



4800 Ashford Dunwoody Road  
Dunwoody, Georgia 30338  
dunwoodyga.gov | 678.382.6700

**MEMORANDUM**

**To:** Mayor and City Council  
**From:** Paul Leonhardt, Deputy Community Development Director  
**Date:** December 9, 2024  
**Subject:** Text Amendment  
  
Chapter 6 – Transient Sales of Dogs, Cats, and Domestic Rabbits

**ITEM DESCRIPTION**

This item is a proposed text amendment to Article II. Offenses and Miscellaneous Provisions of Chapter 6 – Animals. It defines transient sales of certain pets and prohibits those sales in most circumstances.

**DISCUSSION**

Upon request by Mayor Deutsch, the staff has proposed an ordinance to combat transient sales of dogs, cats, and domestic rabbits. Animals sold in informal settings are often bred in unsupervised environments such as “puppy mills” or “backyard breeding”. Conditions can be cruel and animals can end up in animal shelters that are already over capacity.

While law enforcement will go after unlicensed breeding operations where possible, exact locations and participants are often unknown due to their informal nature. The proposed ordinance provides the Police and Code Enforcement staff with an additional tool to investigate pet sales, which may be well advertised and easier to locate, and to impound any affected pets.

Similar ordinances were recently implemented in Roswell and DeKalb County, with legislation considered at the state level for 2025. When surrounding municipalities enact prohibitions, the staff fears that activity could spill over into Dunwoody. Adopting a similar ordinance ensures that Dunwoody will not become a safe haven for unsafe and unhealthy breeding practices and the sale of such pets. The ordinance does not impact sales at a breeder’s facility, at a resident’s home, at a law enforcement facility, at an agricultural exhibition, or similar.

**DECEMBER 9, 2024 UPDATE**

During the first read, the City Council discussed the proposed ordinance and identified three potential issues:

**Lynn Deutsch** Mayor  
**Eric Linton** ICMA-CM City Manager  
**Sharon Lowery** CMC City Clerk  
**Catherine Lautenbacher** City Council Post 1  
**Rob Price** City Council Post 2  
**Tom Lambert** City Council Post 3  
**Stacey Harris** City Council Post 4  
**Joe Secorder** City Council Post 5  
**John Heneghan** City Council Post 6



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*Ordinance to address sale of all animal species:* The staff recommends referencing specific species to prevent unintended circumstances. Examples may include live lobsters as food items or live worms as bait for fishing.

*Ordinance to include prohibition of retail sales of pets:* Regulating brick-and-mortar businesses would fall under the Zoning Ordinance. Changes to the Zoning Ordinance require additional public notice and are outside the scope of this text amendment.

*Ordinance to include exemption for private sale between residents:* The staff has proposed an additional exemption that exempts the transfer of pets as long as the transfer is prearranged and does not include any furniture such as tents, tables, or chairs.

## **STAFF RECOMMENDATION**

Staff recommends approval.

## **ATTACHMENTS**

- Proposed Ordinance
- Example: Adopted Ordinance Roswell

**AN ORDINANCE TO AMEND CHAPTER 6 OF THE CITY OF DUNWOODY CODE OF ORDINANCES; TO RESTRICT THE UNLICENSED SALE OF DOGS, CATS, OR DOMESTIC RABBITS.**

**WHEREAS** the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the city; and

**WHEREAS** the City of Dunwoody wishes dog, cat, and domestic rabbit sales within its boundaries to be conducted in a safe and healthy manner; and

**WHEREAS** the City of Dunwoody wishes to amend the Code of Ordinances to enact prohibitions on the unauthorized sale of dogs, cats, and domestic rabbits; and

**WHEREAS** the proposed text amendment allows City staff and DeKalb County Animal Enforcement staff to issue citations for any unauthorized pet sales and impound any affected animals.

**NOW, THEREFORE,** the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that Chapter 24 is amended as follows:

**Section I:** That Chapter 6 of the City Code is further amended by adding Code Section 6-33, to be entitled "Prohibition on transient sales of dogs, cats, and domestic rabbits", to read as follows:

Sec. 6-33. – Prohibition on transient sales of dogs, cats, and domestic rabbits.

a) As used in this section, the term:

- 1) "Transfer" means a transaction in which, for consideration, a dog, cat, or domestic rabbit, or any interest in any such animal, is exchanged, offered to be exchanged, or advertised for a commercial purpose; and
- 2) "Consideration" means anything of value including, but not limited to, cash, credit, electronic payment, services, or any type of property or interest in property. A transaction shall be deemed to be "for consideration" if it occurs in connection with any payment of consideration or other commercial transaction, including, but not limited to, a sale, adoption, rehoming, lease, trade, exchange, swap, or barter transaction.

b) It shall be unlawful for any person to engage in a transfer at any roadside, public right-of-way, park, other recreation area, fair, flea market, 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 by a person, local government shelter, or nonprofit organization that has and produces upon request, whether in paper, electronic, or other form, a valid animal shelter or animal rescue license issued by the Georgia Department of Agriculture;
- 2) A transfer by a paid entrant as part of a nationally-sanctioned event or show, 4-H program, or similar agricultural exhibition; or
- 3) A prearranged transfer between a 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 such transaction is otherwise prohibited from taking place at said facility.
- 4) A prearranged transfer between a seller and a specific purchaser that shall not include the use of any furniture items such as tents, tables, or chairs.

d) In addition to any fine imposed, any DeKalb County Animal Enforcement Officer or designee, any City of Dunwoody Code Enforcement Officer, or any law enforcement officer is authorized to enforce violations of this section and to impound any animal that is the subject of a transfer in violation of this section.

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2024.

Approved:

\_\_\_\_\_  
Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk (Seal)

\_\_\_\_\_  
City Attorney

An aerial photograph of a circular splash pad in a park. The splash pad is a large, light-colored circular area with several smaller circular jets of water. People of various ages are seen playing in the water. The splash pad is surrounded by a black metal fence. Outside the fence, there are concrete walkways, wooden benches, and some grass. The City of Dunwoody Georgia logo is overlaid in the center of the splash pad.

*City of*  
**Dunwoody**  
*Georgia*

**Text Amendment – Transient Pet Sales**

December 9, 2024

# Background

- Transient sales of dogs, cats, and rabbits are an ongoing concern, enabling “puppy mills” and “backyard breeders”.
- Roadside or parking lot sales evade oversight of USDA or GA Department of Agriculture.
- Surrounding communities are adopting similar rules, including Roswell and DeKalb County recently, leading to fears of spillover into Dunwoody.

# Changes After First Read

- Added additional exemption for transfers that:
  - Are prearranged; and
  - Do not include any furniture such as tents, tables, or chairs.
- Recommending against including all animal species.
  - Potential unintended consequences, e.g. live lobsters or live worms as bait.
- Recommending against including pet stores.
  - Regulations fall under the Zoning Ordinance, which has different Public Notice Requirements.





# Recommendation

- Staff recommends adoption.

# Discussion Points

- Proposed regulations prohibit informal sale and advertisement of sale of dogs, cats, and rabbits, e.g., in parking lots, at roadsides, or at flea markets.
- Allows police, code enforcement, and animal enforcement to issue citations and impound animals.
- Does not impact sales at premises of breeders, at agricultural exhibits, or similar.



*City of*  
**Dunwoody**  
*Georgia*

STATE OF GEORGIA  
CITY OF ROSWELL

First Reading: September 9, 2024  
Second Reading: September 23, 2024

**ORDINANCE TO AMEND CHAPTER 8 HEALTH AND PUBLIC SAFETY, ARTICLE 1  
ANIMAL CONTROL, SECTION 25, PROHIBITION ON TRANSIENT SALES OF  
DOGS, CATS, AND DOMESTIC RABBITS.**

**WHEREAS**, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations regarding the parks located within a municipality; and

**WHEREAS**, the Mayor and Council are the governing authority of the City of Roswell, Georgia; and

**WHEREAS**, the Mayor and Council wish to amend the Roswell Code of Ordinances to update the Code of Ordinances regarding Animal Control and to enact prohibitions on the unauthorized transient sales of dogs, cats, and domestic rabbits; and

**NOW, THEREFORE**, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following amendment:

1.

**Chapter 8 Health and Public Safety, Article 1 Animal Control, Section 25**  
“**Reserved.**” of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by deleting said Article and replacing said Article with a new Article 25 “Prohibition on Transient Sales of Dogs, Cats, and Domestic Rabbits.” which shall read as shown in Exhibit “A” attached hereto and incorporated herein by reference.

2.

**Severability.** Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional

3.

**Repeal of Conflicting Provisions.** All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

4.

**Renumbering.** It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

This Ordinance shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the \_\_\_\_ day of \_\_\_\_\_ 2024.

Approved:

\_\_\_\_\_  
Kurt M. Wilson, Mayor

Attest:

\_\_\_\_\_  
Nancy Saviano Long, City Clerk

SEAL

**EXHIBIT “A”****Section 8.1.25 – Prohibition on Transient Sales of Dogs, Cats, and Domestic Rabbits.**

(a) As used in this section, the term:

(1) “Transfer” means a transaction in which, for consideration, a dog, cat, or domestic rabbit, or any interest in any such animal, is exchanged, offered to be exchanged, or advertised for a commercial purpose; and

(2) “Consideration” means anything of value including, but not limited to, cash, credit, electronic payment, services, or any type of property or interest in property. A transaction shall be deemed to be “for consideration” if it occurs in connection with any payment of consideration or other commercial transaction, including, but not limited to, a sale, adoption, rehoming, lease, trade, exchange, swap, or barter transaction.

(b) It shall be unlawful for any person to engage in a transfer at any roadside, public right-of-way, parkway, median, park, other recreation area, fair, flea market, 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 by a person, local government shelter, or nonprofit organization that has and produces upon request, whether in paper, electronic, or other form, a valid animal shelter or animal rescue license issued by the Georgia Department of Agriculture;

(2) A transfer by a paid entrant as part of a nationally-sanctioned event or show, 4-H program, or similar agricultural exhibition; or

(3) A prearranged transfer between a 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, any Roswell Code Enforcement Officer, any Fulton County Health Department Inspector or designee, and any law enforcement officer is authorized to enforce violations of this section and to impound any animal that is the subject of a transfer in violation of this section.