

**AN ORDINANCE TO AMEND THE CITY OF JOHNS CREEK CODE OF
ORDINANCES, CHAPTER 10 – ANIMAL CONTROL, BY ADDING SECTION 10-10
TO PROHIBIT OUTDOOR SALES OF DOGS, CATS, AND DOMESTIC RABBITS**

- WHEREAS,** the City of Johns Creek is authorized by the Official Code of Georgia Annotated (O.C.G.A.) § 4-11-1, et seq. and § 4-8-20, et seq., to provide and regulate animal control services and the keeping of animals within the city limits; and
- WHEREAS,** the City of Johns Creek has an intergovernmental agreement with Fulton County for animal control services; and
- WHEREAS,** state law permits the enactment and enforcement of local ordinances by the governing authority of a county or municipality regarding animal control, so long as such ordinances are at least as restrictive as existing state law; and
- WHEREAS,** Chapter 10 of the local ordinance provides the regulations, rules, procedures, and penalties for the control of animals within the city limits; and
- WHEREAS,** Fulton County Animal Services has experienced an ongoing increase in the number of animals, particularly dogs, in its care; and
- WHEREAS,** from January 1, 2022, the number of impounded dogs housed by Fulton County Animal Services rose from 343 dogs to 573 dogs on January 1, 2023, and 627 dogs on May 1, 2023; and
- WHEREAS,** many of the animals contributing to the overpopulation crises are the result of breeders who do not comply with existing laws, including backyard breeders and puppy mills; and
- WHEREAS,** pet sales at outdoor locations lack state and federal regulatory oversight; and
- WHEREAS,** outdoor sales of animals are often the result of breeding practices that include backyard breeders and puppy mills that pose a high potential for abuse and neglect of animals; and
- WHEREAS,** transient venues often used for outdoor pet sales typically do not provide health records, vaccinations, or guarantees for the animals sold, and sellers cannot be found when a purchased animal turns out to be sick; and
- WHEREAS,** the Mayor and Council finds it desirable to amend Chapter 10, Article 1, of the Johns Creek Code of Ordinances to prevent the unregulated practice of outdoor sales of dogs, cats and domestic rabbits.

NOW THEREFORE, the Mayor and Council of the City of Johns Creek hereby ordain that Chapter 10, Article 1, of the Animal Control Ordinance is amended by adding Section 10-10 as follows:

Section 10-10. – Prohibition on the Outdoor Sales of Dogs, Cats and Domestic Rabbits.

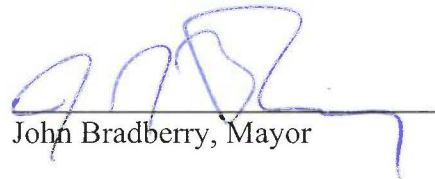
- a) As used in this section, “transfer” means a transfer for consideration, offer to transfer for consideration, lease or offer to lease, or display for a commercial purpose. A “transfer for consideration” includes, but is not limited to, a sale, exchange, trade, adoption, or barter transaction. A transfer shall be deemed to be “for consideration” for the purposes of this section if it occurs in connection with any payment of consideration or other commercial transaction.
- b) It shall be unlawful for any person to engage in a transfer of any dog, cat, or domestic rabbit on any roadside, public right-of-way, parkway, median, park, other recreation area, fair, outdoor market, commercial or retail parking lot, or similar transient or outdoor location, regardless of whether such activity is otherwise authorized by any person.
- c) This section shall not apply to:
 - 1) A transfer of a dog, cat, or domestic rabbit by an entity that has, and produces upon request, a valid animal shelter license issued by the Georgia Department of Agriculture;
 - 2) The transfer of a dog, cat, or domestic rabbit by a paid entrant as part of a nationally sanctioned event or fair show, 4-H program, or similar agricultural exhibition; or
 - 3) A prearranged transfer between a dog, cat, or domestic rabbit seller and a specific purchaser that takes place at a police department, sheriff’s office, or other similar peace officer facility during daylight hours, unless otherwise prohibited.

- d) In addition to any fine imposed pursuant to City of Johns Creek Code Section 10-2, any Fulton County Animal Services officer, the Director of Fulton County Animal Services Department, and any law enforcement officer is authorized to impound any animal transferred in violation of this section.

Secs. 10-11 – 10.28. – Reserved.

SO ORDAINED, this 17th day of June, 2024.

Approved:


John Bradberry, Mayor

ATTEST:

Approved as to Form:


Allison Tarpley, City Clerk


Angela Couch, City Attorney

(Seal)

