ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, CHAPTER 5, TO ESTABLISH A CAT, DOG, AND DOMESTIC RABBIT LITTER REGISTRY AND FOR OTHER PURPOSES

WHEREAS, the Home Rule provision of the Georgia Constitution tasks the Governing Authority of DeKalb County with enacting clearly reasonable ordinances that protect the health, safety, and general welfare of the residents of DeKalb County; and

WHEREAS, state law, O.C.G.A. § 4-11-18, specifically allows counties to enact and enforce local ordinances that are not in conflict with the Georgia Animal Protection Act, O.C.G.A. § 4-11-1 *et seq.;* and

WHEREAS, the Governing Authority of DeKalb County finds that this ordinance does not conflict with the Georgia Animal Protection Act and protects the health, welfare, and public safety of the residents and animals of DeKalb County; and

WHEREAS, there is a serious pet overpopulation problem in DeKalb County that threatens the health, safety and general welfare of the residents and animals of DeKalb County and has resulted in escalating costs to taxpayers for animal care and control; and

WHEREAS, DeKalb County finds that regulating the production and transfer of dogs, cats, and domestic rabbits will help alleviate DeKalb County's pet overpopulation crisis.

NOW THEREFORE, be it ordained by the Governing Authority of DeKalb County, Georgia, that Chapter 5 of the Code of DeKalb County, as revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By inserting the following heading at the beginning of Chapter 5:

ARTICLE I. GENERAL ANIMAL REGULATIONS

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By amending Section 5-1 to insert, alphabetically, the following definitions:

Director means the director of DeKalb County Animal Enforcement Services or such person's designee.

GDA means the Georgia Department of Agriculture.

Licensed Animal Shelter means a shelter (including but not limited to a nonprofit rescue group) currently licensed by and in good standing with the GDA as an Animal Shelter.

Licensed Pet Dealer means a person or organization currently licensed by and in good standing with the GDA as a Pet Dealer.

Litter means the offspring born alive as a product of single pregnancy of a cat, dog, or domestic rabbit.

Litter identification number means the unique litter identification number issued pursuant to section 5-35 of this Code.

Medical record means a record showing the exams and vaccines, dewormers, preventatives, and other similar veterinary products administered to the animal, together with dates of administration and the name of the administering party.

Produce means propagate or generate offspring.

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By adding the following new subsection at the end of section 5-28:

(o) The first time any person does anything prohibited or fails to do anything required by Article II of this chapter, any animal enforcement officer shall issue a written warning and provide the information necessary for future compliance to the person being warned. Any second or later violation of Article II of this chapter shall be handled in accordance with subsection (a) of this section.

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***By adding the following new article as follows*:**

ARTICLE II. COMPANION ANIMAL PRODUCTION AND TRANSFER REGULATIONS

Sec. 5-34. – Restrictions on Producing and on Transferring Dogs, Cats, and Domestic Rabbits.

(a) *Purpose and Findings.*

(1) State law, O.C.G.A. § 4-11-18, specifically allows counties to enact and enforce local ordinances that are not in conflict with the Georgia Animal Protection Act, O.C.G.A. § 4-11-1 *et seq.*;

(2) The Governing Authority of DeKalb County finds that this ordinance does not conflict with the Georgia Animal Protection Act and protects the health, welfare, and public safety of the residents and animals of DeKalb County;

(3) The Governing Authority of DeKalb County finds that there is a serious pet overpopulation problem in DeKalb County that threatens the health, safety and general welfare of the residents and animals of DeKalb County and has resulted in escalating costs to taxpayers for animal care and control; and

(4) The Governing Authority of DeKalb County finds that regulating the production and transfer of dogs, cats, and domestic rabbits will help alleviate DeKalb County's pet overpopulation crisis.

(b) *Litter production and transfer limitations for companion animal owners who are not licensed Pet Dealers or licensed Animal Shelters*:

(1) Unless the owner is a licensed Pet Dealer or licensed Animal Shelter, it shall be unlawful:

(A) for the owner of a female dog to permit such animal to produce more than one litter in any twelve-month period;

(B) for the owner of a female cat to permit such animal to produce more than one litter in any twelve-month period; and

(C) for the owner of a female domestic rabbit to permit such animal to produce more than one litter in any twelve-month period.

(2) Unless the owner is a licensed Pet Dealer or licensed Animal Shelter, it shall be unlawful for the owner of any female dog, cat, or domestic rabbit to:

(A) Permit such animal under the age of one (1) year to produce a litter; or

(B) Transfer possession of any offspring of such animal independent of its mother and littermates unless (i) such offspring is at least eight (8) weeks of age; (ii) a veterinarian recommends such transfer prior to the age of eight (8) weeks for the health or safety of such offspring or its mother; or (iii) such transfer is on a temporary basis to a veterinarian for purposes of veterinary care.

(3) Notwithstanding anything in the foregoing to the contrary, no owner shall be found in violation of subsection (b)(1) or subsection (b)(2)(A) if that owner provides proof to the Director that:

(A) each member of the litter or litters otherwise in violation of such subsection has, on or before attaining the age of sixteen weeks, either been transferred to a licensed Animal Shelter or sexually sterilized; and

(B) each female animal producing a litter otherwise in violation of such subsection, has, within sixteen weeks of producing such litter, been transferred to a licensed Animal Shelter or sexually sterilized.

Sec. 5-35 – Litter notification and registry.

(a) Licensed Pet Dealers and licensed Animal Shelters shall be exempt from the requirements of this section.

(b) Each owner of a female dog, cat, or domestic rabbit that produces a litter must provide notification of the same to the Director no later than twenty-one (21) days after such litter is born.

(c) The notification required under subsection (b) above shall be in the form provided for by the Director and shall include (but not necessarily be limited to) the following:

(1) The animal owner's name and address and the address at which the female dog, cat, or domestic rabbit and its offspring are housed, if different;
(2) The name and address of the treating veterinarian;
(3) The species of animal;
(4) For each animal producing a litter, the breed or breed guess; name; color and markings; date of birth (if known) or approximate age; and number of live offspring produced in such litter; and
(5) For each member of a litter, the breed or breed guess; name; sex; color and markings; and date of birth.

The information required under this subsection (c) shall be updated by the owner as necessary until each member of the litter has attained the age of sixteen weeks, has had possession transferred to a new owner, or has died, whichever is sooner.

(d) The Director shall establish a registry, available to the public, that lists the information provided in the notification required under this section, except that no address of an owner, no address where animals are housed, and no owner's personal contact information may be included in the public registry without the owner's prior written consent. Information shall remain in the registry available to the public for a minimum of twelve months from receipt of the notification.

(e) The Director shall issue a unique litter identification number to the owner who provides the notification required in subsection (b) and shall record such number in the registry made available to the public.

(f) Recordkeeping requirements.

(1) All owners required to provide notification under subsection (b) of this section shall keep records, on paper or stored electronically, that include:

(A) the information required by subsection (c) of this section;
(B) a copy of the OCVI health certificate for each animal for which one is required under section 5-29 of this code or any other applicable law;

(C) a copy of any medical records for such animal;

(D) the date of transfer of possession of each offspring subject to this section 5-35 to an owner or the date of death of such offspring, as applicable; and

(E) the name and address of the person acquiring each offspring subject to this section 5-35.

(2) Such records must be maintained for a period of twelve (12) months from the date notification of the birth of the litter is provided under this section.

(3) Such records must be made available for review by the Director upon request.

PART II. EFFECTIVE DATE

This ordinance shall become effective 180 days after adoption and approval by the Governing Authority.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ___ day of _____, 2025.

_____

MICHELLE LONG SPEARS
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ___ day of _____, 2025.

_____
LORRAINE COCHRAN-JOHNSON
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

_____
BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

_____
MATTHEW C. WELCH
Interim County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

_____
ZACHARY WILLIAMS
Chief Operating Officer
DeKalb County, Georgia