

Re: AMENDMENT TO ORDINANCE 2014TA-13

**AN ORDINANCE TO AMEND CHAPTER 11-ANIMALS ARTICLE III. ANIMAL CONTROL REGULATIONS IN ORDER TO ADD THE NEW SUBSECTION 11-53(b)(3); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

**Whereas**, ordinance amendments are important in order to continue the realization of the vision, goal and policies set forth by Staff and the community;

**Whereas**, the Mayor and Council have determined that amending Chapter 11 – Animals Article III. Animal Control Regulations Section 11-53(b) Running at large prohibited is necessary in order to address dogs being left unattended on vacant and abandoned homes and lots within the City of Fairburn; and

**Whereas**, the Mayor and Council of the City of Fairburn have determined that amending Chapter 11 – Animals Article III. Animal Control Regulations Section 11-53(b) Running at large prohibited in order to add the new Subsection 11-53(b)(3) in the Ordinance, would be in the best interest of the residents, property owners, businesses and citizens of the City of Fairburn; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby ordained by the authority of same that Chapter 11 – Animals Article III. Animal Control Regulations Section 11-53(b) Running at large prohibited, be amended in order to add the new Subsection 11-53(b)(3) Running at large prohibited in the Fairburn Ordinance as follows:

Section 1. Adoption of Chapter 11 – Animals Article III. Animal Control Regulations Section 11-53(b) Running at large prohibited, be amended in order to add the new Subsection 11-53(b)(3) Running at large prohibited as follows:

**Section 11-53. Running at large prohibited**

- (a) General prohibition.** The running at large of dogs, domestic animals/fowl, livestock, wildlife/fowl, or exotic animals/fowl within the city is prohibited (with the exception of cats). Owners of wildlife/fowl or exotic animals/fowl must have the necessary state 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 such person having custody of the dog unless such dog shall be securely under leash; said leash not being 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 such person having custody of the dog and shall be restrained by means of a fence or wall or other enclosure, or restrained individually by leash or chain. Excluded are those dogs participating in or training for obedience trials, field trials, dog shows, tracking work or law enforcement.**

- (2) Also, the above requirement shall not apply in any area zoned for agriculture where the owner or person having custody of the dog is at the time in question using the dog for hunting purposes, and has on his person a valid hunting license and proof of vaccination.**
- (3) It shall be unlawful for the owner, custodian or harbinger of any dog to leave such dog unattended on the vacant or abandoned premises of the owner or other such person having custody of the dog for any amount of time unless such dog is a guard or security dog in compliance with Section 11-56.**

**(c) Domestic animal/fowl, livestock, owned wildlife/fowl, exotic animal/fowl.**

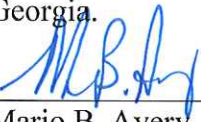
- (1) It shall be unlawful for the owner, custodian or harbinger of any domestic animal/fowl, livestock, wildlife/fowl or exotic animal/fowl, to allow or permit such to leave the premises of the owner or other such person having custody of such unless securely under leash, in a carrying case or restrained by some other means and under the control of a competent person, with the exception of cats.**
- (2) Domestic animal/fowl, livestock, wildlife/fowl or exotic animal/fowl shall be securely confined to the premises of the owner or other such person having custody of such by means set forth under the provisions of this chapter or approved by the city animal control officer or the county animal control office or as required by state or federal regulations, with the exception of cats. (a) Required districts: C-1, C-2, DC-1, DC-2, M-1, M-2, and O&I.**

Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.


Section. 3. This Ordinance shall become effective on the 9th day of June, 2014.

Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.


APPROVED this 9th day of June, 2014, by the Mayor and Council of the City of Fairburn, Georgia.

  
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Mario B. Avery, Mayor

ATTEST:

  
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Brenda B. James, City Clerk

APPROVED AS TO FORM:

  
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William R. (Randy) Turner, City Attorney