

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HOLLY SPRINGS, GEORGIA, AS AMENDED, TO AMEND CHAPTER 22 – BUSINESSES; TO CREATE ARTICLE XVII. – PET SHOPS; FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY OF HOLLY SPRINGS, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

The Council of the City of Holly Springs hereby ordains that:

Section 1. That Article XVII – Pet Shops of Chapter 22 – Businesses of the Code of the City of Holly Springs, Georgia, as amended, is hereby created to read as follows:

Sec. 22-1. – Definitions.

(A) As used in this Article, the term:

- (1) “Animal care 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 and placement of animals in permanent homes or rescue organization.
- (2) “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 and placement of animals in permanent homes.
- (3) “Cat” means a member of the species of domestic cat, *Felis catus*.
- (4) “Dogs” means a member of the species of domestic dog, *Canis familiaris*.
- (5) “Pet Shop” means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

Sec. 22-2. Restrictions on the Sale of Animals

(1) A pet shop may not sell, deliver, offer for sale, barter, auction, or otherwise dispose of dogs or cats, but may offer for adoption only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- (a) An animal care facility; or
- (b) An animal rescue organization

(2) A pet shop shall not offer for adoption a dog or cat that is younger than eight weeks old.

Sec. 22-3. Recordkeeping and Disclosures.

- (1) A pet shop shall maintain records sufficient to document the source of each dog or cat the pet shop acquires, for at least one year following the date of acquisition. Such records shall be made available immediately upon request by the City Manager, the Chief of Police, or any authorized designee of these City officials.
- (2) A pet shop that offers space the adoption of dogs or cats shall post, in a conspicuous location on the cage or enclosure of each such animal, a sign listing the name of the animal care facility or animal rescue organization from which the pet shop acquired each dog or cat.
- (3) Each dog or cat offered for adoption in violation of this section shall constitute a separate offense. Each recordkeeping violation under this section regarding a particular dog or cat shall constitute a separate offense. Each failure to post a sign as required by this section regarding a particular dog or cat shall constitute a separate offense.

Section 6. If any Section, sub-section, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide for separable and divisible parts and does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 7. This Ordinance shall become effective immediately upon approval by the Mayor and City Council.

SO ORDAINED, this 15th day of May, 2017.

Steven W. Miller, Mayor

Attest:

Karen Norred, City Clerk
(Seal)