

1 **AN ORDINANCE TO AMEND ARTICLE VI OF CHAPTER 34 OF THE FULTON**
2 **COUNTY CODE OF ORDINANCES REGARDING RABIES AND ANIMAL CONTROL**
3 **TO PROHIBIT OUTDOOR SALES OF DOGS, CATS, AND DOMESTIC RABBITS; TO**
4 **ENCOURAGE EACH OF THE CITIES WITHIN FULTON COUNTY TO ADOPT**
5 **SIMILAR ORDINANCES; AND FOR OTHER RELATED PURPOSES.**

6 **WHEREAS**, the Fulton County Board of Commissioners has authority pursuant to the
7 Constitution of the State of Georgia, Article IX, § II, ¶ III(a)(3); O.C.G.A. § 31-19-1, et seq.;
8 O.C.G.A. § 4-11-1, et seq.; and O.C.G.A. § 4-8-20, et seq., to provide and regulate animal control
9 services and the keeping of animals within Fulton County; and

10 **WHEREAS**, state law permits the enactment and enforcement of local ordinances by
11 county governing authorities regarding animal control, so long as such ordinances are at least as
12 restrictive as existing state law; and

13 **WHEREAS**, Article VI of Chapter 34 of the Fulton County Code of Ordinances provides
14 the regulations, rules, procedures, and penalties for the control of animals within unincorporated
15 Fulton County; and

16 **WHEREAS**, according to a report by the University of Georgia, School of Law, the
17 overpopulation of pets has reached a crisis level in the State of Georgia; and

18 **WHEREAS**, the Fulton County Animal Services has experienced an ongoing dramatic
19 increase in the number of animals, particularly dogs, in its care; and

20 **WHEREAS**, from January 1, 2022, the number of impounded dogs housed by Fulton
21 County Animal Services has risen from 343 dogs to 573 dogs on January 1, 2023, and 627 dogs
22 on May 1, 2023; and

23 **WHEREAS**, as mentioned in the report by University of Georgia, School of Law, many
24 of the animals contributing to the overpopulation crises are the result of breeders who do not
25 comply with existing laws, including backyard breeders and puppy mills; and

1 **WHEREAS**, pet sales at outdoor locations lack state and federal regulatory oversight; and

2 **WHEREAS**, according to report, outdoor sales of animals are often the result of breeding
3 practices that include backyard breeders and puppy mills; and

4 **WHEREAS**, backyard breeding and puppy mills also result in high potential for abuse and
5 neglect of animals; and

6 **WHEREAS**, transient venues often used for outdoor pet sales typically do not provide
7 health records, vaccinations, or guarantees for the animals sold, and sellers cannot be found when
8 a purchased animal turns out to be sick; and

9 **WHEREAS**, the Board of Commissioners finds it desirable to amend and revise Article
10 VI of Chapter 34 of the Fulton County Code of Ordinances so as to improve the administration of
11 animal control services within Fulton County and to prevent the unregulated practice of outdoor
12 sales of dogs, cats, and domestic rabbits; and

13 **WHEREAS**, the Board of Commissioners also finds it necessary to encourage each of the
14 cities within Fulton County to adopt similar ordinances, banning pet sales at outdoor locations.

15 **NOW, THEREFORE, BE IT ORDAINED**, that Section 34-215 of the Fulton County
16 Code or Ordinances is hereby amended to add a new code section to read as follows:

17 **Sec. 34-215. - Reserved. Prohibition on the Outdoor Sales of Dogs, Cats and Domestic**
18 **Rabbits.**

19 (a) As used in this section, “transfer” means a transfer for consideration, offer to transfer for
20 consideration, lease or offer to lease, or display for a commercial purpose. A “transfer for
21 consideration” includes, but is not limited to, a sale, exchange, trade, adoption, or barter

1 transaction. A transfer shall be deemed to be “for consideration” for the purposes of this section
2 if it occurs in connection with any payment of consideration or other commercial transaction.

3 (b) It shall be unlawful for any person to engage in a transfer of any dog, cat, or domestic rabbit
4 on any roadside, public right-of-way, parkway, median, park, other recreation area, fair, flea
5 market, outdoor market, commercial or retail parking lot, or similar transient or outdoor location,
6 regardless of whether such activity is otherwise authorized by any person.

7 (c) This section shall not apply to:

8 (1) A transfer of a dog, cat, or domestic rabbit by an entity that has, and produces upon
9 request, a valid animal shelter license issued by the Georgia Department of Agriculture;

10 (2) The transfer of a dog, cat, or domestic rabbit by a paid entrant as part of a nationally
11 sanctioned event or fair show, 4-H program, or similar agricultural exhibition; or

12 (3) A prearranged transfer between a dog, cat, or domestic rabbit seller and a specific
13 purchaser that takes place at a police department, sheriff's office, or other similar peace
14 officer facility during daylight hours, unless otherwise prohibited.

15 (d) In addition to any fine imposed pursuant to Fulton County Code Section 34-6, any Animal
16 Services officer, the Director of the Animal Services Department, and any law enforcement officer
17 is authorized to impound any animal offered in violation of this section.

18 **BE IT FURTHER ORDAINED**, that the Board of Commissioners hereby encourage
19 each of the cities lying within the boundaries of Fulton County, Georgia to adopt similar ordinances
20 for the health and welfare of its citizens.

BE IT FURTHER ORDAINED, that the codifier may renumber the Fulton County Rabies and Animal Control Ordinance so as to appropriately accommodate this amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective when adopted and that all ordinances and code sections in conflict with this Ordinance and Code amendment are hereby repealed to the extent of the conflict.

BE IT FURTHER ORDAINED, upon adoption of this Ordinance, the Clerk to the Commission shall deliver a copy of this Ordinance to each mayor of each city lying within the territorial boundaries of Fulton County, Georgia.

BE IT FINALLY ORDAINED, that if any section, subsection, sentence, clause, phrase, or portion of this Ordinance and Code amendment is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia,
this 20th day of September 2023.

**FULTON COUNTY BOARD OF
COMMISSIONERS**

SPONSORED BY:

Dwight Thomas

Bridget Thorne
Commissioner, District 1



1 ATTEST:

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3
4 Tonya R. Grier
5 Tonya R. Grier
6 Clerk to the Commission
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8 APPROVED AS TO FORM:
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11 Y. Soo Jo
12 Y. Soo Jo
13 County Attorney
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