

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2019-O_____

AN ORDINANCE OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO AMEND ARTICLE III DIVISION 10 SECTION 375 THROUGH SECTION 379 OF CHAPTER 18 OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, GEORGIA TO ENACT PROVISIONS PERTAINING TO THE SALE OF DOGS AND CATS BY PET SHOPS; TO PROVIDE GUIDELINES FOR ENFORCEMENT AND PENALTIES FOR SUCH ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, the Board of Commissioners desires to updated Article III Division 10 Section 375 through Section 379 of Chapter 18 of the Cherokee County of Ordinances to enact provisions pertaining to the sale of dogs and cats by pet shops; and

WHEREAS, this Ordinance change will benefit the safety and welfare of the citizens of Cherokee County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

Section 1

Article III Division 10 Section 375 through Section 379 of Chapter 18 of the Code of Ordinances of Cherokee County, Georgia shall be amended to enact provisions pertaining to the sale of dogs and cats by pet shops located within the limits of unincorporated Cherokee County, Georgia. Said Ordinance shall read as follows:

CHAPTER 18 – BUSINESSES.

ARTICLE III – SPECIALLY LICENSED BUSINESSES.

DIVISION 10 – PET SHOPS.

Sec. 18-375. – Definitions.

For the purpose of this Division, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Animal control 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, in whole, or in significant part, the rescue, care, and placement of stray, abandoned, or surrendered animals in permanent homes or with rescue organizations, and which does not breed animals.

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, care, and placement of stray, abandoned, or surrendered animals in permanent homes, and which does not breed animals.

Cat means a member of the species of domestic cat, *Felis catus*.

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

Offers for sale means to sell, offer for adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

Pet shop means a retail establishment where animals sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include a private residence not generally open to the public, an animal control facility or animal rescue organization as defined.

Sec. 18-376. – Restrictions on the sale of dogs and cats.

A pet shop may not sell, exchange, barter, offer for sale, auction, or otherwise deliver or transfer a cat or a dog. Nothing in this Section shall prevent a pet shop from providing space and appropriate care for cats and dogs owned by an animal control facility or an animal rescue organization and maintained at the pet shop for the purpose of adopting those animals to the public.

Sec. 18-377. – Disclosures.

A pet shop that provides space for the adoption of cats or dogs shall post, in a conspicuous location on the cage or enclosure of each such animal, a sign stating the name of the animal control facility or animal rescue organization which owns the dog or cat offered for adoption.

Sec. 18-378. – Enforcement.

The Cherokee County Marshal's Office and the Cherokee County Sheriff's Office shall be primarily responsible for the enforcement of this by means of court citations and are authorized to delegate enforcement authority to their designated employees.

Sec. 18-379. – Penalties.

- (a) Each failure to post a sign for an individual dog or cat as required by this section shall constitute a separate offense.
- (b) 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 \$500.00 per violation.
- (c) Each day's failure to comply with this section shall constitute a separate offense.

Sec. 18-379 – 19-400. – Reserved.

Section 2.

It is hereby ordained that the provisions of this Ordinance shall become a part of the Code of Ordinances of Cherokee County, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3.

(a) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Cherokee County Board of Commissioners to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or

phrase of this Chapter 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 Cherokee County Board of Commissioners 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 Cherokee County Board of Commissioners 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 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5.

This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED, APPROVED, AND ADOPTED this ____ day of _____, 2019.

By: _____
HARRY B. JOHNSTON, Chairman

Attest: _____
CHRISTY BLACK, County Clerk

(SEAL)