

An Ordinance to Prohibit Transient and Outdoor Sales of Dogs, Cats, and Domestic Rabbits in DeKalb County, Georgia

Whereas, Pet overpopulation has reached crisis levels in the State of Georgia; and,

Whereas, DeKalb County's animal shelter consistently operates above capacity, necessitating euthanasia for space on a weekly basis; and,

Whereas, Other jurisdictions in Georgia have implemented a ban on transient sales of companion animals; and,

Whereas, DeKalb County must prohibit the sale of dogs, cats, and domestic rabbits in transient, outdoor locations, such as parking lots and roadsides in unincorporated DeKalb County in coordination with DeKalb's Animal Litter Permit Ordinance in order to address pet overpopulation; and,

Whereas, DeKalb County encourages municipalities within the County to pass the same ordinance.

NOW THEREFORE, BE IT ORDAINED by the DeKalb County Board of Commissioners that:

Section 1: Definitions

1.1. **Transfer:** Means any transfer for consideration, including but not limited to sale, adoption, rehoming, trade, exchange, swap, or barter transaction involving a dog, cat, or domestic rabbit.

1.2. **Consideration:** Means anything of value exchanged for the transfer of a dog, cat, or domestic rabbit, including cash, credit, electronic transfer, services, or property. A transfer shall be deemed to be "for consideration" if it occurs in connection with any payment of consideration or other commercial transaction, including, but not limited to, a sale, adoption, rehoming, trade, exchange, swap, or barter transaction.

Section 2: Prohibition of Transient and Outdoor Sales

2.1. It shall be unlawful for any person to engage in the transfer of any dog, cat, or domestic rabbit on any roadside, public right-of-way, parkway, median, park, other recreation area, fair, flea market, outdoor market, commercial or retail parking lot, or similar transient or outdoor location within unincorporated DeKalb County, regardless of any other authorization.

Section 3: Exceptions

3.1. This section shall not apply to:

(1) Transfers conducted by entities holding a valid animal shelter license issued by the Georgia Department of Agriculture, upon request.

(2) Transfers occurring as part of nationally sanctioned events or fairs, 4-H programs, or similar agricultural exhibitions.

(3) Prearranged transfers between a seller and a specific purchaser that take place at a police department, sheriff's office, or similar peace officer facility during daylight hours, unless otherwise prohibited.

Section 4: Enforcement

4.1. In addition to any fine imposed, any Animal Services officer, the Director of the Animal Services Department, or any law enforcement officer is authorized to impound any animal that is the subject of a transfer in violation of this ordinance.

Section 5: Severability

5.1. If any provision of this ordinance is found to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

Section 6: Effective Date

6.1. This ordinance shall take effect [Date], following approval by the DeKalb County Board of Commissioners.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2024.

MEREDA DAVIS JOHNSON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of ____, 2024.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC

Clerk to the Board of Commissioners and Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

APPROVED AS TO SUBSTANCE:

VIVIANE H. ERNSTES

County Attorney
DeKalb County, Georgia

ZACHARY WILLIAMS

Chief Operating Officer
DeKalb County, Georgia