ORDINANCE NO. 19-08A

AN ORDINANCE AMENDING CHAPTER 3 – ANIMALS

Section 1. The Town Council of the Town of Scituate hereby ordains that Chapter 3 – Animals, of the Code of Ordinances, Town of Scituate is amended as follows:

Note: Words set as strikeover are to be deleted from the ordinance; words set in underline are to be added to the ordinance.

ARTICLE III – PET STORES

§ 3-41. Definitions

(a) Commercial Establishment means any for profit business enterprise, including a sole proprietorship engaged in retail or wholesale commerce related to dogs and cats, including grooming parlors, canine day care, and boarding facilities.

(b) Pre-existing Commercial Establishment means any Commercial Establishment in existence in the Town of Scituate prior to the effective date of this ordinance.

(c) Pre-existing Pet Store license means a license granted by the Town Clerk to an individual who is the proprietor of a Pre-existing Commercial Establishment that allows for the retail and/or wholesale sale of dogs and/or cats, but not the breeding of any dogs and/or cats.

(d) Commercial Dog/Cat Breeding Facility shall mean any building or lot upon which a person (or persons) does any of the following:
   (1) Breeds more than two litters of dogs/puppies in a calendar year; or
   (2) Sells or transfers any dog to a dealer or pet shop kennel; or
   (3) Sells or transfers more than 50 dogs per calendar year.

§ 3-42. Unlawful Sales and Breeding

(a) It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog or cat in any pet store, retail business or other Commercial Establishment located in the Town of Scituate, except as otherwise provided in this Article.

(b) It shall be unlawful to operate a Commercial Dog/Cat Breeding Facility in the Town of Scituate.
(b) Nothing in this section shall prevent the owner, operator, or employees of a pet store, retail business, or other Commercial Establishment located in the Town of Scituate from providing space and appropriate care for animals owned by a town animal shelter or animal control agency, or humane society, and maintain those animals at the pet store retail business or other commercial establishment for the purpose of public adoption.

§ 3-43. Pre-existing Pet Store License

(a) The proprietor of a Pre-existing Commercial Establishments may apply for a “Pre-existing Pet Store” license within ninety (90) days of the effective date of this ordinance, by submitting to the Town Clerk sufficient documentation to establish that it is a Pre-existing Commercial Establishment, such as proof of retail or wholesale sales of dogs and/or cats between January 1, 2019 and the effective date of this ordinance. Said proof of sales shall be required to be submitted to the Town Clerk by January 30 annually thereafter in order to renew any Pre-existing Pet Store license.

(b) Upon the initial application and by January 30 of each calendar year thereafter, the Pre-existing Commercial Establishment must provide to the Town Clerk a certification, under oath, as the humane origins of all dogs and/or cats to be sold by the Pre-existing Commercial Establishment in order to maintain its Pre-existing Pet Store license. Failure to provide said certification to the Town Clerk shall result in the automatic revocation of the Pre-existing Pet Store license by the Town Clerk and said license shall not be reinstated or renewed.

(c) Any Pre-existing Pet Store license issued under this Article shall be personal in nature and cannot be sold, leased or otherwise transferred, except to that that of an immediate family member—limited to sibling, parent, spouse, children or grandchildren. Any attempt to sell, lease or otherwise transfer said license shall result in the automatic revocation of said license by the Town Clerk and said license shall not be reinstated or renewed.

(d) Upon the lack of retail or wholesale sales of dogs and/or cats for a period of one year, any Pre-existing Pet Store license issued under this Article shall be automatically revoked by the Town Clerk and said license cannot be reinstated or renewed.
§ 3-44. Violations and Penalties

(a) Any person who violates, fails or refuses to comply with the provisions of this section shall be subject to a fine of not more than $2,000.00 for each separate offense or community service for a period of not more than 90 days or any combination of fine and/or community service. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be subject to penalties as provided herein for each separate offense.

(b) Nothing in this subsection shall prevent and/or limit the Town of Scituate from enforcing this Article or any other ordinance or law using any of its available legal and equitable remedies, including but not limited to revocation of any Pre-existing Pet Store license.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to the Town of Scituate’s Code of Ordinances.

Section 3. This ordinance shall take effect immediately upon passage.

Attested To By: Margaret M. Long, Town Clerk

Passed By Town Council On: