

ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 5, TO REGULATE THE RESTRAINT AND TRANSPORTATION OF
ANIMALS AND FOR OTHER PURPOSES**

WHEREAS, the Home Rule provision of the Georgia Constitution tasks the Governing Authority with enacting clearly reasonable ordinances that protect the health, safety, and general welfare of the residents of DeKalb County; and

WHEREAS, state law, O.C.G.A. § 4-11-18, specifically allows counties to enact and enforce local ordinances that are not in conflict with the Georgia Animal Protection Act, O.C.G.A. § 4-11-1 *et seq.*; and

WHEREAS, the Governing Authority of DeKalb County finds that this ordinance does not conflict with the Georgia Animal Protection Act and protects the health, welfare, and public safety of the residents and animals of DeKalb County;

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, that Chapter 5 of the Code of DeKalb County, as revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending Section 5-1 to insert, alphabetically, the following definitions:

Attended means in the immediate physical presence and line of sight of a capable owner.

Capable means able and willing to humanely and competently control an animal in one's care.

Immediate physical presence means in close enough proximity to the animal that the owner can intercede before the animal can injure itself or before a person or animal entering the same general area as the animal can be injured. If the animal is outside of a structure, such owner must also be outside it, and if the animal is inside of a structure, such owner must also be inside it, for the animal to be attended.

Properly-fitted means loose enough that two fingers can comfortably be placed between the device and the animal's body but tight enough that the animal cannot readily free itself.

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By replacing the definition of "tethered" in section 5-1 with the following:

Tethering means attaching an animal to a stationary object by a chain, leash, line, cable, or similar device, whether outside or inside any vehicle or structure, and includes but is not limited to attaching an animal to a running cable line or trolley system.

* * *

By replacing subsections (d) and (e) of section 5-3 with the following:

(d) Tethering of an animal is prohibited, and an animal's owner shall ensure that the owner's animal is not tethered, unless:

- (1) Such tethering is on a temporary basis while the animal is attended by the owner; and
- (2) The device by which the animal is tethered is attached to a properly-fitted harness; collar; or, in the case of livestock or an equine, halter worn by the animal.

(e) Notwithstanding any other provision of this section, tethering an animal in any of the following ways is prohibited:

- (1) By attaching more than one (1) animal to the device by which the animal is tethered;
- (2) By tethering two (2) or more animals together;
- (3) By use of a device that, after including all collars, harnesses, fasteners, weights, and other accessories that have their weight borne by the animal, weighs more than five (5) percent of the body weight of the animal;
- (4) By restricting the animal's range of movement to less than ten (10) feet, after taking into account the length of the device by which the animal is tethered; the height at which such device is attached to any object; any tangling, wrapping, or other shortening of the useful length of such device; any obstacles; and any other circumstances reducing the animal's range of movement, except that this requirement shall not apply:
 - A) inside a running vehicle and as provided in subsection (6) below;
 - B) to any equine or livestock that is being temporarily tied out for typical husbandry purposes, including, but not limited to, grooming or medical treatment; or
 - C) to an attended animal in a space that is open to the public, such as a café or park, where using a device of such length to tether the animal would be inappropriate or unsafe.
- (5) By tethering the animal by a device attached to such animal's collar or halter to an object that can be moved by the animal;
- (6) By attaching the device by which the animal is tethered to any part of a running vehicle, unless the animal is confined in an inside passenger compartment of the vehicle and the device by which the animal is tethered is attached to a properly-fitted collar or harness and is of such length that the animal cannot exit the vehicle while it is in motion;

- (7) By tethering the animal close enough to any road, fence, other object, or edge that strangulation of, or other serious injury to, the animal could result;
- (8) By attaching the device by which the animal is tethered to a choke, prong, martingale, or similar collar worn by the animal; or
- (9) By wrapping the device by which the animal is tethered directly around any part of the animal's body.

(f) Minimum Enclosure Space Requirements:

The minimum space required for a proper enclosure shall be based on the weight of the dog and the number of dogs confined in the enclosure.

- (1) For each dog housed in the enclosure with a body weight under thirty (30) pounds, such minimum open ground space shall be no less than 100 square feet per dog.
- (2) For each dog housed in the enclosure with a body weight that exceeds thirty (30) pounds, such minimum open ground space shall be no less than 200 square feet per dog.

* * *

By replacing section 5-14 with the following:

Sec. 5-14. - Transportation of animals in open-air vehicles.

- (a) No owner of an animal shall allow such animal to be transported on a public road or on private property open to the public in an open-air area of a vehicle unless the animal is secured in a container or other enclosure of adequate size that is:
 - (1) Specifically designed to confine the animal in an unenclosed area of the vehicle;
 - (2) Sufficient to prevent the animal from falling, jumping, or escaping from the container or other enclosure;

- (3) Adequately ventilated and protected from the elements and excessive heat or cold; and
- (4) Firmly affixed so as to prevent the container or other enclosure from shifting, sliding, coming free, or otherwise moving without human intervention while the vehicle is parked or in motion. Bungee cords and other similar fasteners are insufficient to satisfy this requirement.

(b) For classified animals, the requirements of this section are in addition to the requirements outlined in section 5-13.

PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

PART IV. IMPLEMENTATION PERIOD

Notwithstanding any other provision of this ordinance, owners of animals who, as of the effective date of this ordinance, are not in compliance with the enclosure requirements set forth herein shall have a period of one hundred eighty (180) days from the effective date to achieve compliance.

During this period, enforcement shall be limited to warnings and educational outreach unless the animal is in immediate danger or conditions pose a threat to public safety.

ADOPTED by the DeKalb County Board of Commissioners, this _ day of _____, 2026.

CHAKIRA JOHNSON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2026.

LORRAINE COCHRAN-JOHNSON
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

APPROVED AS TO SUBSTANCE:

TERRY G. PHILLIPS
Interim County Attorney
DeKalb County, Georgia

ZACHARY L. WILLIAMS
Chief Operating Officer
DeKalb County, Georgia