

ORDINANCE NO. 1634-19

AN ORDINANCE TO RESTRICT THE RETAIL SALE OF PUPPIES AND KITTENS TO ONLY THOSE THAT ARE SOURCED FROM SHELTERS OR RESCUE ORGANIZATIONS

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 (i.e. puppy mills and kitten mills, respectively); and,

WHEREAS, according to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 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, 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 of which many consumers are unaware 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 and these health and behavioral issues, which may not present themselves until sometime after the purchase of the animal, can impose exorbitant financial and emotional cost on consumers; and

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

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet populations and thus the burden on the City of Albertville, including 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, and 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 a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred or 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 Albertville to adopt reasonable regulations to reduce cost 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 of animal welfare, and foster a more humane environment in the City.

NOW THEREFORE, be it Ordained:

Section 1. Definitions

Animal Care Facility – 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 part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal Rescue Organization or Agency – a not-for profit organization or agency with tax-exempt status under Section 501 (c)(3) of the United States Internal Revenue Code, with the mission and practice, in whole or in significant part, of rescuing and placing animals in

permanent homes, and which does not obtain animals from a breeder or broker for profit or compensation.

Commercial Transaction – An interaction between two or more parties in which a live animal is exchanged for cash, goods, services or something of value.

Offer For Sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away, or exchange through a commercial transaction any dog, cat, kitten or puppy

Pet Shop – a retail establishment, business or store where live animals are sold, exchanged, bartered or offered for sale as pets to the general public. Such definition shall not include an animal shelter or animal rescue organization as defined in this section.

Pet Supply Store – a retail establishment, business or store which sells pet food, animal supplies and pet accessories to the general public and which may also sell, exchange, barter or offer for sale live animals as pets to the general public

Section 2. Restrictions on the Sale of Animals

1. A pet shop or pet supply store may offer for sale only those dogs, cats, puppies and kittens obtained from or in cooperation with an animal care facility, an animal rescue organization.
2. Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall display a label stating the name and address of the organization supplying said animal on the animal's cage.
3. A shop shall not offer for sale a puppy or kitten that is younger than eight weeks old
4. Every shop must maintain records stating the name and address of the organization (animal care facility or animal rescue organization) from which each dog or cat was obtained for a minimum of two years following the date of acquisition. Such records shall be made available, immediately upon request, to the Albertville City Clerk.

Section 3. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

This ordinance shall become effective 90 days after passage.

PASSED AND ADOPTED THIS 19th DAY OF August, 2019.

Nathan Broadhurst
Nathan Broadhurst, Council President

Attest:

Phyllis Webb
Phyllis Webb, City Clerk

Approved this 19 day of August 2019.

Tracy Honea
Tracy Honea, Mayor