

STATE OF GEORGIA  
COUNTY OF FULTON

AN ORDINANCE AMENDING CHAPTER 26 OF SANDY SPRINGS CODE OF  
ORDINANCES TO PROMOTE ADOPTION OF RESCUE ANIMALS

**WHEREAS**, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of the Code to correct, clarify and update the provisions of the Ordinance; and

**WHEREAS**, according to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies each year in the United States and that nearly all pet shop puppies and kittens come from puppy and kitten mills, respectively; and

**WHEREAS**, puppy and kitten mills are mass-breeding facilities that produce puppies and kittens with an emphasis on profit over welfare of the animal. These mills generally house these animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water and socialization; and

**WHEREAS**, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues as well as congenital and hereditary illness and disease. Puppy mill puppies often arrive in pet stores and their new homes malnourished and with various diseases. These diseases often lead to serious illness and/or death causing the consumer to incur excessive veterinary costs and emotional hardship; and

**WHEREAS**, according to Georgia SPCA, one of the key causes of pet overpopulation is commercial breeding. Approximately 1/4 of the dogs in shelters are purebreds who were originally purchased from a pet shop or breeder then abandoned; and

**WHEREAS**, according to Fix Georgia Pets, approximately 350,000 cats and dogs are euthanized in the State of Georgia each year; and

**WHEREAS**, one of the most common provisions in the Breeder Code of Ethics for American Kennel Club (AKC) recognized breed clubs is that breeders must agree never to sell their puppies to pet stores; and

**WHEREAS**, the negative impact on communities arising from the sale of dogs and cats at pet shops throughout the State of Georgia presents unique issues for local governments, separate and distinct from other animal industries such as agribusiness and hunting; and

**WHEREAS**, this ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed specific rescue organization or shelter, or from a breeder where consumers can see directly the conditions in which the dogs or cats are bred, or can confer directly with the breeder concerning those conditions; and

**WHEREAS**, based on overwhelming statistical data and facts, it is in the best interests of the City of Sandy Springs to adopt reasonable regulations to reduce costs to the City and its residents, control pet-overpopulation, protect the citizens of the City who may purchase dogs or cats from a pet shop, promote responsible pet ownership, promote fair business practices, help prevent inhumane breeding conditions, promote community awareness of animal welfare and foster a more humane environment within the local community.

**NOW, THEREFORE**, to accomplish the foregoing, the City Council of the City of Sandy Springs, Georgia, pursuant to its authority, does hereby adopt the following Ordinance:

**Section 1.**

Chapter 26, Article VIV – Pet Shops, is hereby added, to read as follows:

**ARTICLE VIV PET SHOPS**

**Sec. 26-XXX. - Definitions**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except which 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 and practice is the rescue and placement of animals in permanent homes or 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 a member of the species of domestic cat, *Felis catus*.

"Dog" means a member of the species of domestic dog, *Canis familiaris*.

"Pet Shop" means a retail establishment 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.

**Sec. 26-XXX. Restrictions on the Sale of Animals**

(1) A pet shop may not sell, deliver, offer for sale, barter, auction, or otherwise dispose of dogs or cats, but may offer for adoption only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

(a) An animal care facility; or

(b) An animal rescue organization.

(2) A pet shop shall not offer for adoption a dog or cat that is younger than eight weeks old.

**Sec. 26-XXX. Recordkeeping and Disclosures.**

(1) A pet shop shall maintain records sufficient to document the source of each dog or cat the pet shop acquires, for at least one year following the date of acquisition. Such records shall be made available immediately upon request by the City Manager, the Chief of Police, or any authorized designee of these City officials.

(2) A pet shop that offers space for the adoption of dogs or cats shall post, in a conspicuous location on the cage or 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.

**Sec. 26-XXX. Penalties**

(1) Each failure to post a sign for an individual dog or cat as required by this section shall constitute a separate offense.

(2) Each dog or cat sold, exchanged, bartered, offered for sale, auctioned, delivered, or transferred in violation of this section shall constitute a separate offense of up to \$500 per violation.

(3) Each days failure to comply with this section shall constitute a separate offense.

**Sec. 26-XXX. Enforcement**

City Manager, the Chief of Police, or any authorized designee of these City officials shall be primarily responsible for the enforcement by means of court citations and are authorized to delegate enforcement authority to their designated employees.

**Section 2.**

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein;

**Section 3.**

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Sandy Spring;

**Section 4.**

- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.**

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.**

Unless otherwise provided for herein, penalties in effect for violations of the Code of Ordinances of the City of Sandy Springs at the time of the effective date of this Ordinance shall be; and,

**Section 7.**

The effective date of this Ordinance shall be ninety (90) days from its adoption.

**APPROVED AND ADOPTED** this the 7<sup>th</sup> day of November, 2017.

Approved:

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Russell K. Paul, Mayor

Attest:

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Michael D. Casey, City Clerk

(Seal)