tag, shall be worn by the dog at all times, except as otherwise provided in Section. Failure to comply with this Section shall be unlawful and shall be punishable as provided in this Chapter.

Sec. 6-10. Enforcement.

- (1) Upon information made known to or complaint logged with any officer of the City police department or Code Enforcement, that any owner, possessor or custodian of any dog or animal is in violation of this Article, he or she or his or her authorized representative shall cause a summons to be issued requiring the owner, possessor or custodian of his or her dog or animal to appear before a judge of the municipal court of the City on a day and time certain then and there to appear for the violation of this Article. If a violation of this Article has not been personally witnessed by any officer of the city police department or Code Enforcement, a subpoena shall be issued by the Court to the person making the complaint, to be and appear on the day and time set for trial, then and there to testify on behalf of the City.
- (2) In the event that the owner, possessor or custodian of any dog or animal is not known and this dog or animal is upon the public streets, alleys, sidewalks, school ground or other public places or premises or the property of another without that property owner's permission as prohibited by this Article, upon complaint made to or information made known to the City the animal may be impounded by the DeKalb County animal control

Sec. 6-11. Vaccinations for rabies, dogs and cats.

All dogs and cats in the incorporated limits of the City shall be inoculated for the prevention of rabies by a licensed veterinarian in accordance with the applicable rabies control ordinance of DeKalb County, as amended.

Sec. 6-12. Warning signs; guard dogs and dangerous dogs.

All owners, keepers or harborers of any guard dog or dangerous dog shall display in a prominent place on their premises, and at each entrance or exit to the area where such dog is confined, a sign easily readable by the public using the words "Beware of Dog."

Sec. 6-13. Abandonment, neglect or abuse of animals.

It shall be unlawful for anyone to knowingly abandon, neglect or abuse any domesticated animal within the City. Each person who knowingly abandons, neglects or abuses, or willingly permits such abandonment, neglect or abuse, or aids in the abandonment, neglect or abuse of any domesticated animal shall be in violation of the law shall be punished as provided in this Chapter.

Sec. 6-14. Required Permanent Identification

It shall be the duty of every animal owner who has been convicted of abandonment, cruelty or neglect of an animal by a court of competent jurisdiction or owns a dangerous or potentially dangerous animal, to have the animal permanently identified by insertion of a microchip by a licensed veterinarian. Said chip must be registered with the chip parent company and the police chief.

Sec. 6-15. Dangerous and Potentially Dangerous Animals

- (1) If the police chief, animal control officer or code enforcement officer learns of the existence of a dangerous animal or potentially dangerous animal, the police chief shall then cause a summons to be issued requiring the owner of the animal to appear before a judge of the Dunwoody Municipal Court at a date and time certain, to conduct a hearing as to the appropriate classification of the animal. The police chief shall also immediately impound the animal believed to be dangerous or potentially dangerous.
- (2) The Court shall determine after a hearing if the animal is to be classified as a dangerous animal or potentially dangerous animal. In making its findings in this regard, the Court shall enter a written order notifying the animal's owner and the police chief of its decision.
- (3) The appeal of any order of the Court concerning the classification of an animal as potentially dangerous or dangerous shall be by petition for writ of certiorari to the Superior Court of DeKalb County.
- (4) If the Court classifies the animal as dangerous or potentially dangerous, and no appeal is filed, the owner shall be required to obtain an annual certificate of registration in compliance with the requirements of this Chapter and the DeKalb County Animal Control ordinance. No potentially dangerous or dangerous animal shall be released to its owners until such certificate is issued by the appropriate party.
- (5) If the owner fails to obtain the certificate of registration as required by this Chapter, the animal will not be released and will be euthanized. The animal shall not be euthanized if the owner appeals the court's classification order by petition for writ of certiorari to the Superior Court of DeKalb County. In the event the owner appeals the Court's order, the animal shall not be released to its owner until the appeal is concluded and the certificate of registration is issued to the owner, if applicable. In such event, the animal will be housed at a licensed veterinarian's office or a licensed kennel and the cost of such detention shall be borne by the owner of the animal. In the event the City appeals the Court's order, the animal shall not be released to its owner until the appeal is concluded and the certificate of registration is issued to the owner, if applicable. In the event of an appeal by the City, the animal will be housed in the DeKalb County animal service center and the cost of such detention shall be borne by the City.

Sec. 6-16. Certificate of Registration

- (1) The owner of a dangerous animal and potentially dangerous animal must obtain a certificate of registration for the animal from DeKalb County annually and pay an annual registration fee to be determined by the County. The requirements of this section apply to any animal living in the City of Dunwoody that has been deemed dangerous or potentially dangerous by any other state, county or municipal court, hearing officer, or other authorized government agency.
- (2) The certificate of registration shall be issued to the owner upon receipt of all of the following:
 - A. Written evidence that the animal is permanently identified by insertion of a microchip by a licensed veterinarian. Said chip must be registered with the chip parent company and the police chief, or other authorized representative, within fifteen (15) days of an order classifying the animal as dangerous or potentially dangerous or within such later time as specified by a court of competent jurisdiction or within fifteen (15) days of the conclusion of any appeal of a court's order that upholds the classification of an animal as dangerous or potentially dangerous;
 - B. A copy of a current policy of insurance in the amount of twenty-five thousand dollars (\$25,000.00) issued by an insurer authorized to transact business in the State of Georgia, insuring the owner of the dangerous animal or potentially dangerous animal against liability for any personal injuries inflicted by the dangerous animal or potentially dangerous animal; or a copy of a current surety bond in the amount of twenty-five thousand dollars (\$25,000.00), issued by a surety company authorized to transact business in the State of Georgia, payable to any person injured by the dangerous animal or potentially dangerous animal;
 - C. Written or photographic proof that the animal will be confined as defined in section 6-7 and 6-17 when allowed outdoors; and
 - D. Written evidence that the animal has been sterilized by a licensed veterinarian.
- (3) The owner of a dangerous animal or potentially dangerous animal shall notify the police chief, or designated representative, immediately if the animal dies or has been sold or given to another person. If the animal dies, the body must be available for microchip scanning to provide positive identification of the dangerous animal or potential dangerous animal. If the animal is sold or given to another person, the current owner listed on the most current certificate of registration must provide the police chief, or designated representative, with the name, address, and telephone number of the new owner within thirty (30) days of the sale or transfer of such animal. New owners are subject to all requirements of this Code upon transfer of such animal.

- (4) The owner of a dangerous animal or potentially dangerous animal must notify the police chief, or designated representative, in writing immediately upon changing his/her address. Such written notice shall provide the owner's new address and telephone number. The owner shall promptly obtain a new certificate of registration reflecting the new address if such address is located within the City.
- (5) The owner of a dangerous animal or potentially dangerous animal shall notify the police chief, or designated representative, in writing immediately upon moving the dangerous animal or potential dangerous animal into the City. Such written notice shall provide the address and telephone number of the owner and the owner shall immediately obtain a certificate of registration for the animal.

Sec. 6-17. Confinement of Potentially Dangerous and Dangerous Animals

- (1) Animals that are classified as potentially dangerous or dangerous shall have adequate shelter and be confined in accordance with the requirements of this section. Confinement shall consist of a fenced area on the owner's property. Within this fenced area, the owner shall provide a structure to house the animal that is completely enclosed with secure sides and a secure top. The sides of the fence must be buried two (2) feet into the ground, sunken onto a concrete pad or securely attached to a wire floor. The door or gate to the fence must be equipped with a working lock. In addition, the minimum open space requirements within the fenced area shall be the same as set forth in Section 6-7. All fencings shall be of industrial gauge type.
- (2) The owner of an animal that has been declared by a court of competent jurisdiction to be potentially dangerous or dangerous must post signs on all means of ingress and egress to the real property that read "Dangerous Animal On Property" or "Potentially Dangerous Animal On Property" which shall be no smaller than eight and five-tenths (8.5) by eleven (11) inches.
- (3) Whenever outside its fenced area, but on the owner's property, an animal classified as dangerous or potentially dangerous shall be attended by the owner, restrained by a secure collar and leash of sufficient strength to prevent escape. Such leash shall not exceed six (6) feet in length.
- (4) No dangerous or potentially dangerous animal shall be permitted off the property of its owner unless accompanied by the owner, muzzled by any means sufficient to prevent biting of person or animals and restrained by a secure collar and leash of sufficient strength to prevent escape. Such leash shall not exceed six (6) feet in length.
- (5) The owner of a dangerous animal or potentially dangerous animal that has been declared by a court to be dangerous or potentially dangerous shall make the animal and the area of confinement available for periodic, unannounced inspections by the police chief to ensure compliance with the confinement requirements of this Section, provided the owner consents to such entry and inspection. If consent is not obtained, the police chief, or designated

representative, shall obtain an inspection warrant prior to any inspection in accordance with the requirements of state law.

Sec. 6-18. Transportation of Animals in Open Air Vehicles

If transporting an animal in an open-air vehicle, the animal must be secured so as to prevent the animal from escaping out of the vehicle, getting tangled, or having the ability to extend over the edge of the vehicle that could result in a injury or strangulation of the animal while the vehicle is in motion. If the animal has been classified as a potentially dangerous animal or dangerous animal, requirements of this Section are in addition to requirements outlined in Section 6-17.

Sec. 6-19. Hazardous Animals

No person shall own, keep, harbor, house, or permit to be kept, harbored or housed, a hazardous animal within the City of Dunwoody, unless granted prior written approval from the police chief, or designated representative. Written approval may be granted upon presentation of photographic proof that the animal will be kept adequately restrained or confined as is common for the species.

Sec. 6-20. Right of Entry

The police chief, or designated representative, including a DeKalb County Animal Control Officer, may use any force necessary to remove any animal locked in a closed vehicle when the ambient temperature is eighty (80) degrees Fahrenheit or above outside the vehicle. If the vehicle is damaged during such removal, the police chief shall not be liable for any damage to the vehicle.

Sec. 6-21. Ownership

- (1) It shall be unlawful for any person to abandon, sell, trade, swap or give away animal within the real property limits of the police department parking area, or surrounding grounds.
- (2) It shall be unlawful for any person to give away or sell any animal on any public roadway in the City of Dunwoody.

Sec. 6-22. Sterilization

- (1) It shall be the duty of the owner and/or animal facilitator of a dog or cat adopted from DeKalb County or any other adoption agency to have the dog or cat sterilized. Puppies and kittens must be sterilized by a licensed veterinarian within six (6) months of the date of adoption. Adult dogs and cats must be sterilized by a licensed veterinarian within thirty (30) days of the date of adoption.
- (2) It shall be the duty of the owner of a dog or cat declared by a court of competent jurisdiction to be a potentially dangerous animal or dangerous animal to have the animal sterilized. Such sterilization must be performed by a licensed veterinarian within thirty (30) days of a final order of a court of

competent jurisdiction declaring the animal to be a potentially dangerous animal, or dangerous animal.

Sec. 6-23. Transient Animals

A dog, cat, or ferret shipped or transported through the City or entering the City for less than fifteen (15) days shall be exempt from licensing fees and collar and tag sections of this Chapter. However, all other provisions of this Chapter are applicable to such transient animals. In addition, proof of a current rabies vaccination or health certificate for such animal must be available for inspection by the police chief, or designated representative, at any time the animal is within the boundaries of the City.

Sec. 6-24. Violations and Enhanced Penalties for Dangerous Animals

- (1) A dangerous animal or potentially dangerous animal may be immediately impounded by any DeKalb County or City police officer, code enforcement officer or animal enforcement officer if such animal or its owner has violated any of the requirements of this Chapter.
- (2) The owner of a dangerous animal or potentially dangerous animal shall notify the police chief, or designated representative, immediately if the animal is on the loose, unconfined, or has attacked a human or another animal and failure to so notify the police chief, or designated representative, shall be a violation of this Chapter by the owner of the animal.
- (3) It shall be a violation of this Chapter for any person to possess within the City a dangerous animal or potentially dangerous animal without a certificate of registration issued in accordance with the provisions of this Chapter.
- (4) Upon a second and subsequent conviction of any violation of this Chapter by a dangerous or potentially dangerous animal or its owner, the court shall impose a fine of not less than five hundred dollars (\$500.00) in addition to any other penalty or punishment imposed by the court.
- (5) Upon a second or subsequent conviction for a violation of this Chapter by a dangerous animal or its owner, the court may order the dangerous animal to be euthanized.
- (6) Upon a second and subsequent conviction for a violation of Section 6-11, the court shall impose a fine of not less than three hundred dollars (\$300.00) in addition to any other penalty or punishment imposed by the court.
- (7) Upon a third and subsequent conviction within a twenty-four (24) month period of time, as measured from the date of issuance of previous court summonses for which convictions were obtained, for a violation of Section 6-8, the court shall impose a fine of not less than three hundred dollars (\$300.00) in addition to any other penalty or punishment imposed by the court.

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- (8) Upon a second and subsequent conviction for a violation of Section 6-6(3), the court shall impose a fine of not less than three hundred dollars (\$300.00) in addition to any other penalty or punishment imposed by the court.
- (9) Upon a third and subsequent conviction within a twenty-four (24) month period of time, as measured from the date of issuance of previous court summonses for which convictions were obtained, for a violation of Section 6-6(4), the court shall impose a fine of not less than five hundred dollars (\$500.00) in addition to any other penalty or punishment imposed by the court.
- (10) Upon a second and subsequent conviction of a violation of Section 6-12, the court shall impose a fine of not less than five hundred dollars (\$500.00) in addition to any other penalty or punishment imposed by the court.
- (11) Upon a third and subsequent conviction within a twelve (12) month period of time, as measured from the date of issuance of previous court summonses for which convictions were obtained, for a violation of Section 6-17, the court shall require the owner to provide additional confinement, as outlined in Section 6-17(a). The additional confinement requirements shall apply regardless of whether the animal has been classified as a potentially dangerous animal or dangerous animal.

Sec. 6-25. Animal Enforcement by the County.

- (1) Except as otherwise in conflict with provisions of this Article, the City hereby adopts the DeKalb County Animal Control code.
- (2) The County will retain all fees collected in accordance with the animal control code with the exception of any fines assessed by the Dunwoody Municipal Court.

Section 2: Chapter 6 of the Code of the City of Dunwoody is hereby further revised by renumbering Sections 6-21 through 6-22 of Article II ("Offenses and Miscellaneous") as Sections 6-30 ("Cruel treatment of animals prohibited") and Section 6-31 ("Disposal of deceased animals").

Section 3: Chapter 6 of the Code of the City of Dunwoody is hereby further revised by deleting Article II, Section 6-23 ("Removal of canine fecal matter") in its entirety and leaving the section "Reserved."

Section 4: This Ordinance shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

#J.7.

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SO ORDAINED, this ____ day of _____, 2011.

Approved:

Ken Wright, Mayor

Approved as to Form:

Brian Anderson, City Attorney

Attest:

Sharon Lowery, City Clerk

Seal