

**AN ORDINANCE  
BY COUNCILMEMBERS AMIR FAROKHI, CARLA SMITH, AND NATALYN  
ARCHIBONG  
AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE**

**AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 18 (“ANIMALS”) TO CREATE A NEW ARTICLE V TO BE ENTITLED “PET SHOPS”, FOR THE PURPOSE OF PROHIBITING THE RETAIL SALE OF DOGS AND CATS BY PET SHOPS; PROMOTING THE ADOPTION OF RESCUE ANIMALS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the public safety and welfare of citizens of the City of Atlanta and its visitors; and

**WHEREAS**, the Constitution of the State of Georgia gives counties and municipalities or any combination thereof the power to provide animal control services. Ga. Const. Art. IX, Sec. II, Para III(a)(3); and

**WHEREAS**, in accordance with the Georgia Constitution’s grant of the power to provide animal control services to municipalities, the Charter of the City of Atlanta provides that the city shall has the power:

To regulate and license, or prohibit, the keeping or running at large of animals and fowl and to provide for the impoundment of same in violation of any ordinance or lawful orders; also to provide for their disposition, by sale, gift, or humane destruction, when not redeemed as provided by ordinance; to provide for the location, use, and cleanliness of private stables; to forbid the erection of such stables when they are likely to be injurious to the health of citizens; and to provide punishment for violation of ordinances enacted hereunder;

*City of Atlanta Charter Sec. 1-102(c)(35); and*

**WHEREAS**, the Humane Society of the United States estimates that there are 10,000 puppy mills producing more than 1,000,000 puppies a year in the country; and

**WHEREAS**, according to the Humane Society of the United States, puppy and kitten mills are inhumane commercial breeding facilities which disregard the animals' health—both physical and emotional—in order to maximize profits; and

**WHEREAS**, according to the Humane Society of the United States, these mills produce animals for sale, oftentimes at retail in pet stores; and

**WHEREAS**, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

# 18-O-1655

**WHEREAS**, cities across the country including Austin, Chicago, Los Angeles Philadelphia, San Diego, and San Francisco have adopted ordinances banning retail pet sales; and

**WHEREAS**, cities in Georgia which have adopted retail pet sale bans include, Canton, Holly Springs, Sandy Springs, and Woodstock; and

**WHEREAS**, it is in the interests of the City of Atlanta to promote and ensure humane approaches and standards for both animal disposition and ownership through the encouragement of the adoption of rescue dogs and cats; and

**WHEREAS**, the City wishes to exercise its power to provide for the disposition of animals, to prohibit the retail sale of dogs and cats in establishments which perform or undertake any type of operation or activity for which an occupation tax certificate issued pursuant to Chapter 30 is necessary.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**SECTION 1:** That Chapter 18 (“Animals”), is hereby amended to create a new Article V, which shall provide as follows:

## **Article V. – Pet Shops**

### **Section 18-211. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission or practice is, in whole or significant part, protecting the welfare of animals and placing animals in permanent homes or with animal rescue organizations.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

*Cat* means cat, or any domesticated feline, of either sex, whether vaccinated against rabies or not.

*Dog* means dog, or any domesticated canine, of either sex, whether vaccinated against rabies or not.

# 18-O-1655

*Pet shop* means an establishment, for which an occupation tax certificate issued pursuant to Chapter 30 is necessary, where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined herein.

## **Section 18-212. Prohibition on the retail sale of animals.**

- (a) A pet shop shall not sell, deliver, offer for sale, barter, auction, or otherwise dispose of dogs or cats. Nothing in this section shall prevent a pet shop from providing space and appropriate care for dogs or cats offered for adoption and owned by an animal care facility or an animal rescue organization.
- (b) A pet shop shall not offer for adoption any dog or cat which is younger than eight weeks old.
- (c) Each dog or cat sold, delivered, offered for sale, bartered, auctioned, or otherwise disposed of in violation of this section shall constitute a separate offense. Each dog or cat offered for adoption which is younger than eight weeks old shall constitute a separate offense.

## **Section 18-213. Recordkeeping and disclosures.**

- (a) A pet shop shall maintain records sufficient to document the source of each dog or cat the pet shop acquires, of at least one year following the date of acquisition. Such records shall be made available immediately upon request by an official or officer empowered to enforce this Chapter.
- (b) A pet shop that offers space for the adoption of dogs or cats shall post, in a conspicuous location on the enclosure of each such animal, a sign listing the name of the animal care facility or animal rescue organization from which the pet shop acquired each dog or cat.
- (c) Each dog or cat offered for adoption in violation of this section shall constitute a separate offense. Each recordkeeping violation under this section regarding a particular dog or cat shall constitute a separate offense. Each failure to post a sign as required by this section regarding a particular dog or cat shall constitute a separate offense.

## **Section 18-214. Penalties.**

Any person found guilty of violating this Article shall, at a minimum, be punished by a fine of \$500.00 for each offense.

**SECTION 2:** The amendments in this ordinance shall become effective immediately upon approval.

# 18-O-1655

**SECTION 3:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

**SECTION 4:** That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 18, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

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AAR