

Resolution # 2017-6

A RESOLUTION AND ORDINANCE BY THE MAYOR AND COUNCIL  
OF THE CITY OF WALESKA  
GOVERNING PET SHOPS

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 including giardia, parvovirus, kennel cough, heartworm and distemper. 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 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;

WHEREAS, based on overwhelming statistical data and facts, it is in the best interests of the local government to adopt reasonable regulations to reduce costs to the local government and its residents, control pet-overpopulation, protect the citizens of the local government 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, BE IT RESOLVED AND ORDAINED** by the Council of the City of Waleska and it is hereby resolved and ordained by the authority of the same as follows:

Chapter 4 of the City of Waleska Code of Ordinances is amended to add Section 4-32, as follows:

### **Definitions**

*Animal control facility* means and 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.

*Offer 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, a veterinarian's office, or animal rescue organization as defined.

### **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.

### **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 the 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 the adoption.

### **Penalties**

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

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.

Each day's failure to comply with this section shall constitute a separate offense.

**Effective Date**

This ordinance shall become effective immediately.

**Enforcement**

Animal control and its designees and County law enforcement shall be primarily responsible for the enforcement by means of court citations and are authorized to delegate enforcement authority to their designated employees.

**Severability**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining provisions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

So resolved this \_\_\_ day of May, 2017

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Member

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Council Member

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Mayor, City of Waleska

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Council Member

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Council Member

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Council Member

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Council Member