

Article 25. To amend the Town of Stoneham Town Code by adding to Chapter 3 “Animals and Fowl” a bylaw regarding the sale of dogs and cats in the Town of Stoneham. The specific section numbers to be addressed in the motion for this warrant article or thereafter. More specifically:

WHEREAS, a significant number of puppies and kittens (also collectively referred to hereinafter as “animals”) sold at pet shops come from large-scale, commercial breeding facilities that mass produce dogs and cats for sale to the public and where the health and welfare of the animals are not adequately provided for (hereinafter also referred to as “puppy mills” and “kitten mills,” respectively);

WHEREAS, abuses present at too many puppy and kitten mills include overbreeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; isolation; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inadequate conditions in puppy and kitten mills lead to health and behavioral issues in dogs and cats bred in those facilities, which many consumers are unaware of when purchasing dogs and cats from pet shops. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals,

can impose significant financial and emotional costs on consumers;

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

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 dogs and cats on their premises;

WHEREAS, this bylaw will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a shelter, breed-specific rescue organization or a breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the breeder concerning those conditions;

WHEREAS, restricting the sale of dogs and cats at pet shops as set out herein will reduce the overpopulation and euthanizing of dogs and cats, and the financial costs and other burdens on animal shelters and animal rescue operations, local government and the public.

WHEREAS, more than 120 other municipalities, including the City of Boston, have passed ordinances restricting and/or prohibiting, the sale of dogs and cats at pet

shops to promote animal and consumer protection; and

WHEREAS, it is in the best interests of the Town of Stoneham to amend the Bylaws of the Town to protect the residents of the Town and others who may purchase dogs and cats from a pet shop in Stoneham, help prevent inhumane or inadequate breeding conditions, promote community awareness of animal welfare, and foster a more humane environment by restricting the sale of dogs and cats from puppy and kitten mills at pet shops in the Town of Stoneham.

NOW THEREFORE, the amendment of the Stoneham Town Code, Chapter 3 “Animals and Fowl”, by adding new article entitled “Sale of Dogs and Cats” as Article III, Sections 3-___ through 3-___ is proposed as follows:

Sec. 3. ___ Definitions.

For purposes of this Section:

Animal shelter means a public animal control facility or other facility which is operated by an organization or individual for the purposes of protecting animals from cruelty, neglect or abuse and, if required, is registered with the Department of Agricultural Resources of the Commonwealth of Massachusetts, and which does not obtain dogs or cats from a breeder or broker for payment or compensation.

Animal Rescue Organization means a not-for-profit organization and, if required, registered with the Department of Agricultural Resources of the Commonwealth of

Massachusetts, and that either on its own behalf or as facilitator for others arranges for others to engage in the activities of transferring ownership of domestic animals, and which does not obtain dogs or cats from a breeder or broker for payment or compensation.

Breeder means a person or organization who/which maintains dogs and/or cats for the purposes of breeding and selling their offspring.

Broker means a person or organization who/which transfers dogs and/or cats at wholesale for resale by another.

Pet Shop means a retail establishment where dogs and/or cats are, whether most or a part of the business, sold, exchanged, bartered or offered for sale as pet animals to the general public at retail or wholesale. Pet shops shall not include animal shelters or animal rescue organizations.

Section 3. ___ Prohibition and Restrictions.

No pet shop may display, sell, exchange, barter, auction, give away, broker or otherwise transfer a dog or cat, except for a dog or cat: (i) obtained from an animal shelter or animal rescue organization (which may be a bona fide animal shelter or animal rescue organization that operates out of the pet shop); or (ii) that was breed and raised by the pet shop or its owner primarily at said premises.

Section 3. ___ Enforcement and Penalties.

In addition to any other enforcement or penalty allowed under state law or Town bylaw, including, but not limited to, that provided pursuant to Section 1-4 of these Bylaws, violation

of this bylaw may be enforced by non-criminal disposition, by the animal control officer or by any police officer in the manner provided by General Laws, Chapter 40, Section 21D and Section 1-4A of these Bylaws. The specific non-criminal disposition penalties which shall apply to a violation of this bylaw shall be as follows:

First offense within a twenty-four month period -
Warning

Second offense within a twenty-four month period -
\$200

Third and subsequent offense within a twenty-four
month period - \$300.00

Each day a violation continues shall be a separate violation/offense subject to another fine. The enforcement of this bylaw by non-criminal disposition as described herein shall be added to the list of bylaws so designated and enforced in Section 1-4A of these Bylaws.

Severability

If any provision of this bylaw is for any reason held to be legally invalid by a court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of any other part of this bylaw.

Or do anything in relation thereto.

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