

**A RESOLUTION BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS
MODIFYING FORSYTH COUNTY ANIMAL CONTROL ORDINANCE, ORDINANCE
11, AS CODIFIED AS CHAPTER 14 OF THE CODE OF FORSYTH COUNTY**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations, and

WHEREAS, O.C.G.A. § 36-1-20 authorizes the County to adopt ordinances preserving the public health, safety, and welfare, and to adopt appropriate measures to enforce those ordinances; and

WHEREAS, Section 12.1 of the County's codified local laws authorizes the County to adopt ordinances exercising the police powers of the State of Georgia; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to exercise its authority to adopt the amendment attached hereto as Exhibit A; and

WHEREAS, appropriate notice and hearing on the amendments contained herein having been undertaken according to general and local law.

NOW, THEREFORE, the Board of Commissioners of Forsyth County, Georgia hereby ordains as follows:

1. The text of Chapter 14 of the Forsyth County Code of Ordinances is hereby amended by adding a new Article VI, which is attached hereto as Exhibit A;
2. It is the express intent of the Forsyth County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the

application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable;

3. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.
4. This Ordinance shall become effective immediately following date of adoption.

BE IT RESOLVED this _____ day of _____, 2022.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Alfred John, Chairman

Molly Cooper, Vice Chairman

Todd Levent, Secretary

Cindy Jones Mills, Member

Laura Semanson, Member

Attest:

Clerk to the Board

Exhibit A

ARTICLE VI. PET SALES

Sec. 14-170. Definitions.

For the purpose of this article, 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 nonprofit organization whose primary mission is the rescue of animals and the placement of those animals in permanent homes and which nonprofit organization does not obtain dogs, cats, or other animals from breeders or brokers for payment or compensation.

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

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

Pet shop means a retail establishment where animals are sold, advertised for sale, exchanged, offered for adoption, bartered or offered for sale, or auctioned 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. 14-171. Restrictions on the sale of dogs and cats.

A pet shop may not sell, advertise for the sale of, exchange, offer for adoption, barter, offer for sale, auction, or otherwise deliver or transfer a cat or a dog. Nothing in this article 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. 14-172. 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. 14-173. Roadside sales.

- a) It shall be unlawful for any person to sell, exchange, trade, barter, lease, or display for a commercial purpose any dog, cat, or domestic rabbit on or in any roadside, public right-of-way, parkway, median, park, other recreation area, flea market or other outdoor market, or commercial or retail parking lot, regardless of whether access to such location is authorized.
- b) This section shall not apply to:

- (1) The display or adoption of dogs, cats, or domestic rabbits by an animal shelter or animal rescue organization; or
- (2) The display of dogs, cats, or domestic rabbits as part of a state or county fair or exhibition, 4-H program, or similar exhibition or educational program.

Sec. 14-174. Violations.

- a) Each failure to post a sign for an individual dog or cat as required by this article shall constitute a separate offense.
- b) Each dog or cat sold, exchanged, bartered, offered for sale, auctioned, delivered, or transferred in violation of this article shall constitute a separate offense.
- c) Each day any violation of this article shall continue shall constitute a separate offense.

Sec. 14-175. Enforcement.

Enforcement authority of this article shall be vested with the animal services division or any animal services officer, who may exercise good faith discretion in the implementation and enforcement of the provisions of this article. Enforcement shall be based upon a complaint lodged with an animal services officer or observations made by an animal services officer.

Secs 14-176 – 14-185. – Reserved