



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

File ID: 2024-0861

Substitute

10/8/2024

Public Hearing: YES  NO

Department: Board of Commissioner - District 2

### SUBJECT:

Commission District(s): All Commission Districts

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

Information Contact: Commissioner Michelle Long Spears

Phone Number: 404-371-2863

### PURPOSE:

To adopt the attached ordinance prohibiting transient and outdoor sales of dogs, cats, and domestic rabbits in DeKalb County, Georgia.

### NEED/IMPACT:

Pet overpopulation has reached crisis levels in the State of Georgia. DeKalb County's animal shelter consistently operates above capacity, necessitating euthanasia for space on a weekly basis.

The purpose of this ordinance is to prohibit the sale of dogs, cats, and domestic rabbits in transient, outdoor locations (such as parking lots and roadsides) in unincorporated DeKalb County. Additionally, it encourages municipalities within the county to pass the same ordinance.

Many outdoor locations where pet sales occur lack "state and federal regulatory oversight," leading to harmful breeding practices and contributing to pet overpopulation. This ordinance, along with the Companion Animal Litter Permit ordinance, aims to address these concerns.

Other Georgia jurisdictions that have implemented a ban on transient sales of companion animals include Fulton, Athens-Clarke, Forsyth, and Hall counties, as well as the cities of Johns Creek and Gainesville. These lawmakers recognize that responsible breeders do not sell their litters to passersby in parking lots and roadsides.

### FISCAL IMPACT:

No fiscal impact

### RECOMMENDATION:

Adopt the Ordinance to Prohibit Transient and Outdoor Sales of Dogs, Cats, and Domestic Rabbits in DeKalb County, Georgia and authorize the Chief Executive Officer to execute all necessary documents.

**ORDINANCE**

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,  
CHAPTER 5, TO PROHIBIT THE SALE OF DOGS, CATS, AND DOMESTIC RABBITS  
IN TRANSIENT AND OUTDOOR LOCATIONS IN DEKALB COUNTY AND FOR  
OTHER PURPOSES**

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

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

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

**WHEREAS**, pet overpopulation is an ongoing problem in the State of Georgia; and

**WHEREAS**, DeKalb County’s animal shelter consistently operates above capacity, endangering the health and well-being of all animals being cared for by the County and requiring euthanasia for space on an ongoing basis; and

**WHEREAS**, other jurisdictions in Georgia, such as Fulton County and Athens-Clarke County, have implemented a ban on transient sales of companion animals, which are dogs, cats, domestic rabbits; and

**WHEREAS**, the sale of dogs, cats, and domestic rabbits in transient and outdoor locations occurs in DeKalb County; and

**WHEREAS**, the sale of dogs, cats, and domestic rabbits in transient and outdoor locations contributes to the problem of pet overpopulation and endangers the health and welfare of the animals being sold; and

**WHEREAS**, DeKalb County seeks to address these problems by curbing the sale of dogs, cats, and domestic rabbits in transient and outdoor locations in unincorporated DeKalb County; and

**WHEREAS**, DeKalb County encourages municipalities within the County to pass the same or similar legislation.

**NOW THEREFORE**, be it ordained by the Governing Authority of DeKalb County, Georgia, that Chapter 5 of the Code of DeKalb County, as revised 1988, is hereby amended as follows:

**PART I. ENACTMENT**

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

*Sale or sell* means the transfer for money, offer to transfer for money, exchange, offer to exchange, barter, or trade of any dog, cat, or domestic rabbit.

*Transient location* means any roadside, public right-of-way, parkway, median, park, other recreation area, fair, flea market, outdoor market, commercial parking lot, or similar transient or outdoor location.

\* \* \*

*By adding the following new Section 5-33:*

**Sec. 5-33. - Prohibition of Sale of Dogs, Cats, and Domestic Rabbits in Transient Locations.**

(a) *Purpose and findings.*

- (1) The Home Rule provision of the Georgia Constitution tasks the Governing Authority of DeKalb County with enacting clearly reasonable ordinances that protect the health, safety, and general welfare of the residents of DeKalb County;
- (2) State law, O.C.G.A. § 4-11-18, specifically allows counties to enact and enforce local ordinances that are not in conflict with the Georgia Animal Protection Act, O.C.G.A. § 4-11-1 *et sec.*;
- (3) The Governing Authority of Dekalb County finds that this ordinance banning transient sales does not conflict with the Georgia Animal Protection Act and protects the health, welfare, and public safety of the residents and animals of DeKalb County;
- (4) Pet overpopulation is an ongoing problem in the State of Georgia; and
- (5) DeKalb County's animal shelter consistently operates above capacity, endangering the health and well-being of all animals being cared for by the County and requiring euthanasia for space on an ongoing basis;
- (6) Other jurisdictions in Georgia, such as Fulton County and Athens-Clarke County, have implemented a ban on transient sales of companion animals, which are dogs, cats, domestic rabbits;
- (7) The sale of dogs, cats, and domestic rabbits in transient and outdoor locations occurs in DeKalb County; and
- (8) The sale of dogs, cats, and domestic rabbits in transient and outdoor locations contributes to the problem of pet overpopulation and endangers the health and welfare of the animals being sold; and

- (9) DeKalb County seeks to address these problems by curbing the sale of dogs, cats, and domestic rabbits in transient and outdoor locations in unincorporated DeKalb County; and
- (10) DeKalb County encourages municipalities within the County to pass the same or similar legislation.

(b) It shall be unlawful for any person to sell, display for a commercial purpose, or advertise for sale any dog, cat, or domestic rabbit at any transient location within unincorporated DeKalb County regardless of whether such act is authorized by the landowner.

(c) The following categories of sales, displays for a commercial purpose, or advertisements for sale are not prohibited by this section:

- (1) Those conducted by a person holding a valid animal shelter license issued by the State of Georgia pursuant to applicable state law;
- (2) Those occurring at 4-H programs, agricultural exhibitions, or events or shows sanctioned by county, state, or national government;
- (3) Those occurring at the office of a licensed veterinarian; and
- (4) Prearranged sales or exchanges 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.

## **PART II. EFFECTIVE DATE**

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

## **PART III. SEVERABILITY**

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

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_, 2024.

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**MICHAEL L. THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

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**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:**

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**VIVIANE H. ERNSTES**  
County Attorney  
DeKalb County, Georgia

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**ZACHARY WILLIAMS**  
Chief Operating Officer  
DeKalb County, Georgia

# BILL TO PROHIBIT TRANSIENT / OUTDOOR SALES OF DOGS, CATS, AND DOMESTIC RABBITS

## FACT SHEET

**The Problem.** Parking lots, roadside, and flea markets are attractive locations for illicit pet sales because they lack regulatory oversight by state and federal agencies. The USDA does not monitor breeders who sell via face-to-face transactions and the Georgia Department of Agriculture (GDA) does not license or monitor breeders claiming to sell only one litter per year. The cash sales and lack of record-keeping common at these venues allow unlicensed, illegal pet dealers to claim every litter is their first of the year, and to misrepresent the breed, age, and/or health of animals to unsuspecting consumers who buy on impulse and later have no recourse against a seller they cannot locate. **The cumulative harm and associated costs to local governments, nonprofits, and consumers is significant.**

**The Solution.** This bill prohibits the sale, barter, lease, or commercial advertisement of dogs, cats, and pet rabbits at any commercial parking lot, roadside, park, other recreation area, flea market or other outdoor market, or similar locations. It **exempts** animal shelters and rescue organizations with a valid GDA shelter license, and transactions that are part of a nationally sanctioned event or show, 4-H program, or similar agricultural exhibition.

### Why This Bill is Important

**Reduces the economic burden on taxpayers and nonprofits for animal control services and overcrowded shelters.** Most jurisdictions have experienced a sharp rise in animal shelter intakes during the past several years (e.g., DeKalb County), resulting in a huge financial and emotional toll on public and private animal services. Annually, taxpayers and 600+ nonprofits in Georgia spend over \$100 million to impound, care for, transport, and euthanize excess dogs and cats, many of which are produced by reckless breeders in violation of existing business and licensing laws.

**Gives law enforcement and animal control an easy tool to combat illegal pet sales.** An outright ban on the sales of dogs, cats, and pet rabbits at outdoor or transient locations alleviates the need for law enforcement to determine violations of licensing and breeding laws in the field, a resource-consuming and confusing process. Importantly, this bill does **not** require additional funding and does **not** involve GDA oversight or enforcement.

**Protects responsible, legal breeders.** This ordinance still permits breeders to sell from their residential or business properties, so that preservation and other responsible breeders are protected. If uncomfortable with a potential buyer coming to his home or business, a breeder can meet the buyer outside a law enforcement building to complete the sale. Alternatively, an arrangement can be made to meet at a veterinarian's office where the pet could be examined at the time of purchase. It does not affect a family giving away an accidental litter.

**Protects consumers from unknowingly purchasing sick animals from unethical breeders.** The singular motive for breeders selling at transient locations is profit; therefore, they typically do not provide health records, vaccinations, or guarantees for the animals sold, and cannot be found when a purchased animal turns out to be sick. Serious diseases like parvovirus are frequent and naïve consumers get stuck with exorbitant vet bills as well as the emotional devastation that occurs when a new pet becomes seriously sick or dies.

**Local and State Precedents.** Four Georgia counties (Athens-Clarke, Forsyth, Hall, and Fulton) and three cities (Johns Creek, Gainesville, and Royston) have recently passed ordinances that eliminate pet sales at transient and outdoor locations regardless of pet dealer licensure or authorization. Lowndes, Douglas, Jackson, and Whitfield counties have weaker, "first generation" language with loopholes. Ultimately, the most effective strategy will be a statewide law that uniformly prevents illicit pet sellers from simply crossing county lines to evade local laws. Louisiana (2012) and Virginia (2015) have such statutes.