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# HOUSING DISCRIMINATION UNDER THE FAIR HOUSING ACT

Housing discrimination is illegal in nearly all housing, including private housing, public housing, and housing that receives federal funding.

[The Fair Housing Act](#)

[Who Is Protected?](#)

[What Types of Housing Are Covered?](#)

[What Is Prohibited?](#)

[Additional Resources](#)

## The Fair Housing Act

The Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities.

Additional protections

[\(/program\\_offices/fair\\_housing\\_equal\\_opp/non\\_discrimination\\_housing\\_and\\_commu\)](#) apply to federally-assisted housing.

Learn about the History

[\(/program\\_offices/fair\\_housing\\_equal\\_opp/aboutfheo/history\)](#)

of the Fair Housing Act, and read

Examples

[\(/program\\_offices/fair\\_housing\\_equal\\_opp/examples\\_housing\\_discrimination\)](#)

of the many forms of housing discrimination.

## Who Is Protected?

The Fair Housing Act prohibits discrimination in housing because of:

- Race
- Color
- National Origin
- Religion
- Sex (including gender identity and sexual orientation)
- Familial Status
- Disability

## What Types of Housing Are Covered?

The Fair Housing Act covers most housing. In very limited circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members.

## What Is Prohibited?

### **In the Sale and Rental of Housing:**

It is illegal discrimination to take any of the following actions because of race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Otherwise make housing unavailable
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide a person different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- Make, print or publish any notice, statement or advertisement with respect to

the sale or rental of a dwelling  
that indicates any preference,  
limitation or discrimination

- Impose different sales prices or rental charges for the sale or rental of a dwelling
- Use different qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analyses, sale or rental approval procedures or other requirements
- Evict a tenant or a tenant's guest
- Harass a person
- Fail or delay performance of maintenance or repairs
- Limit privileges, services or facilities of a dwelling
- Discourage the purchase or rental of a dwelling
- Assign a person to a particular building or neighborhood or section of a building or neighborhood
- For profit, persuade, or try to persuade, homeowners to sell their homes by suggesting that people of a particular protected characteristic are about to move into the neighborhood (blockbusting)
- Refuse to provide or discriminate in the terms or conditions of homeowners insurance because of the race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin of the owner and/or occupants of a dwelling
- Deny access to or membership in any multiple listing service or real estate brokers' organization

For more information and examples, visit [Examples of Housing Discrimination](#)

(/program\_offices/fair\_housing\_equal\_opp/examples\_housing\_discrimination).

**In Mortgage Lending:**

It is illegal discrimination to take any of the following actions based on race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin:

- Refuse to make a mortgage loan or provide other financial assistance for a dwelling
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising a dwelling
- Condition the availability of a loan on a person's response to harassment
- Refuse to purchase a loan

For more information about discrimination in mortgage lending, visit Fair Lending (/program\_offices/fair\_housing\_equal\_opp/fair\_lending).

**Harassment:**

The Fair Housing Act makes it illegal to harass persons because of race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin. Among other things, this forbids sexual harassment. Learn more about sexual harassment here (/program\_offices/fair\_housing\_equal\_opp/sexual\_harassment).

**Other Prohibitions:**

In addition, it is illegal discrimination to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise the right
- Retaliate against a person who has filed a fair housing complaint or assisted in a fair housing investigation

**Advertising:**



For more information about advertising and the Fair Housing Act, visit Advertising and Marketing ([/program\\_offices/fair\\_housing\\_equal\\_opp/advertising\\_and\\_marketing](/program_offices/fair_housing_equal_opp/advertising_and_marketing)).

#### **Additional Protections For Persons With Disabilities:**

Housing providers must make reasonable accommodations and allow reasonable modifications that may be necessary to allow persons with disabilities to enjoy their housing. Get more information about reasonable accommodation here ([/program\\_offices/fair\\_housing\\_equal\\_opp/reasonable\\_accommodations\\_and\\_modific](/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modific)

Certain multifamily housing must be accessible to persons with disabilities. Get more information here ([/program\\_offices/fair\\_housing\\_equal\\_opp/physical\\_accessibility](/program_offices/fair_housing_equal_opp/physical_accessibility)).

#### **Additional Resources**

Examples of Housing Discrimination ([/program\\_offices/fair\\_housing\\_equal\\_opp/examples\\_housing\\_discrimination](/program_offices/fair_housing_equal_opp/examples_housing_discrimination))

Fair Housing and Related Laws ([/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_and\\_related\\_law](/program_offices/fair_housing_equal_opp/fair_housing_and_related_law))

File a Complaint ([/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](/program_offices/fair_housing_equal_opp/online-complaint))

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Resources

U.S. Department of  
Housing and Urban Development


451 7th Street, S.W., Washington, DC 20410  
T: 202-708-1112  
TTY: 202-708-1455

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[/ Assistance Animals](#)

## **ASSISTANCE ANIMALS**

For some persons with disabilities, an assistance animal may be necessary to afford them equal housing opportunity.

[What Is an Assistance Animal?](#)

[Obligations of Housing Providers](#)

[Examples](#)

[Filing a Complaint](#)

[Additional Resources](#)

### **What Is an Assistance Animal?**

An assistance animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. An assistance animal is not a pet.

### **Obligations of Housing Providers**

Individuals with a disability may request to keep an assistance animal as a reasonable accommodation to a housing provider's pet restrictions.

Housing providers cannot refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

The Fair Housing Act requires a housing provider to allow a reasonable accommodation involving an assistance animal in situations that meet all the following conditions:

- A request was made to the housing provider by or for a person with a disability
- The request was supported by reliable disability-related information, if the disability and the disability-related need for the animal were not apparent and the housing provider requested such information, and
- The housing provider has not demonstrated that:
  - Granting the request would impose an undue financial and administrative burden on the housing provider
  - The request would fundamentally alter the essential nature of the housing provider's operations
  - The specific assistance animal in question would pose a direct threat to the health or safety of others despite any other reasonable accommodations that could eliminate or reduce the threat
  - The request would result in significant physical damage to the property of others despite any other

reasonable accommodations that could eliminate or reduce the physical damage.

## Examples

A reasonable accommodation request for an assistance animal may include, for example:

- A request to live with an assistance animal at a property where a housing provider has a no-pets policy or
- A request to waive a pet deposit, fee, or other rule as to an assistance animal.

## Filing a Complaint

If you believe you have been unlawfully denied a reasonable accommodation for an assistance animal or have otherwise experienced discrimination in housing, you can file a complaint ([/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](/program_offices/fair_housing_equal_opp/online-complaint)) with FHEO.

## Additional Resources

Notice FHEO-2020-01:

Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act (January 28, 2020)

(<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>)

Joint Statement of HUD and DOJ on Reasonable Accommodations Under the Fair Housing Act (</sites/documents/huddojstatement.pdf>)

Reasonable Accommodations and Modifications ([/program\\_offices/fair\\_housing\\_equal\\_opp/reasonable\\_accommodations\\_and](/program_offices/fair_housing_equal_opp/reasonable_accommodations_and)

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Housing and Urban Development**

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# ADA.gov

U.S. Department of Justice  
Civil Rights Division

## Service Animals

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The ADA explains what businesses and state/local governments must do to make sure that they do not discriminate against a member of the public with a disability who uses a service animal.

Generally, businesses and non-profits that are open to the public as well as state/local governments must allow service animals to go most places where the public can go. This is true even if they have a “no pets” policy.

### Topic

Read this to get a basic understanding of this topic.

For more detailed information on a topic, view [Guidance & Resource materials](#)

For information about the legal requirements, visit [Law, Regulations & Standards](#)

# About Service Animals

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## Service animals are:

- ✔ Dogs
- ✔ Any breed and any size of dog
- ✔ Trained to perform a task directly related to a person's disability

## Service animals are not:

- ✘ Required to be certified or go through a professional training program
- ✘ Required to wear a vest or other ID that indicates they're a service dog
- ✘ Emotional support or comfort dogs, because providing emotional support or comfort is not a task related to a person's disability

### **More about the difference between emotional support animals and service animals**

If the dog's mere presence provides comfort, it is not a service animal under the ADA. But if the dog is trained to perform a task related to a person's disability, it is a service animal under the ADA. For example, if the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, the dog is a service animal.

# Examples of Service Animal Tasks

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A person who uses a wheelchair may have a dog that is **trained to retrieve objects for them.**

A person with depression may have a dog that is **trained to perform a task to remind them to take their medication.**

A person with PTSD may have a dog that is **trained to lick their hand to alert them to an oncoming panic attack.**

A person who has epilepsy may have a dog that is **trained to detect the onset of a seizure and then help the person remain safe during the seizure.**

## Where Service Animals Can Go

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Generally, service animals are allowed to be with their person, even in places that don't allow pets. For example, service dogs can go into:

- Restaurants
- Shops
- Hospitals
- Schools
- Hotels

EXAMPLE: A restaurant offers indoor and outdoor seating. A woman arrives at the restaurant with her service dog and asks to sit inside. The restaurant cannot require the woman to dine outside because of her service dog.

The ADA also applies to certain types of housing, including:

- Housing at public and private universities
- Public housing programs run by state, county, and city governments
- Emergency shelters

## Other laws apply to housing

The **Fair Housing Act** applies to many types of housing, both public and privately owned, including housing covered by the ADA. Under the Fair Housing Act, there



may be different rules that apply when a resident or applicant with a disability uses a service animal or other animal to assist with their disability. The U.S. Department of Housing and Urban Development is responsible for administering the Fair Housing Act. Learn more at the [U.S. Department of Housing and Urban Development](#) or [contact your Regional Fair Housing and Equal Opportunity Office](#).

## Other laws apply to airplanes

The Air Carrier Access Act, not the ADA, protects the rights of people with disabilities in air travel. For information or to file a complaint, contact the U.S. Department of Transportation, Aviation Consumer Protection Division: 202-366-2220.

## Other rules apply to employment

The [Equal Employment Opportunity Commission](#) (EEOC) is responsible for administering the ADA in employment settings.

# Asking if a Dog is a Service Animal

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If you are working at a business or state/local government facility and it is unclear to you whether someone's dog is a service dog, **you may ask for certain information using two questions.**

### You may ask:

- ✔ Is the dog a service animal required because of a disability?
- ✔ What work or task has the dog been trained to perform?



## You are *not* allowed to:

- ⊗ Request any documentation that the dog is registered, licensed, or certified as a service animal
- ⊗ Require that the dog demonstrate its task, or inquire about the nature of the person's disability

Because service animals are not required to wear vests, a dog that is wearing a vest is not necessarily a service animal. The dog still needs to be trained to perform a task for a person with a disability to be a service animal.

## When a Service Animal Can Be Kept Out

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A business or state/local government does not need to allow a service animal if the dog's presence would fundamentally alter the nature of the goods, services, programs, or activities provided to the public.

### What does *fundamentally alter* mean?

In most settings, a service animal will not fundamentally alter the situation. But in some settings, a service dog could change the nature of the service or program. For example, it may be appropriate to keep a service animal out of an operating room or burn unit where the animal's presence could compromise a sterile environment. But in general, service animals cannot be restricted from other areas of the hospital where patients or members of the public can go.

Learn more about when a service animal can be kept out in [questions 23-26 in FAQs about service animals and the ADA](#).

# Asking Someone to Remove Their Service Animal

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A business or state/local government can ask someone to remove their service animal if:

- The dog is not housebroken.
- The dog is out of control, and the person cannot get the dog under control.



## What does *out of control* mean?

Learn more in [question 27 in FAQs about service animals and the ADA](#).

## State and Local Laws

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### State/local governments can:

- ✓ Require service dogs to be licensed and vaccinated, if all dogs are required to be licensed and vaccinated
- ✓ Offer *voluntary* service dog registration programs

### State/local governments can't:

- ✗ Require certification or registration of service dogs
- ✗ Ban a service dog based on its breed

# Learn More About the ADA and Service Animals

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The following technical assistance documents provide more helpful information about service animals:

- [Frequently Asked Questions about Service Animals and the ADA](#)
- [ADA Requirements: Service Animals](#)

## Related Content

### Guidance

[ADA Requirements: Service Animals](#)

### Guidance

[Frequently Asked Questions about Service Animals and the ADA](#)

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## Subject 391-1-9 NONDISCRIMINATION IN THE PROVISION OF PUBLIC SERVICES

### Rule 391-1-9-.01 Notice of Nondiscrimination

The Georgia Department of Natural Resources ("the Department") does not discriminate in the provision of public services on the basis of race, color, national origin, age, disability, or sex.

### Rule 391-1-9-.02 Accommodating Persons with Limited English Proficiency

(1) Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English have Limited English Proficiency ("LEP"). The Department will take reasonable steps to ensure that persons with LEP have meaningful access to participate in the Department's services, activities, programs, and other benefits. All interpreters, translators, and other aids needed to comply with this rule will be provided without cost to the person being served.

(a) **Four-factor analysis to determine accommodations for LEP persons.** The Divisions within the Department provide services to diverse members of the public. Thus, LEP persons encountered may vary depending on the region of the State served or the individuals served by a specific program. For these reasons, the Divisions will consider the following four factors when determining the services necessary for LEP persons under this policy.

- (i) **Number or proportion of LEP persons.** This requires assessing the number and proportion of LEP persons eligible to be served or likely to be encountered by a Division or program.
- (ii) **Frequency of contact with the Division.** This necessitates assessing how frequently LEP persons are encountered by a Division or program.
- (iii) **Nature and importance of the program.** This factor prioritizes vital programs and information and involves assessment of the relative importance of the program to the Division, to the state as a whole, or to the affected LEP community.
- (iv) **Resources available.** This entails assessing the resources available to the Division or program and the costs to implement accommodations for LEP persons.

[Rule 391-1-9-.01](#)  
[Notice of](#)



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- (i) identifying the language needs of LEP individuals;
- (ii) identifying ways in which language assistance will be provided;
- (iii) training staff on policies and procedures;
- (iv) providing notice of written and oral language assistance to LEP individuals;
- (v) monitoring and updating LEP policies and procedures; and
- (vi) providing notice of the grievance procedure to the public.

**(2) Grievance procedure regarding the Department's provision of services, activities, programs, or benefits to LEP persons.**

- (a) This grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination in the Department's provision of services, activities, programs, or benefits to LEP persons.
- (b) The complaint shall be in writing and contain information about the alleged discrimination such as name, address, and phone number of the complainant and the location, date, and description of the grievance. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available upon request.
- (c) The complaint should be submitted by the complainant and/or his designee as soon as possible, but no later than sixty (60) calendar days after the alleged violation.
- (d) Complaints should be submitted online at:

<https://gadnr.org/limited-english-proficiency-complainant-form> or  
by mail to:

Georgia Department of Natural Resources

LEP Coordinator

2 Martin Luther King, Jr., Drive, SE

Suite 1252 East

Atlanta, Georgia 30334



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respond in writing. The response will explain the position of the Department and offer options for a substantive resolution of the complaint.

- (g) All written complaints received by the Department's LEP Coordinator and/or his/her designee and responses will be retained by the LEP Coordinator for at least three years.

## **Rule 391-1-9-.03 Americans with Disabilities Act ("ADA")**

The Department will make all reasonable accommodations to ensure that people with disabilities have a meaningful opportunity to enjoy its programs, services, and activities.

### (1) **Definitions.**

- (a) **Service animal:** any dog that is individually trained to do work or perform tasks for the benefit of people with disabilities. Examples of work or tasks include, but are not limited to, guiding people who are blind or have low vision, alerting people who are deaf or hard of hearing, pulling a wheelchair, alerting or protecting a person during a seizure, reminding a person with mental illness to take prescribed medications, calming a person with post-traumatic stress disorder during an anxiety attack, or performing other duties.
- (b) **Miniature horse:** a horse generally ranging in height from 24 to 34 inches measured to the shoulders and generally weighing 70 to 100 pounds that have been individually trained to do work or perform tasks for people with disabilities. Miniature horses are considered service animals.
- (c) **Support or therapy animal:** an animal that individuals with disabilities utilize for emotional support, well-being, or comfort. Because they are not individually trained to perform work or tasks, support or therapy animals are not service animals.
- (d) **Individual with a disability:** is a person who has a physical or mental impairment that limits one or more major life activities, or has a record of such impairment.
- (e) **Accommodation:** any modification or adjustment in policies, practices, procedures, or environment to enable a qualified individual with a disability to enjoy opportunities and access to the Department's rights, privileges, benefits, and services.
- (f) **Wheelchair:** means a manually-operated or power-driven mobility device designed primarily for use by an individual with a mobility

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that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars; electronic personal assistance mobility devices, such as the Segway PT; or any mobility device designed to operate in areas without defined pedestrian routes, but is not a wheelchair within the meaning of this section.

(h) **Auxiliary aids and services:** devices or services that enable effective communication for people with disabilities.

(2) **Effective Communication for People Who Have Speech, Hearing, or Vision Impairments.** It is the policy of the Department to ensure effective communication with individuals with disabilities in our programs, services, and activities.

(a) The Department will provide, free of charge, appropriate auxiliary aids and services when necessary to ensure effective communication with individuals with disabilities. Auxiliary aids and services provided may include:

- (i) For people who are blind, have vision loss, or are deaf-blind, this includes providing a qualified reader; information in large print, Braille, or electronic for use with a computer screen-reading program; or an audio recording of printed information. A "qualified reader" is someone who is able to read effectively, accurately and impartially, using any necessary specialized vocabulary.
- (ii) For people who are deaf, have hearing loss, or are deaf-blind, this includes providing a qualified notetaker, a qualified sign language interpreter, oral interpreter, cued-speech interpreter, or tactile interpreter; real-time captioning; written materials; or a printed script of a stock speech. A "qualified interpreter" is someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to that person) using any necessary specialized vocabulary.
- (iii) For people who have speech disabilities, this may include providing a qualified speech-to-speech transliterator. A "qualified transliterator" is someone trained to recognize unclear speech and repeat it clearly.

(b) The Department shall not require an individual to bring someone to interpret for him/her. The Department may rely on a companion to



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when a qualified interpreter is not available.

(ii) In situations not involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when a) the individual requests this, b) the accompanying adult agrees, and c) reliance on the accompanying adult is appropriate under the circumstances. This exception does not apply to minor children.

(iii) Under exception (ii), the Department may not rely on an accompanying adult to interpret when there is reason to doubt the person's impartiality or effectiveness.

(c) **Requests for auxiliary aids and services.** Requests for an auxiliary aid or service for effective communication in receiving a service or participating in a program provided by the Department should be made as soon as possible, by submitting the appropriate request form. Requests should be made at least two weeks (10 business days) in advance of a scheduled event to allow time for scheduling. Request forms are available on the Department's website under Accessibility, as well as, at each Department location. All requests for auxiliary aids and services will be addressed promptly and in accordance with ADA requirements. The individual requesting the auxiliary aid or service will be notified as soon as possible if the Department is unable to meet the request and an effective alternative will be offered. Alternate formats or assistance may be requested by mail, or phone to:

Georgia Department of Natural Resources

ADA Coordinator

2 Martin Luther King, Jr., Drive, S.E.

Atlanta, Georgia 30334

Phone: (404) 656-2783

(3) **Service Animal Policy.** Service animals shall not be excluded from the Department's facilities or activities.

(a) It is Department policy to permit service animals anywhere in or on property owned, leased, or managed by the Department ("Department Property") where the public is normally allowed to go. Further, it is Department policy to permit miniature horses used as service animals in or on Department property where reasonable.

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maintain control of the animal through voice, signal, or other effective controls. The Department's policy includes an expectation that service animal owners will take responsibility for meeting legal requirements, ensure that animals are under their control, and adhere to cleanup rules.

- (b) **When support or therapy animal permitted.** The Department's service animal policy does not extend to support or therapy animals. Support or therapy animals may be permitted on Department properties where pets are not normally allowed on a case-by-case basis. However, it is the Department's policy to require that support or therapy animal owners obtain permission before bringing a support or therapy animal onto Department property, the requesting individual must submit a request and appropriate supporting documentation. Requests for a support or therapy animal will be evaluated by the appropriate office.
- (c) **Permitted staff inquiries.** When it is not obvious what service an animal provides, it is Department policy to allow staff to ask two questions:
- First, is the service animal required because of a disability? Second, what work or task has the service animal been trained to perform? Department staff cannot ask about the person's disability, require medical documentation, require a special identification card, training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.
- (d) **Allergies and fear of dogs.** Under Department policy, allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- (e) **Removal of service animal.** The Department prohibits removal of a service animal unless the service animal is out of control and the handler does not take effective action to control it or the service animal is not housebroken. When there is a legitimate reason to ask that a service animal be removed, the Department requires staff to offer the person with the disability the opportunity to obtain goods or services without the animal's presence.



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- (g) **Integrated service.** The Department forbids isolating people with disabilities who use service animals from other patrons or treating them less favorably than other patrons.
- (h) **Fees and surcharges.** The Department prohibits charging fees or surcharges to guests with service animals that are not being charged to other patrons without animals. In addition, if a deposit or fee is required to be paid by patrons with pets, the charge must be waived for service animals.
- (i) **Damage.** If guests are normally charged for damage that they cause, the Department allows guests with a disability to be charged for damage caused by himself or his service animal.
- (j) **Care and supervision.** The Department does not require staff to provide care or food for a service animal.
- (4) **Wheelchairs and other power-driven mobility devices.** Wheelchairs and OPDMDs shall not be excluded from Department facilities or activities. The Department will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. The Department will make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices ("OPDMDs") by individuals with mobility disabilities, in any areas open to pedestrian use.
- (a) **The Department and its individual Divisions have determined that certain classes of OPDMDs cannot be operated in accordance with legitimate safety requirements in certain areas. Thus, use of OPDMDs in and on Department property is restricted as follows:**
- (i) Gasoline OPDMDs are not permitted inside buildings and/or enclosed spaces.
- (ii) OPDMDs will not be allowed on delicate natural areas where pedestrian or vehicular traffic is restricted.
- (iii) OPDMDs will not be allowed on public roads within the parks unless equipped for road use.
- (iv) OPDMDs, in combination with the operator, which exceed 800 pounds total weight, are prohibited on nature trails (concrete and boardwalk portions), observation platforms, overlooks, boat docks, piers, and similar structures.



# Rules and Regulations of the State of Georgia

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- (vii) On Wildlife management areas, OPDMDs are to be used on labelled "Handicap Access Roads" only.
  - (viii) Department staff may advise a person using an OPDMD that a particular area does not permit use of such device if the area has been included in the exceptions of this rule.
- (b) **The Department and its individual Divisions have determined that OPDMDs and wheelchair users in and on Department property must observe the following requirements:**
- (i) Users are required to operate the device at the speed of pedestrian traffic.
  - (ii) Users are required to operate the device on established pedestrian pathways to the same extent that pedestrians are required to stay on established pathways regardless of whether the device may be capable of off-path travel.
  - (iii) Users may not operate the device in specific locations excluded by this rule.
- (c) **General OPDMD and wheelchair considerations:**
- (i) The Department will not provide storage of any mobility device when it is not being used.
  - (ii) Users must follow established instructions for going through security screening machines if the device contains technology that could be harmed by the machine.
  - (iii) The Department does not represent that the trails and access ways found on the natural areas are designed, maintained, managed, or safe for use by any particular person or mobility device. Certain risks are inherent in the use of any trail or access way, and the Department assumes no liability for injury to any person or for damage to any mobility device, whether caused by the operator, another visitor to a nature area's trail or facility, or any other circumstance.
- (d) **Permitted staff inquiries:**
- (i) Department staff shall not ask an individual using a wheelchair or other OPDMD questions about the nature and extent of the individual's disability.

# Rules and Regulations of the State of Georgia

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or other State-issued proof of disability as credible assurance that the use of the OPDMD is for the individual's mobility disability.

- (II) Department staff must accept as credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.

- (e) **Provision of personal mobility devices.** Nothing in this policy should be construed to require the Department to provide personal mobility devices (such as wheelchairs or motorized scooters) to individuals with disabilities.

(5) **Grievance procedure regarding the Department's provision of services, activities, programs, or benefits to individuals with disabilities.**

- (a) This grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination in the Department's provision of services, activities, programs, or benefits to individuals with disabilities.
- (b) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.
- (c) The complaint should be submitted by the complainant and/or his designee as soon as possible but no later than sixty (60) calendar days after the alleged violation. Complaints may be submitted online through the complaint form that is available on the Department's website under Accessibility or by mail to:

Georgia Department of Natural Resources

ADA Coordinator

2 Martin Luther King, Jr., Drive, SE

Suite 1252 East

Atlanta, Georgia 30334

# Rules and Regulations of the State of Georgia

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appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of DNR and offer options for substantive resolution of the complaint.

- (e) If the response by the Department's ADA coordinator or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the State of Georgia ADA Coordinator or her designee.
- (f) Within 15 calendar days after receipt of the appeal, the State of Georgia ADA Coordinator or her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the State of Georgia ADA Coordinator, or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- (g) All written complaints received by the Department's ADA Coordinator or her designee, appeals to the State of Georgia ADA Coordinator, or her designee, and responses from these two offices will be retained by the Georgia Department of Natural Resources ADA Coordinator for at least three years.

[Nondiscrimination](#)  
[Rule 391-1-9-.02](#)  
[Accommodating](#)  
[Persons with Limited](#)  
[English Proficiency](#)  
[Rule 391-1-9-.03](#)  
[Americans with](#)  
[Disabilities Act \("ADA"\)](#)



# Georgia Laws on Service Dogs and Emotional Support Animals

Learn how Georgia law and the ADA protect your right to have a service dog in public places and housing.

By [Lisa Guerin, J.D.](#) • UC Berkeley School of Law  
Updated 4/14/2023

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In Georgia, people with disabilities have the right to bring their service animals to all public accommodations. Under both state law and the Americans with Disabilities Act (ADA), public accommodations include places like restaurants, entertainment venues, shopping centers, and grocery stores.

These laws also require those who operate transportation services like buses and cabs to allow service animals.

Read on to learn which animals qualify as service animals in Georgia, which places must allow them, and more.

**Find out if you qualify for SSDI benefits.** Pre-qualify in 60 seconds for up to \$3,822 per month and 12 months back pay.

*Please answer a few questions to help us determine your eligibility.*

How old are you?

## In This Article



### What Counts as a Service Animal in Georgia?

Under Georgia law, only a dog can qualify as a service or assistance animal. And the law states that an "assistance dog" must have been specially trained to perform a physical task by a school for seeing-eye, hearing, service, or guide dogs—that is, the trainer must be a licensed or certified person, organization, or agency.

Georgia law allows you to bring a guide dog or assistance dog into public accommodations if you:

- are blind or have a visual disability
- are deaf, or
- have another physical disability.

The law defines a physical disability as a physical impairment or defect that causes you to be unable to move around without aid or limits your ability to do any of the following:

- walk
- climb
- ascend
- sit
- rise, or
- perform related functions.

Note that this definition doesn't include mental, developmental, or [intellectual disabilities](#). Therefore, some types of assistance animals, like [psychiatric service dogs](#) likely aren't covered by Georgia's law.

In contrast, the ADA defines a service animal as a dog that's trained to perform tasks or do work for the benefit of a person with a physical or mental disability. (Sometimes, a miniature horse can also qualify as a service animal under the ADA.) The tasks or work your service animal does must be directly related to your person's disability to be covered by the ADA.

Georgia law and the ADA differ in some ways, but public accommodations in Georgia must comply with both sets of laws. And if you have a disability, you're entitled to rely on whichever law provides the most protection.

## Are Emotional Support Animals Considered Service Animals in Georgia?

Emotional Support Animals (ESAs) are animals that relieve one or more symptoms or effects of a person's psychiatric or emotional disability or condition. ESAs are often used to provide their owners with a sense of safety, companionship, and comfort.

These animals can have real therapeutic benefits, but they don't meet the definition of service animals under state law or the ADA because they aren't individually trained to perform specific tasks for a person with a disability. Because they aren't considered service animals, owners of public accommodations aren't required to allow you to have an emotional support animal.

## Public Accommodations in Georgia Must Allow Service Animals

Both Georgia law and the ADA define public accommodations in very broad terms. Under these laws, you have the right to have your service animal in all the following places:

- any form of public transportation, including buses and airlines
- transportation terminals, depots, and stations
- hotels, resorts, and other lodging places
- restaurants and other places that serve food and drink
- sales or rental establishments
- service establishments
- bowling allies, bingo halls, and other places of amusement
- places of entertainment and exhibition, like theaters or sports stadiums
- gyms and other places of exercise or recreation
- recreational facilities, such as swimming pools and parks
- libraries, museums, and other places where items are collected or displayed publicly
- educational institutions, including schools and colleges
- social service centers, and
- all other places to which the public is invited.

Public accommodations also include state and local government facilities and any nonprofit organizations and businesses that serve the general public—at least, anywhere customers are generally permitted to go.

(Learn when you can and can't [have your service animal at work](#).)

## Accommodation Rules for Your Service Animal in Georgia

You can't be charged extra to bring your service animal to any public accommodation in Georgia. And you can't be asked about your disability, only whether the dog is a service animal and what tasks your dog is trained to perform.

Under the ADA, your dog isn't required to wear a special vest, harness, or tag that identifies the dog as a service animal. But your service dog must be harnessed, leashed, or tethered unless one of the following applies:

- your disability prevents the use of these devices, or
- these devices interfere with the service animal's work.

Public accommodations can't bar your service animal unless it poses a direct threat to the health or safety of others. Under the ADA, you can only be asked to remove the animal if:

- it's out of control, and you don't take effective action to control it, or



- it's not housebroken.

Under Georgia law and the ADA, you can be required to pay for any damage your service animal causes.

## Housing Rules for Service Dogs and Emotional Support Animals in Georgia

Both state and federal laws protect the rights of people with disabilities when it comes to housing. That includes your rights to reasonable accommodation, including having a service animal. (Learn more about [disabled renters' rights](#).)

Georgia's service animal law protects the rights of people with disabilities who have service animals to full and equal access to housing. Under the law, you can't be discriminated against in the rental, lease, or purchase of housing.

The federal [Fair Housing Act](#) (FHA) offers people with disabilities more protection for their assistive animals. The FHA requires housing facilities to allow both service animals and emotional support animals, if necessary, for a person with a disability to have an equal opportunity to use and enjoy the home.

To qualify under this federal protection, both of the following must be true:

- you have a disability, and
- you have a disability-related need for the animal.

In other words, your service dog must perform tasks or services to aid you to qualify for FHA protection. And if you have an emotional support animal, to be covered under the law, the animal must alleviate the emotional effects of your disability.

Your landlord can't require you to pay extra to have a service dog or emotional support animal. And any "no-pet" policies don't apply to your ESA or guide or service dog. But you are liable for any damages your service dog or emotional support animal causes to the property or another person.

If you've faced housing discrimination because of your service dog or emotional support animal, you can file a complaint with the United States [Department of Housing and Urban Development](#) (HUD).

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### Further Reading



[Can You Be Fired From a Job While on Leave With Disability?](#)

Updated April 26, 2024



[Flying With Service Dogs and Emotional Support Animals](#)

Updated December 29, 2020



[Psychiatric Service Dogs & Emotional Support Animals: Access to Public Places & Other Settings](#)

Updated September 11, 2024

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# Service Dogs

Sign In (/SignIn?returnUrl=%2Farticle%2F%3Fkanumber%3DKA-01499) | Sign Up (/SignIn?returnUrl=%2Farticle%2F%3Fkanumber%3DKA-01499)



## ***Need something else?***

- [Discrimination \(/article/?kanumber=KA-01783\)](/article/?kanumber=KA-01783) to report a business that denies access to a person with a service animal

Service animals are dogs that are trained to do work or perform tasks for people with disabilities.

Examples of tasks performed by service dogs:

- Guiding people who are blind
- Alerting people with seizure disorders
- Pulling a wheelchair

Learn about agencies and schools that train and provide service animals.  
(<https://www.nyc.gov/site/mopd/resources/service-animals.page>)

## **Licensing and Certification**

All dogs in New York City must have a valid dog license issued by the Department of Health and Mental Hygiene (DOHMH). This includes service dogs.

There are **no other license or permits** required for service dogs. The American with Disabilities Act (ADA) does not require state or local certification for service dogs. DOHMH does not issue service dog tags or proof that an animal is a service dog.

## **Service Dogs in Businesses**



By law, businesses open to the public must allow service animals to accompany people with disabilities in all areas where the public can go. This is regardless of whether the dog is wearing a service tag or not.

Businesses can ask if a dog is a service dog and what task the dog performs. They cannot ask for any proof of disability or service animal certification.

You can file a complaint if you have a service animal and were denied access to a public place or facility. Learn how to report a public accommodation complaint on the Discrimination (/article/?kanumber=KA-01783) page.

If a dog is in a food establishment but is not a service dog, it is a health code violation. You can report it on the Food Safety Complaint (/article/?kanumber=KA-01111) page.

### Online

Download a flyer in English (<https://www.nyc.gov/assets/mopd/downloads/pdf/service-animal-flyer.pdf>) and Spanish (<https://www.nyc.gov/assets/mopd/downloads/pdf/service-animal-flyer-spanish.pdf>) with more information about service dogs and access to businesses.

### By Phone

Call 311 (tel:311) or 212-NEW-YORK (212-639-9675) (tel:2126399675) for help.

## Emotional Support Animals



Emotional support animals provide comfort or emotional support through companionship.

Emotional support animals are not considered service animals. Business owners are not required to allow emotional support animals in their establishments.

**i** Was this information helpful? **👍** Yes **👎** No

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# Assistance and Service Animals

 [housing2.lacity.org/housing/assistance-and-service-animals](https://housing2.lacity.org/housing/assistance-and-service-animals)

scheng



An assistance animal helps a person with a disability. An assistance animal may be a guide, signal, or other service animal individually trained to perform a specific task or tasks for the benefit of a person with a disability. It may also be an emotional support animal that provides comfort merely by being nearby. While dogs are the most common, other animals can also be assistance animals.

**If a building has a no pets policy**, the tenant or applicant with a disability may request a reasonable accommodation to have an assistance animal. If the disability is not obvious, the property owner or manager may ask for verification of the need for the animal. The housing provider cannot require the animal to be individually trained, certified, or registered.

*An assistance animal is not considered a pet and the landlord may not impose any extra charges or security deposits.*

## **Tenant Responsibilities:**

1. Care for the assistance animal;
2. Have direct control of the animal at all times;
3. Proper disposal of animal waste;
4. May be liable for any damage caused by the animal, where proof exists.

Property owners/managers may reasonably regulate assistance animals on the premises. For example, owners/managers may prohibit dogs from swimming pools.



**Service Animal:** A Service Animal is a dog individually trained to do work or perform tasks for people with disabilities (for example, guiding people who are blind). A tenant or applicant does not need to request a reasonable accommodation to live with their service animal.

**Property owners or managers may ask only the following two questions.**

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

*Property owners or managers cannot ask about the person's disability, require medical documentation, require a special identification card, require training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.*

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# Service and support animals

Guidelines and regulations about service and support animals.

## Equal access

Everyone with disabilities must have equal access to all City programs and services. This includes people who use service and/or support animals.

# Service and support animals

A **service animal** is any dog or in some cases, a miniature horse, that is trained to perform tasks for an individual with a disability. Examples of such tasks may include but are not limited to: guiding individuals who are blind or who have low vision, assisting people with mobility disabilities with physical tasks, alerting an individual to a seizure, or providing medication reminders.

## No Registration Tags or Vests

There is no federal law that mandates the registration of service animals or requires them to wear specific tags or vests. Although not required by law, many service animals wear harnesses, capes, or vests for easy identification. The absence of such identifiers

does not negate an animal's status as a service animal. The key distinction is their specialized training to perform tasks that assist individuals with disabilities.

**A support animal** is an animal of any species that is used by a person with a disability to provide companionship, but it is not trained to perform specific tasks to assist a person with their disability. They may have basic obedience training, but not specific training to perform a service, as defined by Federal and state law. Their presence and bond with their handler may provide symptom relief to people with a number of disabilities.

In both cases, you must make sure that your animal is current on its vaccinations and you maintain a current rabies tag. Tags that identify your animal as a service or support animal are not required.

### Licensing for Dogs

In San Francisco, all dogs over the age of four months are required by law to be licensed. This includes service dogs. Licensing helps the City ensure that all dogs, including service animals, are vaccinated against rabies and can be quickly reunited with their owners if they become lost.

For additional details, resources, or assistance concerning service animals in San Francisco, or to learn more about licensing your service dog, please contact the City of San Francisco's Animal Care & Control at 415-554-6364 or visit their [official website](#).

## Follow the guidelines

You are responsible for your animal's behavior. Any service or support animal that is not under control may be asked to be removed from the premises.

"Under control" means the animal must:

- Be house-trained
- NOT be disruptive or aggressive
- NOT be on furniture
- NOT be fed or watered indoors



In most cases, a handler must use a leash, harness or tether with their animal at all times.

For service animals, an exception may be made under the following circumstances:

First, an exception is available if the leash, harness or tether would interfere with the service animal's work. In these instances, the leash, harness or tether may be removed for the duration of tasks that require such removal only, should be secured on the service animal again once a task is complete, and must remain on at other times. If the leash, harness or tether is removed because of this exception, the person must use voice, signal, or other effective means to maintain control of the animal.

Second, an exception is available for service animals if the person's disability prevents use of the leash, harness or tether.

If a service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded or asked to be removed.

In addition, if the presence of the service animal would fundamentally alter the nature of a service or program provided to the public, the animal may be excluded. For example, a service dog may be excluded from areas of a zoo where a dog is prey or predator to the animal on display, or from an ambulance if its presence would interfere with emergency responder's ability to work.

For more information, please refer to: <https://www.ada.gov/resources/service-animals-faqs>

## Places allowing service animals

By Federal and state law, service animals are allowed in most public and private spaces in San Francisco.

There are limited exceptions for spaces such as areas of a zoo where the animals on display are the natural prey or predators of dogs, and areas of a hospital where the presence of an animal may be incompatible with a sterile environment.

For more information, please refer to: [Frequently Asked Questions about Service Animals and the ADA | ADA.gov](#), and [ADA Requirements: Service Animals | ADA.gov](#).

### **For airplane travel:**

San Francisco International Airport (SFO) follows federal law, and service animals are allowed in the airport facility.

Under the Air Carrier Access Act (ACAA) a service animal means a dog, regardless of breed or type, that is individually trained to do work or perform tasks for the benefit of an individual with a disability.

Under the ACAA, the following categories of animals are not treated as service animals: animal species other than dogs, emotional support animals, comfort animals, companionship animals, and service animals in training.

## **Places allowing support animals**

Currently, support animals are allowed in buildings owned and/or operated by the City and County of San Francisco, and in certain circumstances, as a reasonable accommodation in housing.

Private or non-San Francisco City and County spaces such as stores, restaurants, colleges and universities, or places of entertainment must permit service animals. However, support animals may or may not be permitted at the discretion of the establishment.

In all cases, the animal must be under control.

### **Renting an apartment, house or dormitory with a support animal**

If you rent, you may have your support animal at home as a "reasonable accommodation" for your disability. This is true even if it is a "no-pets" building. Please refer to the Fair



Housing Act for [details](#).

If you would like to request a reasonable accommodation for your support animal, you must inform your landlord about your request.

Your landlord may ask you to:

- Get a letter from a doctor or health professional explaining the connection between your disability and your request for a support animal in your home
- Get proof of current vaccinations for your animal
- Sign an agreement taking full responsibility for your animal's behavior in the building

Your landlord may not ask you to:

- Disclose your disability type or medical condition
- Disclose your disability to others without your permission

## If you are denied access

If you are denied access at a City building, facility or program, call us at (415) 554-6789, email at [MOD@sfgov.org](mailto:MOD@sfgov.org) or file a [complaint online](#).

If you experience discrimination at a private business or restaurant, call the Human Rights Commission at (415) 252-2500 or email them at [hrc.info@sfgov.org](mailto:hrc.info@sfgov.org)

You may also contact California Department of Fair Employment and Housing at (800) 884-1684 or email them at [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov).

*Last updated February 20, 2024*

## Related

### **[File an ADA complaint](#)**

Follow the steps to file a complaint about access to City facilities and services.

### **[Request a curb ramp for sidewalk access](#)**

Find out ways to get a curb ramp in San Francisco.

### **[About ADA program compliance](#)**

Making sure that programs and services are accessible.

## **Department**

[Mayor's Office on Disability](#)

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**Jobs with the City**

**Article 4: Disease Control — Nuisances**

**Division 3: Animals**

*(Amended 2-10-1953 by O-5486 N.S.)*

**§44.0300 San Diego County Animal Control Ordinance Adopted**

- (a) The animal control ordinance of the County of San Diego, California, under Title 6, Division 2, Chapter 6 of the San Diego County Code of Regulatory Ordinances, adopted by the Board of Supervisors, hereafter referred to as the County Code, a copy of which is on file in the Office of the City Clerk of the City of San Diego as Document No. 20937, is hereby adopted by reference, and incorporated as the Animal Control Ordinance of the City of San Diego, and made a part hereof as if fully set out in this Division; provided, however, that any of the provisions of the County Code as herein adopted which are in conflict with any of the other provisions of this Division shall be superseded by the provisions of this Division.
- (b) Any person who violates a provision of the County Code as adopted and incorporated hereinabove shall be charged with a violation of the applicable section of the County Code and upon conviction said person shall be punished as prescribed by Section 12.0201 of the San Diego Municipal Code, irrespective of whether the County Code specifies that that violation is a misdemeanor or an infraction.
- (c) All hearings under this Division shall be conducted in accordance with County Code section 62.684.
- (d) Definitions. Whenever the following terms appear within the text of the County Code, they shall have the following definitions:
- County* means *City* or its designee, its agents or employees.
- County animal shelter* means a *City* animal shelter.
- Department* or the *County Department of Animal Services* means the *City* or its designee, its agents or employees.
- Director* or the *Director of the County Department of Animal Services* means the *City* or its designee, its agents or employees.
- Unincorporated areas of the County* means *City*.
- (e) The *City* authorizes any animal control officer, humane officer, peace officer, *enforcement official*, or any other *City* employee or designee to enforce the provisions of this Division. Humane Officer has the same meaning as in California Corporations Code section 14502.



- (f) The *City* may enter into a contract with any public agency, organization, or organizations for the administration and enforcement of provisions of this Division. The contracting public agency or organization shall be the *City*'s designee for purposes of administering and enforcing this Division.
- (g) The provider of animal control services for the *City* is authorized to collect fees and fines on behalf of the *City*, in accordance with this Division and state law. The provider of animal control services for the *City* is authorized to deposit fees and fines collected on behalf of the *City* in accordance with the terms of the contract in subsection (f), and is not required to deposit these fees and fines daily with the City Treasurer, as mandated by City Charter section 45. The *City* may approve programs whereby the provider of animal services waives or reduces fees when the *City* determines that such programs benefit the public by encouraging animal adoption, helping prevent cruelty and neglect to animals, or providing animals in need with medical care, provided such waivers and fee reductions are consistent with applicable law.
- (h) All fees and fines applicable to implementation and enforcement of this Division shall be assessed according to the established rates kept in the fee schedule on file in the Office of the City Clerk, or as mandated by state law.

*(Amended 8-10-1993 by O-17956 N.S.)  
(Retitled from "San Diego County Animal Control Ordinance – Adoption by Reference" to "San Diego County Animal Control Ordinance Adopted" and amended 5-15-2018 by O-20937 N.S.; effective 7-1-2018.)*

**§44.0301 Permit**

No person shall bring or maintain within the *City* any domestic animals as defined in Section 44.0318 until or unless a permit therefor has been obtained from the Health Department, and such animals shall be kept in conformity with the requirements of this Division.

*(Amended 10-22-1953 by O-5820 N.S.)*

**§44.0303 Denial and Revocation of Permits**

Permits for the maintenance of domestic animals may be denied or revoked in whole or in part or conditionally by the Director of Public Health upon finding that, because of any of the conditions mentioned in the preceding section or because of the ineffectiveness of sanitation measures or a particular or peculiar hazard connected with the animal or animals involved, the public health and welfare will be endangered unless such action is taken.

*(Amended 3-16-1987 by O-16829 N.S.)*



**§44.0304 Public Nuisance and Abatement**

The bringing or maintenance within the City of any animals in contravention of this Division is, in addition to being a misdemeanor, hereby declared to be a public nuisance and the Director of Public Health or Director of Animal Control, is hereby authorized, directed and empowered to summarily abate any such public nuisance by any means reasonably necessary, including but not limited to the destruction of the animal or animals involved.

*(Amended 3-16-1987 by O-16829 N.S.)*

**§44.0304.1 Committing Nuisance**

No person shall allow a dog in his/her custody to defecate or to urinate on public property or any improved private property other than that of the owner or person having control of the dog. It shall be the duty of all persons having control of a dog to curb such dog in order to carry out the intent of this section. The failure to do so and to immediately remove any feces to a proper receptacle constitutes a violation of this section. Unsighted persons while relying on a guide dog shall be exempt from this section.

*(“Committing Nuisance” added 3-16-1987 by O-16829 N.S.)*

**§44.0305 Wild Animals and Other Prohibited Species**

(a) No person shall offer for sale, give away, bring into or maintain within an area coming within the jurisdiction of this ordinance, any lion, tiger, bear, monkey, wolf, cougar, ocelot, wildcat, skunk, ferret or other members of the family Mustelidae, venomous reptile; any “rear fanged” snake (Family Colubridae); any lizards of the Family Helodermatidae (Gila monsters and Mexican beaded lizards); any monitorilizards species (Family Varanidae that attain an adult weight over ten (10) pounds or an adult overall length over three (3) feet; any member of the Order Crocodilia, or other such wild animals (ferae naturea), irrespective of their actual or asserted state of docility, tameness or domesticity. The County Director of Animal Control may impound any such animal and dispose of it in a humane manner in accordance with the applicable provisions of the County Code.

(b) Exceptions — This section shall not apply to:

(1) Legally operated zoos or circuses unless the County Veterinarian, the County Health Officer or the Director of Animal Control shall give forty-eight (48) hours advance notice that by reason of inadequate caging or other means of protection of the public from such animals or by the ineffectiveness of sanitation measures or by a particular hazard connected with the animal or animals involved, the public health and welfare will be endangered.

- (2) Any service or helping animal, pursuant to a permit issued by the Director of Animal Control, that is trained or being trained to assist a physically disabled person by the augmentation of one or more of the senses of touch, taste, smell, hearing or sight, provided such training is or has been done under the auspices of a recognized organization that regularly provides such animals for such purposes. Such animals shall be kept and maintained subject to the provisions of this Division.
- (3) Any person who keeps any boa and/or python snakes less than 3. feet and/or 15 pounds or the owner or caretaker of any boa and/or python greater than 3. feet and/or 15 pounds who complies with all federal, state and local laws, regulations, and permit requirements affecting such animals. The owner or caretaker of any such snakes greater than 3. feet and/or 15 pounds shall also:
  - (A) Keep the animals at all times in cages or enclosures of such size and construction or confined in such a manner as to preclude the possibility of escape. Such cages, enclosures, or confinement shall be of such size as to permit the animals reasonable freedom of movement;
  - (B) Keep the cages or enclosures in a clean and sanitary condition at all times;
  - (C) Provide the animal(s) with adequate food, water, shelter, and veterinary care;
  - (D) Keep the animal(s) in a manner so as not to threaten or annoy any person of normal sensitivity;
  - (E) Take adequate safeguards to prevent unauthorized access to the animals and to preserve animal and public health, safety, and welfare. In the event of an escape, immediately notify the Department and make every reasonable effort to recapture the animal(s);
  - (F) Upon request by the Department make his/her animal(s), premises, facilities, equipment, and any necessary permit(s) available for inspection for the purpose of ascertaining compliance with the provisions of this section;
  - (G) Reimburse the Department for all costs incurred in enforcing the provisions of this section when a violation is found, and shall be responsible for any injury, or any damage to private or public property caused by the animal(s).

- (c) Location and Transportation. Such animals shall be kept upon or transported in escape-proof enclosures to private property which the animals' owner or the person who has a right to control the animal, owns or has a right to possess or use. All other transportation is prohibited unless authorized by the Department.

*(Amended 7-16-1990 by O-17497 N.S.)*

**§44.0306 Agricultural and Non-Agricultural Areas — Definitions**

Agricultural areas, for the purposes of this division only, shall be any areas zoned AG-1-1, AG-1-2, AR-1-1, AR-1-2, IL-3-1, and IH-2-1, as defined by Chapter 13, Article 1 of this Code. Non-agricultural areas shall be all other areas within the City.

*(Amended 8-16-1962 by O-8706 N.S.)*

*(Amended 2-22-2012 by O-20139 N.S.; effective 3-23-2012.)*

**§44.0307 Cattle, Goats and Sheep**

- (a) It is unlawful to bring or maintain, within a non-agricultural zone within the City, any cattle, bovine animals, goats, or sheep.

- (b) Section 44.0307(a) shall not apply to the following:

- (1) Dairies or dairy farms licensed during the month of July 1953.

- (2) Any goats brought in temporarily, to privately-owned non-agricultural zones for the purpose of performing brush management in accordance with the Land Development Code section 142.0412.

- (3) The keeping of miniature goats on a premises zoned for a single dwelling unit or developed with a single dwelling unit consistent with the following requirements.

- (A) Miniature goats are those goats commonly known as Pygmy, Dwarf, and Miniature Goats.

- (B) All miniature goats shall be dehorned.

- (C) Male miniature goats shall be neutered.

- (D) No more than, and no less than, two miniature goats shall be kept on the premises, except that offspring may be kept onsite for up to twelve weeks from birth.

- (E) Miniature goats shall be housed in a shed designed to be:



- (i) Predator proof;
  - (ii) Thoroughly ventilated;
  - (iii) Easily accessed and cleaned;
  - (iv) Watertight and draft free;
  - (v) A minimum of ten square feet of interior space; and
  - (vi) Located outside of all required setbacks as established by Chapter 13, Article 1 of this Code.
- (F) Direct access from the shed to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:
- (i) Secured with a minimum five-foot tall fence;
  - (ii) A minimum area of 400 square feet;
  - (iii) Secured from the outside in a manner that prevents the miniature goats from escaping;
  - (iv) Free of objects that would enable the goats to climb out of the enclosure; and
  - (v) Easily accessed and cleaned.
- (G) Goat's milk, goat's cheese, and other goat-related food products shall be for personal consumption only; sale of such products is prohibited.
- (c) Property owners shall remove and properly dispose of droppings from cattle, goats or sheep as needed to prevent accumulation, to avoid a health or sanitation problem, or the breeding of flies, and to prevent discharge into the *Storm Water Conveyance System*, as defined in section 43.0302.

*(Amended 8-30-1962 by O-8718 N.S.)*

*(Amended 9-19-2005 by O-19413 N.S.; effective 10-19-2005.)*

*(Amended 1-15-2008 by O-19698 N.S.; effective 2-14-2008.)*

*(Amended 2-22-2012 by O-20139 N.S.; effective 3-23-2012.)*

**§44.0308 Horses**

No person shall bring or maintain within the City any horse, unless (a) the number of dwelling units within a one-fourth mile wide belt surrounding the corral, pasture or stable within which such horse is kept, is less than 300 units; and (b) 10,000 square feet of such stable, pasture area, or corral or combination thereof is provided for up to two (2) horses with an additional 5,000 square feet for each horse in excess of two (2); and (c) in the event more than four (4) horses are to be maintained, the permit therefor has authorized or has been amended to authorize the maintenance of such additional horses; and (d) no residence or dwelling exists except such as are owned, maintained or occupied by the owner of such horses within a 75 foot wide belt surrounding the stable, corral or pasture within which such horse is kept. Upon receiving notification from the County Health Department that a horse is being kept in violation of part (a) of this section, as amended in 1975, a holder of a permit under Section 44.0301 or Section 44.0302 of this Code shall have a twelve (12) month grace period starting from the date of such notification in which to remove the horse or horses.

*(Amended 4-17-1975 by O-11558 N.S.)*

**§44.0308.1 Stables and Barns**

- (a) The floors of all stables and barns shall be kept free from excreta, and in a sanitary condition.
- (b) Droppings in corrals shall be raked and cleaned daily.
- (c) All manure shall be stored in fly and water tight boxes or bins and removed from the premises weekly.
- (d) Stable or barn structures shall conform to good building practices and the building code requirements.
- (e) Adequate fencing shall be provided to contain the animals.

*(“Stables and Barns” added 8-30-1962 by O-8718 N.S.)*

**§44.0309 Hogs, Pigs, Swine**

- (a) Purpose and Intent

The Council being aware of the reflection on surrounding property values and of the general annoyance or nuisance created by hog ranches and similar operations, it is the legislative intent that no additional such operations be permitted nor that any existing operation be enlarged, that operations existing prior to annexation to the city be permitted to continue only when they do not affect or annoy neighboring properties, and that this section be strictly interpreted and enforced.

(b) Regulation of

No person shall bring or maintain any hogs, pigs or other swine within the city; provided that, where the keeping of any such animals was lawfully established and existing in an area thereafter annexed to The City of San Diego, such keeping may, without enlargement, be continued, if, but only if, a zone variance, as provided by Chapter 10, Article 1, Division 5 of the Municipal Code, and a health department permit are obtained and maintained as hereinafter set forth.

*(Amended 6-23-1986 by O-16672 N.S.)*

**§44.0309.1 Swine, Zone Variance Required**

Before the Director of Public Health may accept an application for a health permit to maintain hogs, pigs, or other swine within the city, the applicant must produce for the Director's examination evidence of a valid zone variance for such operation at the particular location for which it is requested or that the location is in a zone permitting such operation.

*("Swine, Zone Variance Required" added 8-30-1962 by O-8718 N.S.)*

**§44.0309.2 Swine, Permit Application**

The applicant for a health permit to maintain swine within the city shall state his name, the owner's and/or operator's name if different from his, the location where the swine will be maintained, and such additional information as required by the provisions herein relating thereto or as may be requested by the Director of Public Health.

*("Swine, Permit Application" added 8-30-1962 by O-8718 N.S.)*

**§44.0309.3 Swine, Minimum Standards**

No permit for maintaining swine within the city shall be granted unless all of the following requirements are met:

- (a) All feeding shall consist only of dry grain dispensed by feeding devices approved by the Director of Public Health, or by grazing upon growing hay or grain, or by any combination thereof.
- (b) No portion of the operation shall be within one-half mile of any improved subdivision consisting of 20 or more homes.
- (c) No portion of the operation shall be within one-half mile of a public school.
- (d) No operation shall be permitted where 30 or more homes are within one-half mile of any portion thereof, unless the Director of Public Health finds that because of topography and/or prevailing winds such operation is of no annoyance to neighbors within that area.



- (e) There shall be no evidence of the present existence of rats or similar vermin about the premises.
- (f) There shall be no evidence of mosquito breeding.
- (g) There shall be no evidence of an excessive amount of flies.
- (h) Adequate drainage shall be provided.
- (i) All stalls, pens, sties, buildings, etc. shall be constructed of material of sufficient strength to confine the swine therein.
- (j) Buildings, fences, floors, etc. shall be maintained in a clean, repaired condition.
- (k) All waste material shall be removed daily, or oftener if sanitation or odor conditions require.
- (l) All waste material shall be disposed of in such manner as not to create sanitation problems nor to be offensive to neighboring residents.
- (m) No odor offensive to neighboring residents shall be permitted to emit from the premises.
- (n) The Director must find that no complaints have been registered against the operation or that any complaints so registered are without any valid basis in health, sanitation or nuisance.
- (o) The Director must determine that the operation does not endanger the public health and welfare.
- (p) The Director of Public Health shall determine the adequacy of drainage, whether evidence exists of vermin, flies, mosquito breeding, and whether there has been compliance with the other above standards, and his determination thereon shall be final.

*("Swine, Minimum Standards" added 8-30-1962 by O-8718 N.S.)*

**§44.0309.4 Swine, Maximum Density**

The Director of Public health shall determine the maximum number of swine permitted within an operation or any portion thereof which maximum shall be compatible with the standards herein set forth. However, in no case shall this provision allow an enlargement of any operation.

*("Swine, Maximum Density" added 8-30-1962 by O-8718 N.S.)*

**§44.0309.5 Swine, Permit Fee**

A fee, the exact amount which shall be determined by the County and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book, and shall be made payable to the Director of Public Health Services.

*(Amended 3-7-1983 by O-15914 N.S.)*

**§44.0309.6 Swine, Permit Expiration**

The permit shall expire on December 31st of each year, and must be renewed before expiration thereof. Failure to renew on time shall be a basis for refusal to renew.

*("Swine, Permit Expiration" added 8-30-1962 by O-8718 N.S.)*

**§44.0309.7 Swine, Permit Revocation**

The permit shall be revocable, and shall be revoked for the same reasons that it should be refused.

*("Swine, Permit Revocation" added 8-30-1962 by O-8718 N.S.)*

**§44.0310 Animals in Transit and Dead Animals**

Except as provided in Section 62.700 and 62.701, of the San Diego County Code, nothing in this Division shall be applicable to dead animals or to animals which are in transit through the city for commercial abattoir purposes, provided there is no stoppage while in transit for longer than 24 hours.

*(Amended 2-8-1988 by O-17020 N.S.)*

**§44.0318 Domestic Animals — Definition**

For the purpose of this Division, a domestic animal is defined to be any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep or standard goat.

*(Renumbered from Sec. 44.30.31 on 2-10-1953 by O-5486 N.S.)*

*(Amended 2-22-2012 by O-20139 N.S.; effective 3-23-2012.)*

**§44.0319 Domestic Animals Running at Large**

It shall be unlawful for the owner or person having the control and custody of any such animal to permit the same to run at large within the corporate limits of The City of San Diego.

*(Renumbered from Sec. 44.31.1 on 2-10-1953 by O-5486 N.S.)*

**§44.0320 Domestic Animals — Pasturing Prohibited — Exceptions**

It shall be unlawful for any person owning or having control of any such animal to graze or pasture the same or cause the same to be grazed or pastured, or permit the same to graze or pasture, upon any land within the limits of The City of San Diego, except upon land owned or leased by the owner of such animal, or upon land for which he has secured permission in writing to use for grazing or pasturing such animals. No such animal shall be picketed or staked out in such a manner as to permit it to cross or trespass upon lands of adjoining owners, or upon any traveled street or sidewalk within the said corporate limits of said City; and provided also, that such animal shall be adequately fed and watered and reasonably protected and sheltered against inclement weather.

*(Renumbered from Sec. 44.31.2 on 2-10-1953 by O-5486 N.S.)*

**§44.0321 Domestic Animals — Methods of Disposal — Auction**

Whenever the Poundmaster shall discover, or be notified by any persons that any such animal is grazing or pasturing or running at large or is picketed or staked out so as to permit it to cross or trespass upon the lands of adjoining owners, or upon any traveled street or sidewalk, or is improperly cared for in violation of this article, it shall be his duty and he is hereby directed to immediately take said animal and impound it in the City Pound. Within twenty-four (24) hours thereafter, unless said animal be claimed, he shall, in his discretion, dispose of the animal in accordance with Section 44.0313(d), or he shall notify, by registered mail, the owner or reputed owner, if the name and address of such owner or reputed owner be known to him, and shall cause a notice to be posted in each of three (3) conspicuous public places in The City of San Diego, and shall likewise publish for three (3) consecutive days in the official newspaper of the City, a notice describing such animal so impounded, giving marks or brands, or other distinguishing points thereof, and fixing an hour, date, and place for public auction thereof, which date shall be not less than five (5) nor more than ten (10) days after the first publication of such notice.

Unless the owner thereof comes and claims the same prior to sale thereof and proves ownership of said animal and pays all lawful charges thereon, as hereinafter provided, said Poundmaster is hereby authorized and it is his duty to expose said animals for sale at public auction at the time and place fixed in said notice to the highest bidder for cash. All proceeds of such sale, together with all fines, charges, fees and other expense chargeable against said animal, according to the schedule of charges hereinafter specified, shall be delivered to the Treasurer of The City of San Diego, together with a full description of the animal sold as aforesaid, and said Poundmaster shall deliver to the purchaser of any animal sold as aforesaid, a bill of sale therefor, which shall vest title to said animal in the purchaser.



In the event the animal is not claimed by the owner, and there are no bidders at the aforesaid sale, the owner's interest in said animal shall be foreclosed; and the Poundmaster may dispose of said animal by any method provided for by Section 44.0313.

*(Renumbered from Sec. 44.31.3 on 2-10-1953 by O-5486 N.S.)*

**§44.0341 Rat Control — Premises shall be Rat-Proof and Free of Rats**

It shall be unlawful for any person within the corporate limits of the City of San Diego to construct, maintain, operate, or permit to exist any building or other structure or premises wholly or partly in his possession or under his control, which is not rat-proof and free of rats in accordance with the provisions of this Article.

*(Renumbered from Sec. 46.01 on 2-10-1953 by O-5486 N.S.)*

**§44.0342 Rat Control — Authority of the Health Officer**

- (a) The Health Officer is authorized to make frequent and unannounced inspections of all buildings, structures, and premises within the corporate limits of The City of San Diego for the purpose of determining signs or existence of rat infestation and compliance with this ordinance. The Health Officer is directed to make periodic inspections of all business buildings in the City as frequently as the number of personnel permit. No person shall interfere with or refuse to permit such inspection.
- (b) The Health Officer is authorized to order by written notice the owner, occupant, agent, or any other person in charge, management, or custody of a building, structure, or premises showing any evidence that rats are or have been present, to have said building, structure, or premises rat-proofed at once as herein provided. He may in addition order such other rat control measures as he may deem necessary to eliminate all rats, other rodents, and rat-harborages present. The written order or notice shall specify the time, in no event less than fifteen (15) days, for completion of the rat-proofing or rat-stoppage work.
- (c) The Health Officer is authorized to make inspections during the course of and upon completion of any construction, repair, remodeling, or installation of any building, structure, or premises to insure compliance with the provisions of this Article, and no person shall interfere with or refuse to permit such inspection. Furthermore, should the construction, repair, remodeling or installation fail to comply with the standards or provisions of this Article, such work shall be altered according to the directions of the Health Officer.

- (d) The Health Officer is authorized to notify the owner, occupant, agent, or any other person in charge, management, or custody of a building, structure, or premises that there is evidence of rat or other rodent infestation and to order in writing such person or persons to institute immediately appropriate measures for freeing the premises each occupies or controls of all rats, other rodents and rat-harborages. The written order or notice shall specify the time, in no event less than five (5) days, for institution of the rat eradication work.
- (e) Whenever the Health Officer finds that satisfactory rat-proofing of any rat infested building or premises is impossible or impracticable, or whenever the owner or occupant of such premises or building shall fail to commence such rat-proofing as the Health Officer may order in writing, within the time specified in such order, or whenever the owner or occupant of such premises or building shall fail to carry to completion all such rat-proofing with reasonable diligence, the Health Officer is authorized and directed to prosecute any or all legal or equitable actions for the abatement of the nuisance created by such rat infestation and/or the condition of such building or premises.

The existence of a condition of rat infestation in or on any building or premises, and the existence of any building or premises in such condition as to provide shelter, protection, or food for rats, are each declared hereby to be and constitute a public nuisance.

- (f) Any person who fails to comply with the order of the Health Officer within the time specified therein, or within the time to which a written extension may have been granted by the Health Officer, shall be deemed guilty of a misdemeanor.

*(Renumbered from Sec. 46.02 on 2-10-1953 by O-5486 N.S.)*

**§44.0343 Rat Control — Basements and Cellars shall be Kept Rubbish Free**

Basements and cellars shall be kept free of all rubbish and debris at all times, and all merchandise or other materials stored therein shall be so kept or piled that they will not provide a place of harborage for rats.

*(Renumbered from Sec. 46.03 on 2-10-1953 by O-5486 N.S.)*

**§44.0344 Rat Control — Rat Burrows**

All rat burrows found in the ground or elsewhere shall be effectively treated, destroyed and rat-proofed as the Health Officer may direct.

*(Renumbered from Sec. 46.04 on 2-10-1953 by O-5486 N.S.)*



**§44.0346 Special Precautions for Docks and Wharves**

All docks and wharves in The City of San Diego shall be specially protected by wire or metal screens, netting, guards, or other materials and procedures designated or approved by the Health Officer so installed as to prevent rats from gaining entrance to such docks or wharves at either high or low tide from vessels anchored or moored alongside or from other sources. All food products and other goods, wares, and merchandise stored in or on docks or wharves shall be kept, stored, and specially protected as to prevent rats from gaining access thereto or coming in contact therewith.

*(Renumbered from Sec. 46.06 on 2-10-1953 by O-5486 N.S.)*

**§44.0347 Rat Control — Public Market and Stands**

Public, curb, or farmers' markets and other markets in which fruits, vegetables, meats, or any other food products are exposed or offered for sale on racks, stands, platform, or in vehicles alongside, shall have floors paved with concrete, asphalt, or other material impervious to rats for the entire surface area of the market. Display racks, stands, or platforms on which foods are displayed or offered for sale shall be at a distance of not less than eighteen (18) inches from the floor and shall be so constructed that rats cannot hide or harbor therein or thereunder.

*(Renumbered from Sec. 46.07 on 2-10-1953 by O-5486 N.S.)*

**§44.0348 Rat Control — Storing Food and Feed**

All food or feed kept within the corporate limits of the City of San Diego for feeding humans, horses, cows, pigs, chickens and other animals and fowl shall be kept in rat-free and rat-proofed containers, compartments, or rooms unless the entire building is rat-proofed. Sacks of grain, flour, feed, and other material upon which rats might feed shall be piled in small separate piles away from walls and from other piles, and preferably not resting directly upon the floor, in such a way as to prevent the formation of rat-harborage, even in rat-proof buildings.

*(Renumbered from Sec. 46.08 on 2-10-1953 by O-5486 N.S.)*

**§44.0349 Rat Control — Garbage, Scraps of Food, Etc.**

- (a) The occupants of all buildings, including both business buildings and private residences, shall provide an adequate number of covered metal containers approved by the Health Officer in which all garbage or refuse, consisting of waste vegetables, fish, or animal matter of any kind, including all small dead animals which may serve as rat food, shall be placed and stored so that such items may not be accessible to rats until removed from the premises by the garbage collectors. Partly or completely filled garbage containers shall be tightly covered at all times.



- (b) It shall be unlawful for any person to dump or place on any land or waterway within The City of San Diego any dead animals, butchers' or fisherman's offal, or any waste vegetable, fish, or animal matter, or any other matter whatsoever suitable as food for rats, except upon proper garbage fills designated and approved by the Health Officer or City Manager.
- (c) No garbage, rubbish, trash, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in The City of San Diego so that the same shall or may afford food, harborage, shelter, or breeding place for rats.
- (d) All establishments where employees eat lunches, on the premises shall provide a sufficient number of suitable metal containers with tight fitting covers in which the employers shall cause to be placed all remnants of such lunches so that they will not be accessible to rats at any time.
- (e) Whenever there is evidence of rat infestation of any theatre or other place of amusement wherein the audience eats peanuts, popcorn or other foods, the Health Officer may require that all particles or remnants of all such foods shall be removed from the floors of the place of amusement immediately after the last performance each evening.

*(Renumbered from Sec. 46.09 on 2-10-1953 by O-5486 N.S.)*

**§44.0350 Rat Control — Rat Harborage Due to Disorderly Accumulations, Debris, Etc.**

It shall be unlawful for any person to permit any premises, whether improved or unimproved, or any open lot or alley to, accumulate lumber, boxes, barrels, bricks, stones, junk, debris, or similar materials unless same is piled in an even and orderly manner upon racks elevated not less than eighteen (18) inches above the ground and away from walls of buildings or other structures, so that those materials will not afford a shelter or harborage for rats.

*(Renumbered from Sec. 46.10 on 2-10-1953 by O-5486 N.S.)*

**§44.0351 Rat Control — Notices**

All notices and orders required by this Article to be given by the Health Officer to any person shall be given substantially in the following manner: The notice or order shall be in writing and shall state in general terms what is required of the person or persons to whom it is directed; one copy of such notice or order shall be posted in a conspicuous place upon the building or premises to which such notice or order refers, or in lieu of such posting, one copy of such notice or order may be delivered to any person in possession or control of such building or premises, or his agent; one copy of such notice or order shall be delivered personally to, or sent by registered mail addressed to, any person who owns or is in possession or control of such building or premises, or his agent, if the name and address of such person is known to the Health Officer.

*(Renumbered from Sec. 46.11 on 2-10-1953 by O-5486 N.S.)*

**§44.0355 Mosquito Control — Pools of Water Declared Nuisance**

All pools of water, or other places in which mosquitos may breed, or are being bred, are hereby declared to be a public nuisance. The Department of Public Health and its officers are hereby given authority to condemn as a nuisance any such pools of water, or other places in which mosquitos may breed or are being bred, and to order the summary abatement thereof.

*(Renumbered from Sec. 46.20 on 2-10-1953 by O-5486 N.S.)*

**§44.0356 Mosquito Control — Refusal to Abate Nuisance Declared Misdemeanor**

Upon being notified by such Department of Public Health or its officers, of the existence of such pools of water, or other places in which mosquitos may breed, or are being bred, and that the same has been declared a public nuisance, it shall be the duty of the person or persons responsible for the maintenance thereof to forthwith abate such nuisance as directed by said Department of Public Health or its officers, shall be deemed guilty of a misdemeanor.

*(Renumbered from Sec. 46.21 on 2-10-1953 by O-5486 N.S.)*

**§44.0357 Mosquito Control — Abatement of Nuisance by Health Officer**

Upon the neglect or refusal of any owner, occupant, or agent, or other person, having control of the premises, within said City, upon which said nuisance above mentioned exists, to comply with such notice, the Health Officer may abate such nuisance, and the owner, agent, occupant or other person having control of such premises, in addition to the penalty provided by this Code, shall be liable to said City for the cost of such abatement, to be recovered in a civil action in any court of competent jurisdiction within said City.

*(Renumbered from Sec. 46.22 on 2-10-1953 by O-5486 N.S.)*