

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 18 – BUSINESSES AND BUSINESS REGULATIONS TO ADD ARTICLE XIV-PET SHOPS

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 1,000,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, prohibiting the retail sale of dogs and cats, while restricting the adoption of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase the demand for animals from animal shelters and rescue organizations thereby reducing pet overpopulation and the burden on shelters and the financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; 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 hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the City Council believes it is in the best interests of the City of Canton to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness or animal welfare, and foster a more humane environment in the City.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CANTON as follows:

1. Chapter 18, Article XIV – Pet Shops is hereby added, to read as follows:

ARTICLE XIV. – PET SHOPS

Sec. 18-354. 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 organizations.*

(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) *"Dog" 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. 58-355. 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. 18-356. 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 for 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.

2. If 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.

3. This Ordinance shall become effective on the date the Mayor signs the ordinance indicating approval, ten days after the adoption of the ordinance if the Mayor has not signed nor vetoed, or immediately upon an affirmative vote of the City Council after the Mayor's veto, whichever shall first occur.

Attest:

Susan C. Stanton
CITY CLERK

Gene Hobgood, MAYOR
Date:

Approved as to form:

Robert M. Dyer, City Attorney

ORDINANCE NO. _____

First Reading _____

Adopted by Council _____

Approved by Mayor _____

Veto by Mayor _____

Second Vote by Council _____

Effective Date _____

Susan C. Stanton, City Clerk